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# CHAPTER 165 ZONING REGULATIONS

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**165.01 SHORT TITLE.** This chapter shall be known and may be cited as the “City of Anamosa, Iowa, Zoning Ordinance.”

**165.02 PURPOSE.** The purpose of this chapter is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, safety, and general welfare in the City of Anamosa, Iowa, and the unincorporated lands described as follows.

## GENERAL PROVISIONS

**165.03 APPLICATION OF DISTRICT REGULATIONS.** The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, and particularly, except as hereinafter provided.

1. No building, structure, or land shall hereafter be used or occupied, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

2. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

3. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

4. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, chapters, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

5. There shall be no more than one principal structure allowed upon any lot.

6. All dwelling units, including attached garages, shall be placed on and secured to a permanent frost-free perimeter foundation.

7. Every principal building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for utilities servicing, fire protection, and required off-street parking.

**165.04 ESTABLISHMENT OF DISTRICTS: PROVISION FOR OFFICIAL ZONING MAP.**

1. **Official Zoning Map.** The City and surrounding unincorporated lands shall be divided into districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, shall be adopted by ordinance. One map shall identify the unincorporated and incorporated areas.

If, in accordance with the provisions of this chapter and Chapter 414, Code of Iowa, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows:

“By official action of the City Council, the following changes were made in the Official Zoning Map.” (Indicating the changes by ordinance numbers and date of publication.)

No amendment of this chapter which involves a matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

2. **Replacement of the Official Zoning Map.** In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words:

“This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map per Ordinance No. \_\_\_\_\_ of the City of Anamosa, Iowa.”

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

**165.05 RULES INTERPRETATION OF DISTRICT BOUNDARIES.** Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3. Boundaries indicated as approximately following City limits shall be construed as following such City limits;

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines;

6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 3 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries;

8. Whenever Council vacates and disposes of a street or alley, adjacent districts shall extend to the centerline of the vacation;

9. Whenever a variance exists between the Zoning Map and the legal description on an amendment to this chapter, the legal description applies.

## DEFINITIONS

**165.06 DEFINITIONS.** For purposes of this chapter, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive. The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied." The word "lot" includes the words "plot" or "parcel."

1. **Abutting** - Having property or district lines in common.
2. **Access** - A way of approaching or entering a property from a public street.
3. **Accessory Buildings** - A subordinate building in excess of 150 square feet located on the same lot with the main building, occupied by or devoted to, an accessory use. Where an accessory building is attached to the main building in the subordinate manner, as by a wall or roof, such accessory building shall be considered part of the main building. The placement of satellite dish antennas, either permanent or temporary, shall be considered as accessory buildings.
4. **Accessory Structure** - Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences or playground equipment.
5. **Accessory Use** - A use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.
6. **Agriculture** - The production, keeping or maintenance, for sale, lease, or personal use, of plants and animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, mules, or goats, or any mutations or hybrids thereof including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; vegetables; or lands devoted to a soil conservation or forestry management program.
7. **Alley** - A public way, other than a street, twenty-four (24) feet or less in width, affording secondary means of access to abutting property.

8. **Animal Shelter** - A facility providing services for animal care with opportunities for animal adoption. Supporting services may include medical care, exercise areas and adoption centers.

9. **Basement** - A story having part but not more than one-half (1/2) its height above grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.

10. **Bed and Breakfast Houses** - A house or portion thereof where short-term lodging, rooms, and meals are provided. The operator shall live on the premises.

11. **Board** - The Board of Adjustment.

12. **Boarding Houses** - A building other than a hotel where, for compensation, meals and lodging are provided for four (4) or more persons.

13. **Building** - Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards and not including structures or vehicles originally designed for transportation purposes.

14. **Building Codes** - Laws or ordinances regulating construction.

15. **Building, Height of** - The vertical distance of a building measured from the average elevation of the finished grade next to the structure to the highest point of the roof.

16. **Commercial Livestock Facility** - Livestock confinements of 500 or more animals where the owner does not reside on the premises.

17. **District** - A section or sections of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.

18. **Dwelling / Dwelling Unit** - Any building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.

19. **Dwelling, Multiple** - A building or portion thereof designed for or occupied exclusively for residence purposes by two or more families.

20. **Dwelling, Single-family** - A building designed for or occupied exclusively for residence purposes by one family.

21. **Family** - One or more persons related by blood, marriage or adoption occupying a single dwelling unit. A family may include 4, but not more than 4, persons

not related by blood, marriage or adoption but further provided that domestic employees employed on the premises may be housed on the premises without being counted as a family or families.

22. **Family Group Home** - A community-based residential home which is licensed as a residential care facility under Chapter 135C of the Iowa Code or as a child foster care facility under Chapter 237 of the Iowa Code to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237 of the Iowa Code.

23. **Garage** - A building or portion thereof in which a motor vehicle containing gasoline or other volatile, flammable liquid in its tank is stored, repaired, or kept.

24. **Garage, Private** - A building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on except as a home occupation.

25. **Garage, Public or Storage** - A building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

26. **Grade** - The average elevation of the finished ground at the exterior walls of the main building.

27. **Gross Floor Area** - The sum of the gross horizontal area of all floors of a building measured from the interior face of the exterior walls; it does not include parking areas or areas where the ceiling height is below 6 feet.

28. **Ground Floor** - The first floor of a building other than a cellar or basement.

29. **Habitable Space** - Space in a dwelling unit for living, sleeping, eating or cooking. [A habitable space shall not include any storage space, garage or basement. There shall be a minimum of 800 square feet of habitable space in each dwelling unit.]

30. **Health Care Facility** - Any residential care facility, intermediate care facility, or skilled nursing facility as described below:

- A. Residential Care Facility - Any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, personal assistance and other essential daily living activities to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or



mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis.

- B. Intermediate Care Facility - Any institution, place, building or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services which can be provided only under the direction of a registered nurse or a licensed practical nurse.
- C. Skilled Nursing Facility - Any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three or more individuals not related to the administrator or owner thereof within the third degree of consanguinity who by reason of illness, disease, or physical or mental infirmity require continuous nursing care services and related medical services, but do not require hospital care. The nursing care services provided must be under the direction of a registered nurse on a twenty-four hour per day basis.

31. **Home Occupation** - Any activity carried out for gain by a resident and conducted as an incidental and accessory use in the resident's dwelling unit. A home occupation is a permitted use within all residential districts and shall require a permit as approved by the Zoning Administrator after meeting the requirements established herein.

32. **Hospital** - An institution which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care of two or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four hours of obstetrical or other medical or nursing care for two or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four hours of two or more nonrelated aged or infirm persons requiring or receiving chronic or convalescent care; and shall include sanitariums or other related institutions. Provided, however, this shall not apply to hotels or other similar places that furnish only food and lodging, or either, to their guests. "Hospital" shall include, in any event, any facilities wholly or partially constructed or to be constructed with federal financial assistance, pursuant to Public Law 725, 79th Congress, approved August 13, 1946.

33. **Hotel** - A building occupied as the more or less temporary residence of individuals who are lodged for compensation with or without meals, in which there are

sleeping rooms or suites of rooms with no provision made for cooking in any individual room or suite of rooms, and entrance is through a common lobby or office.

34. **HUD Code** - Refers to national construction standards specifically for manufactured housing developed and administered by the U.S. Department of Housing and Urban Development (HUD), established in response to requirements the National Manufactured Home Construction and Safety Standards Act, passed by Congress in 1974. Manufactured houses are sometimes called HUD Code houses.

35. **Junk Yard** - Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

36. **Kennel (Commercial)** - An establishment in which three or more dogs are housed, groomed, bred, boarded, trained, and/or sold. Puppies under six months of age shall not be included in the count.

37. **Lodging House** - A building originally designed for or used as single-family, two-family, or multiple-family dwelling, all or a portion of which contains lodging rooms or rooming units which accommodate persons who are not members of the keeper's family. Lodging or meals, or both, are provided for compensation. The term "lodging house" shall be construed to include: boarding house, rooming house, fraternity house, sorority house and dormitories.

38. **Lot** - For purposes of this chapter, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an approved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;
- D. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

39. **Lot Frontage** - The front of a lot shall be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

40. **Lot Measurements -**

- A. Depth of a lot shall be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B. Width of a lot shall be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the building setback line; provided, however, the width between side lot lines at their foremost points (where they intersect with the street line or front property line) shall not be less than 80 percent of the required lot width, except in the case of lots on the turning circle of cul-de-sac where 80 percent requirement shall not apply.

41. **Lot of Record** - A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

42. **Lot Types** - Terminology used in this ordinance with reference to "corner" lots, "interior" lots, "through" lots, and "reversed corner" lots shall be as follows:

- A. Corner lot - a lot located at the intersection of two or more streets.
- B. Interior lot - a lot other than a corner lot with only one frontage on a street other than an alley.
- C. Through lot - a lot other than a corner lot with frontage on more than one street other than an alley. Lots with frontage on two non-intersecting streets may be referred to as "through" lots.
- D. Reversed corner lot - a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear (see Lot Diagram in appendix).

43. **Manufactured Home** - A residential unit built off-site, designed to meet HUD Code standards (effective June 15, 1976), and transported to installation location. Required to display a seal from HUD.

44. **Manufactured Housing Unit** - A manufactured, modular or mobile home. Code of Iowa Chapter 435 refers to these units as homes, providing that a manufactured housing unit located in a mobile home park must be titled and is subject to the mobile home square footage tax. Those located outside a mobile home park are considered real property and are assessed and taxed as real estate.

45. **Mobile Home** - A residential unit built off-site and transported to installation location that was constructed prior to the implementation of HUD Code standards (effective June 15, 1976).

46. **Mobile Home Park** - Any site, lot, field or tract of land under common ownership upon which two or more occupied manufactured housing units are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park. (Code of Iowa, Chapter 435).

47. **Modular Home** - A residential unit built off-site and transported to installation location that is designed to meet state or local building codes rather than the HUD Code. In Iowa, the home is required to display a seal issued by the State Building Code Commissioner.

48. **Motel** (Also Motor Hotel, Motor Court, Motor Lodge, or Tourist Court) - A building or group of buildings designed to provide sleeping accommodations to transient guests for compensation, and provides near each guest room a parking space for the guest's vehicle. A swimming pool, restaurant, meeting rooms, management offices and other such accessory facilities may be included.

49. **Nonconformities** - Lots, structures, uses of land and structures, or characteristics of uses, which are prohibited under the terms of the Zoning Ordinance but were lawful at the date of this chapter's enactment.

50. **Nursing or Convalescent Home** - A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons, not including insane and other mental cases, inebriate, or contagious cases.

51. **Parking Space** - An area of not less than one hundred eighty (180) square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.

52. **Permanent Foundation** - A permanent frost-free perimeter foundation is one having footings below the frost line and a continuous foundation wall of concrete, concrete block, or stone. The permanent foundation for a manufactured home, however, may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site; provided, however, (1) the footings for the pier foundations are placed below the frost line and (2) the manufactured home is skirted with construction materials giving the appearance of a poured concrete, cement block or stone foundation to insure visual compatibility with surrounding residential structures. Ground level additions to a dwelling unit that are served by the dwelling unit's principal heating source require permanent frost-free perimeter foundations. Other enclosed additions to dwelling units may have a pier footing foundation system provided (1) the footings for the pier foundations are placed below the frost line and (2) no pier footing foundations are placed in the front yard of the lot upon which the dwelling is situated. A permanent foundation shall not include footings for steps, porches, decks or stoops.

53. **Permitted Use** - A use by right which is specifically authorized in a particular zoning district.

54. **Principal Use** - The main use of land or structures as distinguished from an accessory use.

55. **Projections (into yards)** - Parts of buildings such as architectural features that extend beyond the building's exterior wall.

56. **Rural Residential Subdivision** - A subdivision of real estate for residential purposes pursuant to Chapter 166 of the City Code within two miles of the corporate City limits, but not within the corporate City limits.

57. **Service Station (Gas Station)** - A building or premises used for dispensing or offering for sale at retail any automobile fuels, oils, or having pumps and storage tanks therefor, or where battery, tire or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale.

58. **Setback** - The required distance between every structure and lot line on the lot in which it is located. All applicable building setbacks as established by this ordinance shall be measured from the property line to the building foundation line. Roof overhangs and normal architectural features extending up to three feet beyond the exterior wall of the foundation of the structure shall not be considered in computing the distance between the structure and the lot line. All roof overhangs and other architectural features extending more than three feet beyond the exterior wall of the foundation of the structure shall be considered for purposes of measuring the setback requirements to the extent those roof overhangs and architectural features exceed three feet in length.

59. **Sexually Oriented Business** - An adult arcade, adult book store or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center or any other commercial establishment which offers products, services or experiences appropriate only for adults by reason of their emphasis on sexual activities, female mammaries and/or human reproductive organs.

60. **Signs** - Any advertising device or surface out-of-doors, on or off premises, on which letters, illustrations, designs, figures or symbols are printed or attached and which conveys information or identification. Signs shall include both display area and attached support devices.

A. **Signs, On-Premises** - An advertising device concerning the sale or lease of the property upon which they are located and advertising devices concerning activities conducted or products sold on the property upon which they are located.

- B. **Signs, Off-Premises** - An advertising device including the supporting structure which directs the attention of the general public to a business, service, or activity not usually conducted or a product not usually sold upon the premises where such a sign is located. Such a sign shall not include: On-premises signs, directional or other official sign or signs which have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.)

61. **Site-built Home** - A residential unit constructed at the building location using traditional construction techniques and few prefabricated components. Also called a stick-built house.

62. **Special Exception** - A use specified in these regulations identifying specific conditions, limitations or restrictions, and which is subject to review for approval, or denial by the Board of Adjustment according to the provisions set forth in this Ordinance.

63. **Statement of Intent** - A statement preceding regulations for individual districts, intended to characterize the districts and their legislative purpose.

64. **Story** - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.

65. **Story, Half** - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the floor below it. A half-story containing independent apartments or living quarters shall be counted as a full story.

66. **Street** - All property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefore, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.

67. **Street Line** - The right-of-way line of a street.

68. **Structural Alteration** - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

69. **Swimming Pool** - A water filled enclosure, permanently constructed or portable, having a depth of more than 18" below the level of the surrounding land, or an above surface pool, having a depth of more than 30", designed, used, and maintained for swimming and bathing.

70. **Terrace** - A level landscaped and/or surfaced area directly adjacent to a principal building or within three feet of a finished grade and not covered by a permanent roof.

71. **Use** - The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

72. **Variance** - A device used by the Board of Adjustment which grants a property owner relief from certain provisions of a Zoning Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money and which condition is not of the owner's own making.

73. **Yard** - An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building foundation line shall be used (see Yard Diagram in appendix).

- A. Yard, Front - A yard extending across the width of the lot between side yards and measured between the front lot line and the building foundation line or any projections greater than three feet thereof, other than the projection of the usual steps or unenclosed porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimensions, except where the owner shall elect to front his building on a street parallel to the lot line having the greater dimension.
- B. Yard, Rear - A yard extending across the width of the lot between side yards and measured between the rear lot line and the building foundation line or any projections greater than three feet other than steps, unenclosed balconies or unenclosed porches. On both corner lots and interior lots the rear yard shall be the opposite end of the lot from the front yard.
- C. Yard, Side - A yard extending from the front lot line to the rear lot line and measured between the side lot lines and the building foundation line. On corner lots the yards not designated as front or rear yards shall be considered the side yards. Each corner lot shall have one front, a rear, and two side yards.

74. **Zoning/Building Administrator** - The local official responsible for reviewing zoning/building permits and following a determination by the Zoning Board of Adjustment for special exceptions and variances. Decisions of the official may be appealed to the Board of Adjustment. Permits are issued by the Zoning/Building Administrator.

75. **Zoning Codes** - Local ordinances adopted by the City Council that regulate the use of land and the placement of buildings within a municipality and within a given area outside the corporate limits. Frequently specify allowable height and bulk of building, lot coverage and setback distance.

76. **Zoning District** - A section the City designated in the text of the Zoning Ordinance and delineated on the Zoning Map in which requirements for the use of land, the building and development standards are prescribed. Within each district, all requirements are uniform.

77. **Zoning Map** - The map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Ordinance.



## DISTRICT REGULATIONS

**165.07 DISTRICTS ESTABLISHED.** The City is herewith divided into the following districts:

- A-1 Agricultural District
- R-1 Residential Single-Family District
- R-2 Residential Multi-Family District
- MH Mobile Home District
- C-1 Central Business Commercial District
- C-2 Arterial Commercial District
- M-1 Light Industrial District
- M-2 Heavy Industrial District

These districts are established as identified on the Official Zoning Map which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be part of this chapter.

### **165.08 AG - AGRICULTURAL DISTRICT.**

1. **Intent.** This district is intended to provide for areas in which agriculture and related uses are encouraged as the principal use of land. However, uses which may be offensive to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic or physical appearance or other similar factors are not permitted. The district prohibits urban density residential use until these areas may be served by utilities and services of the City. This district is also intended to preserve land suited for eventual development into other uses, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur and the fiscal integrity of the City is preserved. All newly annexed areas to the City will automatically be placed into this district classification unless otherwise suitably classified.

2. **Permitted Uses.** The following uses are permitted in the A-1 District:

- A. Agriculture, including the usual agricultural buildings and structures and excluding offensive uses.
- B. Single-family dwellings.
- C. Home occupations in compliance with Section 165.23 of this ordinance.

3. **Accessory Uses.** Uses of land or structure customarily incidental and subordinate to a permitted use in the A-1 District.

- A. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
- B. Private garages, barns and other farm buildings.

- C. Roadside stands offering for sale only agricultural products or other products produced on the premises.
- D. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
- E. Satellite dishes.

4. **Special Exceptions.** Certain uses may be permitted in the A-1 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

- A. Animal shelters.
- B. Cemeteries, crematories or mausoleums.
- C. Commercial kennels.
- D. Stables, private or public.
- E. Greenhouses and nurseries.
- F. Publicly operated sanitary landfills.
- G. Private recreational camps, golf courses and recreational facilities.
- H. Public or private utility substations, relay stations, etc.
- I. Churches or accessory facilities (on or off site).
- J. Publicly owned and operated buildings and facilities.
- K. Commercial livestock facilities.
- L. Home occupations not meeting the approval of the Zoning Administrator under Section 165.23 of this ordinance.

5. **Bulk Regulations.** The following requirements shall provide for light and air around permitted uses and buildings in the A-1 District.

	Minimum Lot Area	Minimum lot width and depth (feet)	Minimum front yard (feet)	Minimum side yard (feet)	Minimum rear yard (feet)	Maximum height
Single-family dwelling	1 acre	150 (width) 150 (depth)	50	20	50	2 ½ stories or 37.5 feet
Other uses *	5 acres	200 (width) 200 (depth)	50	25	50	2 ½ stories or 37.5 feet
Accessory uses	N/A	N/A	N/A	20	50	2 ½ stories or 37.5 feet

\* Excluding farm buildings and uses

6. **Animal Shelters.** An animal shelter proposal will be reviewed by the Board of Adjustment and shall be permitted only when it conforms to the following and is subject to any additional conditions as may be warranted to mitigate deleterious effects of the proposed use:

- A. Animals housed at the shelter shall remain inside during the hours between 8:00 pm and 7:00 am.
- B. Animals housed at the shelter shall not be allowed to run loose outside of the fenced enclosure.
- C. The animal shelter shall be kept in a high state of cleanliness at all times.

7. **Commercial Kennels.** A commercial kennel proposal will be reviewed by the Board of Adjustment and shall be permitted only when it conforms to the following and is subject to any additional conditions as may be warranted to mitigate deleterious effects of the proposed use:

- A. In order to provide safety, to prevent disturbances and to avoid sanitary or health problems, kennels shall not be located within ½ mile (2,640 feet) of any residence, except for the residence located on the kennel premises.
- B. The owner of the kennel shall be responsible for physically inspecting the dogs in the kennel every twelve (12) hours to assure that the dogs have sufficient water, food, shelter, restraint and medical care.
- C. Dogs in the kennel shall not be allowed to run loose outside of the kennel's fenced enclosure.
- D. Kennels shall be kept in a high state of cleanliness at all times.
- E. No more than one dog shall be kept for each seventy-two (72) square feet of kennel ground or floor space.
- F. Kennel floors shall be made of concrete or hard-packed gravel or crushed rock. Kennels shall be enclosed with a fence that is at least six (6) feet high. Kennels shall be provided with an overhead tarp or roof to protect the dogs from the sun and elements. Kennels shall be constructed to include insulated housing to protect dogs from severe weather. Kennel housing units shall be no less than twelve (12) square feet per dog. All kennel buildings must be able to be securely locked.
- G. All training establishments where dogs are boarded or training occurs must have an external perimeter fence at least six (6) feet high to prevent the escape of the animals. In addition to the external security fence, a six (6) feet high chain mesh fence must enclose the immediate training area.

- 8. **Off-street Parking.** See Supplementary Regulations.
- 9. **Off-Street Loading.** See Supplementary Regulations.
- 10. **Signs.** See Supplementary Regulations.

## 165.09 R-1 - RESIDENTIAL SINGLE-FAMILY DISTRICT.

1. **Intent.** This district is intended to provide for a variety of single-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Low and medium population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various single-family residential areas of the City.

2. **Permitted Uses.** The following uses are permitted in the R-1 District:

- A. Single-family detached dwellings.
- B. Home occupations in compliance with Section 165.23 of this ordinance.

3. **Accessory Uses.** Uses of land or structure customarily incidental and subordinate to a permitted use in the R-1 District:

- A. Private garages and the rental of no more than four (4) private garage units per site, each rental unit containing no more than three hundred (300) square feet.
- B. Raising and keeping of animals and fowl, but not on a commercial basis or on a scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle, horses, or fowl is prohibited except on premises containing two (2) acres or more and except within an enclosure at least one hundred fifty (150) feet from any lot lines or residences now existing or hereafter erected.
- C. Public and private recreational facilities.
- D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

4. **Special Exceptions.** Certain uses may be permitted in the R-1 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

- A. Nursery schools.
- B. Public or private utility substations, relay stations, etc.
- C. Churches.
- D. Publicly owned and operated buildings and facilities.
- E. Public schools and private schools with a curriculum similar to public schools.
- F. Golf courses but not miniature courses or separate driving tees.
- G. Bed and breakfast houses.

- H. Hospitals.
- I. Multi-family dwellings.
- J. Home occupations not meeting the approval of the Zoning Administrator under Section 165.23 of this ordinance.
- K. Family group homes.

5. **Bulk Regulations.** The following requirements shall provide for light and air around permitted residential uses and buildings in all “R” Districts:

	Minimum Lot Area (square feet)	Minimum lot width and depth (feet)	Minimum front yard (feet)	Minimum side yard (feet)	Minimum rear yard (feet)	Maximum height
5 R-1	5,000	50	25	6*	20	2 ½ stories or 37.5 feet
8 R-1	8,000	70	25	8**	30	2 ½ stories or 37.5 feet
2 R-2	5,000	60	25	8**	30	2 ½ stories or 37.5 feet
	2,000 (per unit)					
3 R-2	6,000	60	25	8**	30	45 feet
	3,000 (per unit)					
4 R-2	8,000	60	25	8**	30	45 feet
	4,000 (per unit)					
5 R-2	10,000	60	25	8**	30	45 feet
	5,000 (per unit)					
Other uses	20,000	100	50	20	50	45 feet
Accessory uses	N/A	N/A	N/A	8	8***	2 ½ stories or 37.5 feet

\* Corner lots 10 feet

\*\* Corner lots 15 feet

\*\*\* Unless abutting an alley, then it may be one (1) foot from the lot line

- 6. **Off-street Parking.** See Supplementary Regulations.
- 7. **Off-Street Loading.** See Supplementary Regulations.
- 8. **Signs.** See Supplementary Regulations.

9. **Vehicles - Trailers.** Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any lot other than in completely enclosed buildings. No automotive vehicle or trailers of any kind shall be parked or stored on any lot in this district in a required front yard except when parked on a designated hard surfaced driveway. No vehicle of any kind shall be parked on public or private property so as to create a safety hazard with pedestrian or vehicular traffic.

## 165.10 R-2 - RESIDENTIAL MULTI-FAMILY DISTRICT.

1. **Intent.** This district is intended to provide for a variety of multi-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Medium and high population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various multi-family residential areas of the City.

2. **Permitted Uses.** The following uses are permitted in the R-2 District:

- A. Single-family detached dwellings.
- B. Multi-family dwellings. \*As per Bulk Regulations.
- C. Home occupations in compliance with Section 165.23 of this ordinance.

3. **Accessory Uses.** Uses of land or structure customarily incidental and subordinate to a permitted use in the R-2 District:

- A. Private garages and the rental of no more than four (4) private garage units per site, each rental unit containing no more than three hundred (300) square feet.
- B. Parking lots.
- C. Raising and keeping of animals and fowl, but not on a commercial basis or on a scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle, horses, or fowl is prohibited except on premises containing two (2) acres or more and except within an enclosure at least one hundred fifty (150) feet from any lot lines or residences now existing or hereafter erected.
- D. Public and private recreational facilities.
- E. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

4. **Special Exceptions.** Certain uses may be permitted in the R-2 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

- A. Nursery schools.
- B. Public or private utility substations, relay stations, etc.
- C. Churches and publicly owned and operated buildings and facilities.
- D. Public schools and private schools with a curriculum similar to public schools.
- E. Lodging houses, dormitories, fraternities and sororities.

- F. Bed and breakfast houses.
- G. Health care facilities.
- H. Home occupations not meeting the approval of the Zoning Administrator under Section 165.23 of this ordinance.
- I. Family group homes.

5. **Bulk Regulations.** The following requirements shall provide for light and air around permitted residential uses and buildings in all “R” Districts:

	Minimum Lot Area (square feet)	Minimum lot width and depth (feet)	Minimum front yard (feet)	Minimum side yard (feet)	Minimum rear yard (feet)	Maximum height
5 R-1	5,000	50	25	6*	20	2 ½ stories or 37.5 feet
8 R-1	8,000	70	25	8**	30	2 ½ stories or 37.5 feet
2 R-2	5,000	60	25	8**	30	2 ½ stories or 37.5 feet
	2,000 (per unit)					
3 R-2	6,000	60	25	8**	30	45 feet
	3,000 (per unit)					
4 R-2	8,000	60	25	8**	30	45 feet
	4,000 (per unit)					
5 R-2	10,000	60	25	8**	30	45 feet
	5,000 (per unit)					
Other uses	20,000	100	50	20	50	45 feet
Accessory uses	N/A	N/A	N/A	8	8***	2 ½ stories or 37.5 feet

\* Corner lots 10 feet

\*\* Corner lots 15 feet

\*\*\* Unless abutting an alley, then it may be one (1) foot from the lot line

Minimum lot width requirements shall not apply to multi-family dwellings on adjoining lots under the same ownership provided all the dwellings are a minimum sixteen feet in distance from each other. The minimum lot width shall be 30 feet for zero-lot line structures.



Further, townhomes, condominiums, duplexes, cooperative or any other forms of zero-lot line structures which utilize shared walls as part of the structure shall be exempt from the minimum side yard bulk regulations as to their attached or semi-detached components provided all of the following conditions are met:

- A. Common walls shall be fireproof as per the Universal Building Code. No openings in common walls shall be permitted per State Code.
- B. In the case of multi-family dwelling units, the division of the lot of parcel into two parcels shall be done in such a manner as to result in one single-family dwelling unit being located on either side of the common boundary line with the common wall being on the common boundary line.
- C. Each dwelling unit shall have separate access and utility service.
- D. Before the issuance of a development permit, there shall be filed on record with the Jones County Recorder binding covenants or declarations detailing the respective dwelling unit owners' responsibilities and liabilities with regard to repair and maintenance of common walls and other common aspects of the structure. Those covenants or declarations shall ensure adjoining property owners reciprocal ten-foot wide maintenance easements to provide access to maintain the common walls located upon common boundary lines. In addition, the covenants or declarations shall provide a mechanism for the owners of the dwelling units to address common issues of concern such as landscaping, exterior appearance, and type of roofing. The covenants or declarations may simply provide for the formation of a homeowners association to address such common issues.

6. **Off-Street Parking.** See Supplementary Regulations.

7. **Off-Street Loading.** See Supplementary Regulations.

8. **Signs.** See Supplementary Regulations.

9. **Vehicles - Trailers.** Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any lot other than in completely enclosed buildings. No automotive vehicle or trailers of any kind shall be parked or stored on any lot in this district in a required front yard except when parked on a designated hard surfaced driveway. No vehicle of any kind shall be parked on public or private property so as to create a safety hazard with pedestrian or vehicular traffic.

## **165.11 MH - MOBILE HOME DISTRICT.**

1. **Intent.** This district is intended to provide for certain medium density residential areas in the City now developed as mobile home parks which by reason of their design and location are compatible with surrounding residential areas and areas of the City where similar development seems likely to occur. This district has useful application as a transition zone between shopping areas and residential areas and is normally located along thoroughfares where direct access to the site is available.

2. **Permitted Uses.** The following uses are permitted in the MH District:

- A. Mobile homes located in an approved mobile home park.
- B. Home occupations in compliance with Section 165.23 of this ordinance.

3. **Accessory Uses.**

- A. Private garages.
- B. Raising and keeping of animals and fowl, but not on a commercial basis or on a scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle or horses is prohibited except on premises containing one-half (1/2) acre or more and except within an enclosure at least one hundred fifty (150) feet from any residence now existing or hereafter erected.
- C. Private recreational facilities.
- D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.

4. **Special Exceptions.**

- A. Public or private utility substation, relay stations, etc.
- B. Nursery schools.
- C. Churches or accessory facilities on or off site.
- D. Home occupations in accessory buildings.

5. **Bulk Regulations.**

- A. Permit Required - A mobile park permit shall be required for any mobile home park constructed under the following regulations.
- B. Issuance of a Permit - Permits shall be issued by the Zoning Administrator after plans have been submitted which conform to the following Bulk Requirements. Fees for said permit shall be established by Council resolution.



## 165.12 C-1 - CENTRAL BUSINESS COMMERCIAL DISTRICT.

1. **Intent.** This district is intended to accommodate the major business and office concentration in Anamosa. It is characterized further by a variety of stores and related activities which occupy the central commercial area of Anamosa. This district is intended to be the single central business district of Anamosa and no other use of this district shall be utilized other than contiguously with the currently established C-1 District. Architectural design of the construction components of the facade of the building shall be compatible with other structures within the central business district.

2. **Permitted Uses.** The following uses are permitted in the C-1 District:

- A. Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods or products.
- B. Offices/clinics.
- C. Hotels and motels.
- D. Publicly owned and operated buildings and facilities.
- E. Dwellings - second floor and above.
- F. Sexually oriented businesses - provided that:

- (1) The sexually oriented business may not be operated within 1,000 feet of (a) a church, synagogue, chapel or similar place of religious worship or instruction; (b) a public or private elementary or secondary school; (c) a boundary of residential zoning district; (d) a library or a public park, playground or other recreational facility; (e) a licensed day care center or nursery or preschool; or (f) another sexually oriented business.
- (2) A sexually oriented business may not be operated in the same building, structure or portion thereof, containing another sexually oriented business.
- (3) For the purpose of this subsection, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or library, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district or residential lot or licensed day care center.
- (4) For purposes of paragraph (3) above, the distance between any two sexually oriented business uses shall be measured in a straight line, without regard to intervening structures or

objects, from the closest exterior wall of the structure in which each business is located.

3. **Accessory Uses.** Uses of land or structure customarily incidental and subordinate to a permitted use in the C-1 District:

- A. Outdoor sales and service. Repair businesses shall have limited outdoor storage privileges for items being repaired by them. Items, including motor vehicles, brought to any business for repair may be stored outside the business for up to 30 days. An additional 30 days of outdoor storage may be secured with written application to the Zoning Administrator. Additional extensions for outdoor storage shall only be given upon a finding of good cause by the Zoning Administrator following written application. Motor vehicles brought to businesses for repair may not be stored on any City street or alley for more than 24 hours. Wrecked motor vehicles brought to businesses in the C-1 District for other than repair shall be screened from the public's view by a fence of solid maintenance free construction six (6) feet in height, which fence shall be located within the setback requirements for the property.
- B. Private garages.
- C. Parking lots.
- D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

4. **Special Exceptions.** Certain uses may be permitted in the C-1 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

- A. Service stations.
- B. Warehousing.
- C. Outdoor storage.
- D. Churches or accessory facilities, on or off site.
- E. Single-family dwellings at ground level.
- F. Multi-family dwellings at ground level.
- G. Communication towers, wind generation equipment, freestanding solar generation equipment.

5. **Bulk Regulations.** The following requirements shall provide for light and air around permitted uses and buildings in the C-1 District:

	Minimum Lot Area	Minimum lot width and depth (feet)	Minimum front yard (feet)	Minimum side yard (feet)	Minimum rear yard (feet)	Maximum height
All uses	None	20 (width) 20 (depth)	None	None, except if a side yard is provided it shall be a minimum of 5 feet. Corner lots shall be 10 feet.	None	3 stories or 45 feet
Accessory uses	N/A	N/A	N/A	5	None	3 stories or 45 feet

6. **Off-Street Parking:** None required.
7. **Off-Street Loading.** See Supplementary Regulations.
8. **Signs.** See Supplementary Regulations.

## 165.13 C-2 - ARTERIAL COMMERCIAL DISTRICT.

1. **Intent.** This district is intended to provide for certain areas of the City for the development of service, retail, and other non-residential uses which because of certain locational requirements and operational characteristics are appropriately located in close proximity to arterial and other main thoroughfares. Residential type structures are also permitted. The district is further characterized by a typical need for larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares.

### 2. **Permitted Uses.**

- A. Sales and display rooms and lots, including yards for the storage or display of new or used building materials but not for any scrap or salvage operation storage or sales.
- B. Offices and clinics.
- C. Churches and publicly owned and operated buildings and facilities.
- D. Hotels and motels.
- E. Any other retail or service sales business, including food preparation for sale off-premises. Repair businesses shall have limited outdoor storage privileges for items being repaired by them. Items, including motor vehicles, brought to any business for repair may be stored outside the business for up to 30 days. An additional 30 days of outdoor storage may be secured with written application to the Zoning Administrator. Additional extensions for outdoor storage shall only be given upon a finding of good cause by the Zoning Administrator following written application. Motor vehicles brought to businesses for repair may not be stored on any City street or alley for more than 24 hours.
- F. Publicly owned and operated buildings and facilities.
- G. Dwellings: single and multi-family.
- H. All other uses as allowed in the Central Business Commercial District.

3. **Accessory Uses.** Uses of land or structures customarily incidental and subordinate to a permitted use in the C-2 District:

- A. Private recreational facilities.
- B. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
- C. Private garages.
- D. Parking lots.
- E. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

4. **Special Exceptions.** Certain uses may be permitted in the C-2 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

- A. Animal shelters.
- B. Public or private utility substations, relay stations, etc.
- C. Communication towers, wind generation equipment, freestanding solar generation equipment.
- D. Zero lot line structures.

5. **Bulk Regulations.** The following requirements shall provide for light and air around permitted uses and building in the C-2 District.

	Minimum Lot Area	Minimum lot width and depth (feet)	Minimum front yard (feet)	Minimum side yard (feet)	Minimum rear yard (feet)	Maximum height
All uses	8,000	70 (width) 70 (depth)	30	If adjacent to a residential district, the side yard shall be equal to the minimum side yard required in the adjacent district, but in no instance less than 8 feet. Corner lots shall be 10 feet.	If adjacent to a residential district, the rear yard shall be equal to the minimum rear yard required in the adjacent district, but in no instance less than 30 feet, unless bordering with an alley in which case it shall be 15 feet.	3 stories or 45 feet
Accessory uses	N/A	N/A	N/A	5	None	3 stories or 45 feet

6. **Buffering.** The use of buffering shall be required between any C-2 District and abutting residential and agricultural zoning districts and land uses. Abutting districts shall include lots fronting on a street which form the boundary line between any C-2 District and residential and agricultural zoning district as well as any abutting lot line between said districts. Buffering shall take place in any required yard, including front, side or rear. The following provisions shall apply:

- A. The buffer shall be equal to the minimum side yard required in the adjacent district, but in no instance less than 8 feet. Corner lots shall be 10 feet.



- B. All buffer areas shall be landscaped or fenced to provide a complete visual screen. Buffering may include any of the following:
  - 1. Fencing.
  - 2. Landscaping consisting of native plant and tree species.
  - 3. Berms. Berms may be used if native plant and tree landscaping requirements of the City's Site Plan Ordinance (Chapter 167) can still be met. Berms must be vegetated to minimize erosion and to slow stormwater runoff. Berms may be up to six feet measured vertically from the natural elevation of the yard.
- C. Maintenance. All buffered areas shall be kept free of litter, debris, noxious weeds and species of plants identified by the Iowa DNR as exotic or invasive.

7. **Zero Lot Line Structures.** In addition to any specific conditions and requirements as established by the Board of Adjustment, zero lot line structures within a C-2 Arterial Commercial District which utilize shared walls as part of the structure shall be exempt from the minimum side yard bulk regulations as to their attached or semi-detached components provided all of the following conditions are met:

- A. Common walls shall be fireproof as per the Universal Building Code. No openings in common walls shall be permitted per State Code.
- B. Each unit shall have separate utility service.
- C. Before the issuance of a development permit, there shall be filed on record with the Jones County Recorder binding covenants or declarations detailing the respective unit owners' responsibilities and liabilities with regard to repair and maintenance of common walls and other common aspects of the structure. Those covenants or declarations shall ensure adjoining property owners reciprocal ten-foot wide maintenance easements to provide access to maintain the common walls located upon common boundary lines. In addition, the covenants or declarations shall provide a mechanism for the owners of the units to address common issues of concern such as landscaping, exterior appearance, and type of roofing.

8. **Animal Shelters.** An animal shelter proposal will be reviewed by the Board of Adjustment and shall be permitted only when it conforms to the following and is subject to any additional conditions as may be warranted to mitigate deleterious effects of the proposed use:

- A. Animals housed at the shelter shall remain inside during the hours between 8:00 pm and 7:00 am.

- B. Animals housed at the shelter shall not be allowed to run loose outside of the fenced enclosure.
  - C. The animal shelter shall be kept in a high state of cleanliness at all times.
- 9. **Off-Street Parking.** See Supplementary Regulations.
  - 10. **Off-Street Loading.** See Supplementary Regulations.
  - 11. **Signs.** See Supplementary Regulations.

## 165.14 M-1 - LIGHT INDUSTRIAL DISTRICT.

1. **Intent.** This district is intended to provide for areas of development by industrial firms that have high standards of performance and that can locate in close proximity to residential and business uses. The district regulations are designed to permit the development of any manufacturing or industrial operations which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic, physical appearance or other similar factors. Outdoor storage is allowed in this district when the material is enclosed within a fenced area and the material for the fence to be determined and approved by the Zoning Administrator. All industrial operations must be in an enclosed building. No residential uses are permitted in this district.

2. **Permitted Uses.** The following uses are permitted in the M-1 District.

- A. Any nonresidential building or use which would not be hazardous, obnoxious, offensive or unsightly by reason of odor, sound, vibrations, radioactivity, electrical interference, glares, liquid or solid waste, smoke, or other air pollutants.
- B. Storage, manufacture, compounding, processing, packing and/or treatment of products, exclusive of the rendering or refining of fats and/or oils.
- C. Manufacture, compounding, assembly and/or treatment of articles or merchandise derived from previously prepared materials.
- D. Assembly of appliances and equipment, including manufacture of small parts.
- E. Wholesale distribution of all standard types of prepared or packaged merchandise.
- F. Sale and storage of building materials. Outdoor or open storage shall be allowed only when the material is enclosed within a solid fence at least six feet high and said fence being within required building lines.
- G. Contractors' offices and storage of equipment.
- H. Public or private utility substations, relay stations, etc.

3. **Accessory Uses.** Uses of land or structure customarily incidental and subordinate to a permitted use in the M-1 District.

- A. Accessory buildings and uses customarily incidental to a permitted use.
- B. Living quarters for watchmen or custodians of industrial properties.

4. **Special Exceptions.** Certain uses may be permitted in the M-1 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

- A. Animal shelters.
- B. Communication towers, wind generation equipment, freestanding solar generation equipment.

5. **Bulk Regulations.** The following requirements shall provide for light and air around permitted uses and buildings in the M-1 District.

	Minimum Lot Area	Minimum lot width and depth (feet)	Minimum front yard (feet)	Minimum side yard (feet)	Minimum rear yard (feet)	Maximum height
All uses	None	None	25	50	30 feet, unless bordering a railroad right-of-way, in which case it shall be 5 feet.	3 stories or 45 feet
Accessory uses	N/A	N/A	N/A	5	None	3 stories or 45 feet

6. **Buffering.** The use of buffering shall be required between any M-1 District and abutting residential and agricultural zoning districts and land uses. Abutting districts shall include lots fronting on a street which form the boundary line between any M-1 District and residential and agricultural zoning district as well as any abutting lot line between said districts. Buffering shall take place in any required yard, including front, side or rear. The following provisions shall apply:

- A. The buffer shall be equal to the minimum side yard required in the adjacent district, but in no instance less than 8 feet. Corner lots shall be 10 feet.
- B. All buffer areas shall be landscaped or fenced to provide a complete visual screen. Buffering may include any of the following:
  - 1. Fencing.
  - 2. Landscaping consisting of native plant and tree species.
  - 3. Berms. Berms may be used if native plant and tree landscaping requirements of the City’s Site Plan Ordinance (Chapter 167) can still be met. Berms must be vegetated to minimize erosion and to slow stormwater runoff. Berms may be up to six feet measured vertically from the natural elevation of the yard.

- C. **Maintenance.** All buffered areas shall be kept free of litter, debris, noxious weeds and species of plants identified by the Iowa DNR as exotic or invasive.

7. **Animal Shelters.** An animal shelter proposal will be reviewed by the Board of Adjustment and shall be permitted only when it conforms to the following and is subject to any additional conditions as may be warranted to mitigate deleterious effects of the proposed use:

- A. Animals housed at the shelter shall remain inside during the hours between 8:00 pm and 7:00 am.
- B. Animals housed at the shelter shall not be allowed to run loose outside of the fenced enclosure.
- C. The animal shelter shall be kept in a high state of cleanliness at all times.

8. **Off-Street Parking.** See Supplementary Regulations.

9. **Off-Street Loading.** See Supplementary Regulations.

10. **Signs.** See Supplementary Regulations.

## 165.15 M-2 - HEAVY INDUSTRIAL DISTRICT.

1. **Intent.** This district is intended to provide areas for activities and uses of a heavy industrial character and is the least restrictive of any district. No residential uses are permitted.

2. **Permitted Uses.** There may be any use, excluding residential uses and mobile homes. The following uses must be given separate City Council approval before a zoning/building permit is issued.

- A. Acid manufacture.
- B. Cement, lime, gypsum, or plaster of paris manufacture.
- C. Distillation of bones.
- D. Explosive manufacture or storage.
- E. Fat rendering.
- F. Fertilizer manufacture.
- G. Gas manufacture.
- H. Garbage, offal, or dead animals, reduction or dumping.
- I. Glue manufacture.
- J. Petroleum, or its products, refining of.
- K. Smelting of tin, copper, zinc, or iron ores.
- L. Stockyards or slaughter of animals.
- M. Junk yards. Must be surrounded by a solid fence at least six feet high located within building lines and the junk piled not higher than the fence.

Before granting such separate approval, the City Council shall refer applications to the Commission for study, investigation and report. If no report is received in 30 days, the City Council may assume approval of the application.

The City Council shall then after holding a public hearing consider all of the following provisions in its determination upon the particular use at the location requested:

- (1) That the proposed location design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property;
- (2) That such use shall not impair an adequate supply of light and air to surrounding property;
- (3) That such use shall not unduly increase congestion in the streets, or public danger of fire and safety;
- (4) That such use shall not diminish or impair established property values in adjoining or surrounding property; and
- (5) That such use shall be in accord with the intent, purpose and spirit of this chapter and the Comprehensive Plan of the City.

3. **Required Conditions.**

- A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed and subject to all State and Federal regulations.
- B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least one hundred (100) feet from any “R” District boundary, except where adjoining a railroad right-of-way, and 50 feet from any commercial boundary.

4. **Accessory Uses.** Uses of land or structure customarily incidental and subordinate to a permitted use in the M-2 District.

- A. Accessory buildings and uses customarily incidental to a permitted use.
- B. Living quarters for watchmen or custodians of industrial properties.

5. **Bulk Regulations.** The following requirements shall provide for light and air around permitted uses and buildings in the M-2 District.

	Minimum Lot Area	Minimum lot width and depth (feet)	Minimum front yard (feet)	Minimum side yard (feet)	Minimum rear yard (feet)	Maximum height
All uses	None	None	25	50	30 feet, unless bordering a railroad right-of-way, in which case it shall be 5 feet.	3 stories or 45 feet
Accessory uses	N/A	N/A	N/A	5	None	3 stories or 45 feet

6. **Buffering.** The use of buffering shall be required between any M-2 District and abutting residential and agricultural zoning districts and land uses. Abutting districts shall include lots fronting on a street which form the boundary line between any M-2 District and residential and agricultural zoning district as well as any abutting lot line between said districts. Buffering shall take place in any required yard, including front, side or rear. The following provisions shall apply:

- A. The buffer shall be equal to the minimum side yard required in the adjacent district, but in no instance less than 8 feet. Corner lots shall be 10 feet.

B. All buffer areas shall be landscaped or fenced to provide a complete visual screen. Buffering may include any of the following:

1. Fencing.
2. Landscaping consisting of native plant and tree species.
3. Berms. Berms may be used if native plant and tree landscaping requirements of the City's Site Plan Ordinance (Chapter 167) can still be met. Berms must be vegetated to minimize erosion and to slow stormwater runoff. Berms may be up to six feet measured vertically from the natural elevation of the yard.

C. Maintenance. All buffered areas shall be kept free of litter, debris, noxious weeds and species of plants identified by the Iowa DNR as exotic or invasive.

7. **Off-street Parking.** See Supplementary Regulations.
8. **Off-street Loading.** See Supplementary Regulations.
9. **Signs.** See Supplementary Regulations.



## **NONCONFORMITIES**

**165.16 INTENT.** Within the districts established by this chapter there exist:

1. lots,
2. structures,
3. uses of land and structures, and
4. characteristics of use,

which were lawful before this chapter was passed or amended, but which are prohibited, regulated, or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Further nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, but it is the intent of this chapter to allow structures which were nonconforming under the previous chapter, but which are conforming under this chapter to be considered legal as of the date of adoption of this chapter and shall be allowed to be rebuilt, added to, or modified within the terms and requirements of this chapter.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

**165.17 NONCONFORMING LOTS OF RECORD.** In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of the chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, if the lot shall conform to the other bulk regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through the action of the Board of Adjustment.

**165.18 NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY).** Where at the time of passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.

3. If any such nonconforming use of land ceases for any reason for a period of twelve (12) months, then any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

4. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

**165.19 NONCONFORMING STRUCTURES.** Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in such a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**165.20 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION.** If lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

1. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter.

4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three-year period (except when government action impedes access to the premises) the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

6. When nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of the subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction. Reconstruction when damaged to less than 50% shall begin within 6 months of the time of destruction or the nonconforming status shall expire. Said construction shall also be completed within 18 months of the time of destruction or the nonconforming status shall expire.

**165.21 REPAIRS AND MAINTENANCE.** On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

**165.22 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NONCONFORMING USES.** Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

## SUPPLEMENTARY REGULATIONS

### 165.23 SUPPLEMENTARY DISTRICT REGULATIONS.

1. **Planned Unit Development.** The owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the City Council of the City of Anamosa, Iowa a plan for the use and development of the entire tract of land. The development shall be referred to the Planning Commission for study and report and for public hearing. If the Commission approves the development plan, the plan, together with the recommendation of the Commission, shall then be submitted to the City Council for consideration and approval. If the City Council approves the plan, development permits and occupancy certificates from the Zoning Administrator may be issued even though the use of land and the location of the buildings to be erected in the area and the yards and open spaces contemplated by the plans do not conform in all respects to the district regulations of the district in which it is located, except as follows:

- A. Only uses permitted in the "R" Districts shall be permitted.
- B. The average lot area per family contained in the proposed plan, exclusive of the area occupied by right-of-way, will not be less than the lot area per family required in the district in which the development is located.
- C. Said area shall then be designated on the official zoning map.

2. **Accessory Buildings/Structures.** No accessory building/structures may be erected in any required front yard and no separate accessory building/structure may be erected within 5 feet of a dwelling unit. In addition, private swimming pools shall only be located in a rear yard. No accessory building/structure shall be closer than 8 feet to the rear or side lot lines unless abutting an alley, in which case it may be within 1 foot of the lot line. Accessory buildings/structures located in the rear yard may not occupy more than 30 percent of the rear yard. Accessory garages which are entered directly from the alley shall be at least 15 feet from the alley right-of-way. Except for storage, no accessory building/structure shall be used without occupancy of the principal building. In such cases of storage use, there shall be no fee charged. All accessory buildings and structures shall require a development permit. Each application for an accessory building or structure permit shall be submitted prior to the installation of the building or structure and shall be approved or denied by the Zoning Administrator.

3. **Fences and Hedges.** The following regulations are for fences, hedges and swimming and landscape pool fences in all districts. A permit is needed for the construction of any fence. Each application for a fence permit shall be submitted prior to the installation of the fence and shall be approved or denied by the Zoning Administrator.

- A. Fences:

1. No portion of a fence or hedge, excluding pergolas and arbors, shall exceed 6 feet in height. The height shall be measured vertically from the finished grade of the yard.
  2. Fences and hedges within the front-yard shall not exceed 3 feet in height, or be constructed of more than 30% solid material.
  3. Fences and hedges not more than 6 feet high may be erected on those portions of a lot that are as far back or further back from the street than the main building.
- B. Swimming and Landscape Pool Fences: Fences shall be provided for all permanent outdoor swimming and landscape pools with a depth greater than 18", or capacity greater 5,000 gallons. Swimming and Landscape Pool fences shall meet the following conditions:
1. Swimming and Landscape Pool Fences must be at least four feet high from the ground level, but should not exceed 6' above level of the pool. Spacing of the fence should not allow a 4" sphere to pass through.
  2. Swimming and Landscape Pool Fences must have a self-closing and self-latching device on the gate.
- C. Barbed wire and electric fences: Barbed wire and electric fences shall be subject to the following requirements:
1. Barbed wire and electric fences shall not be allowed in residential or commercial zones.
  2. Barbed wire and electric fences shall be prohibited within five (5) feet of a public sidewalk or within four (4) feet of a street right-of-way where a public sidewalk does not exist.
  3. Electric fences shall not be permitted in any district except for the enclosure of livestock operations in Agricultural zones (A-1).
  4. No electric fence shall carry a charge greater than twenty-five (25) milliamperes nor a pulsating current longer than one-tenth (1/10) per second in a one-second cycle. All electric fence chargers shall carry the seal of an approved testing laboratory.
  5. The provisions of this subsection shall not apply to the fencing of municipal facilities.
- D. Before issuing a development permit for a fence proposed to be located on a lot-line that is shared by two different property owners, the City of Anamosa will require the following conditions to be met:

1. The owners of the properties that share the lot-line on which the proposed fence will be located must sign a written agreement that outlines the material the fence will be constructed from, the location of the fence, the height of the fence and its maintenance, and the agreement of both property owners to all of the above conditions.
2. The agreement must then be filed with the County Recorder.
3. A copy of the agreement and proof of its filing with the County Recorder must be presented to the City Official responsible for the issuing of fence permits before the permit will be issued.
4. If agreement cannot be reached between the property owners on a shared lot-line fence, any fence constructed on either property must be a minimum of (3) feet from said shared lot-line.

E. Before a hedge is proposed to be located on a lot-line that is shared by two different property owners, the City of Anamosa will require the following conditions to be met:

1. The owners of the properties that share the lot-line on which the proposed hedge will be located must sign a written agreement that outlines the type of hedges, the location of the hedge, the height of the hedge and maintenance responsibilities, and the agreement of both property owners to all of the above conditions.
2. The agreement must then be filed with the County Recorder.
3. A copy of the agreement and proof of its filing with the County Recorder must be presented to the City before the hedge can be located.
4. If agreement cannot be reached between the property owners on a shared lot-line hedge, any hedge on either property must be a minimum of (3) feet from said shared lot-line.

4. **Height Limits.** Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tank, water towers, ornamental towers, spires, wireless tower, grain elevators, or necessary mechanical appurtenances are exempt from height regulations in Sections 165.08 through 165.15.

5. **Yard Requirements.** Under the terms of this ordinance, a required yard shall be open, unoccupied and unobstructed from grade to the sky except for permitted encroachments. The following identify such permitted encroachments along with required conditions:

A. Front Yard Exceptions:

1. Steps or ramps which are necessary to provide access to the first floor of permitted buildings.
2. The following shall encroach no more than three (3) feet into the front yard, as measured from the building:
  - a. Architectural features such as sills, eaves, cornices and other ornamental features.
  - b. Gutters and downspouts.
  - c. Awnings and canopies.
  - d. Bay windows.
3. Uncovered decks, patios and stoops not exceeding 100 square feet and in no case are closer than fifteen (15) feet to the front lot line.
4. Retaining walls which are at least ten (10) feet from the front lot line.
5. Non-nuisance landscaping, vegetation, arbors, trellises, flagpoles and the like shall be allowed in all yards.

B. Side Yard Exceptions:

1. The following shall encroach no more than three (3) feet into the side yard, as measured from the building:
  - a. Architectural features such as sills, eaves, cornices and other ornamental features.
  - b. Gutters and downspouts.
  - c. Awnings and canopies.
  - d. Bay windows.
2. Air-conditioning equipment, provided it does not encroach into the side yard closer to the side lot line a distance of one-half the required setback.
3. Retaining walls which are at least three (3) feet from the side lot line.
4. Landscaping, vegetation, arbors, trellises, flagpoles and the like shall be allowed in all yards.

C. Rear Yard Exceptions:

1. The following shall encroach no more than three (3) feet into the rear yard, as measured from the building:
  - a. Architectural features such as sills, eaves, cornices

- and other ornamental features.
    - b. Gutters and downspouts.
    - c. Awnings and canopies.
    - d. Bay windows.
  - 2. Air-conditioning equipment.
  - 3. Uncovered decks, patios and stoops which are at least ten (10) feet from any lot line.
  - 4. Retaining walls which are at least three (3) feet from the rear lot line.
  - 5. Non-nuisance landscaping, vegetation, arbors, trellises, flagpoles and the like shall be allowed in all yards.
- D. Yards and Visibility. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of three and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty feet from the point of the intersection (see Visibility Diagram in the appendix).

6. **Decks.** A permit is needed for the construction of any deck whether it is attached to the house or not. Each application for a deck permit shall be submitted prior to the installation of the deck and shall be approved or denied by the Zoning Administrator.

7. **Driveways.** All driveways from the paved portion of the street to the garage, carport or off-street parking area and loading zones shall be paved with asphalt or Portland cement concrete pavement, as approved by the City, and shall be so graded and drained to dispose of all surface water accumulation within the area.

8. **Off-street Parking and Loading.**

- A. Off-Street Parking: All off-street parking areas shall be paved with asphalt or Portland cement concrete pavement as approved by the City, and shall be so graded and drained to dispose of all surface water accumulation within the area. This requirement shall not be enforced during periods of declared snow emergency pursuant to Section 69.10 of the City Code. In addition, all uses shall meet the following standards for off-street parking areas:
  - 1. Churches: one (1) parking space on the lot for each 5 seats in the main auditorium.
  - 2. Colleges, universities, institutions of higher learning, and equivalent private or parochial schools: one (1) parking space



for each employee and one (1) parking space for each five (5) students.

3. Dwellings: two (2) parking spaces on the lot for each dwelling unit in the building.
4. Elementary, junior high, high school and equivalent private or parochial schools: one (1) parking space for each employee and office plus one (1) parking space for each 300 square feet of gross floor area in auditorium or gymnasium and one parking space for each ten (10) students.
5. Greenhouses and nurseries: one (1) parking space per 1,000 square feet of enclosed floor area.
6. Hotels and motels: one (1) parking space per room plus one (1) parking space for each employee.
7. Nursery schools: one (1) parking space per employee.
8. Offices/clinics: one (1) parking space per 300 square feet of gross floor area.
9. Public buildings and facilities: one (1) parking space for each 300 square feet of gross floor area or one (1) parking space for each 5 seats in the main assembly area, whichever is greater.
10. Roadside stands: one (1) parking space for each 50 square feet of enclosed floor area.
11. Sales and service buildings: one (1) parking space per 300 square feet of gross floor area.
12. All other commercial uses shall provide one (1) parking space on the lot for each 300 square feet of floor area.
13. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.

B. Off-street Loading: All off-street loading areas shall meet the following standards:

1. All activities or uses within each zoning district shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
2. Loading shall not be permitted to block public right-of-way.

9. **Sign Regulations.** The following regulations shall apply to all zoning districts:

- A. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- B. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

- C. No sign may imitate or resemble an official traffic control sign, signal or device.
- D. Signs shall not encroach or extend over public right-of-way.
- E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- F. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- G. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
- H. All signs shall be non-flashing and non-strobing, and they shall not contain rotating, oscillating, or revolving beams or other similar types of light transmission.
- I. All signs must be kept in good repair. Repairs shall be made within 30 days of damage to said sign.

10. **Sign Regulations.** The following regulations shall apply to all A-1, R-1, R-2, and MH zoning districts:

- A. Off-premises signs are not permitted, except for political signs, real estate signs, and certain construction signs, as specified in this paragraph. This prohibition shall not apply to off-premise signage affixed to the interior perimeter fencing or scoreboards facing inward of athletic fields. Political signs shall conform to State law. Real estate signs shall be removed upon the closing of the sale of the property. Construction signs relating to the vendor and services provided for the construction or remodeling of a dwelling unit on the premises shall be permitted during the time of construction in the front yard area, as defined in Section 166.02 of this chapter. The total square feet of surface area of all construction signs on any one property shall not exceed 32 square feet.

11. **Sign Regulations.** The following regulations shall apply to all C-1, C-2, M-1, and M-2 zoning districts:

- A. Off-premises and on-premises signs are permitted.
- B. Off-premises signs shall comply with the setbacks of the districts they are located in. Other bulk regulations do not apply. Off-premises signs are governed by State and Federal regulations along highways, where zoning exists.
- C. Within 90 days of closure of a business, all signs must be taken down which protrude onto the City's right-of-way and are illegible or pose a threat to vehicular or pedestrian traffic.

12. **Home Occupation** - A home occupation is a permitted use within all residential districts and shall require a permit as approved by the Zoning Administrator after meeting the requirements established herein.

- A. No person other than members of the family residing on the premises shall be engaged in such occupation, except by special exception by the Board of Adjustment which may allow three persons other than family members not residing on the premises to be employed;
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the gross floor area of the dwelling unit, whether the square footage is in the garage and/or other accessory buildings or in the dwelling unit, shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, not exceeding two feet in length, non-illuminated, and mounted flat against the wall of the principal building.
- D. Home occupation may be conducted in any accessory building.
- E. Any business in the home that requires walk-in clientele or generates traffic other than what normally would be there without the business, except for deliveries, shall be classified as a home occupation and shall require a permit and approval as stated herein, and any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.
- G. Provided that all previously noted conditions are complied with, certain home-based work such as telemarketing activities, computer and word processing work, and similar businesses are not considered home occupations and shall be allowed as permitted uses in any district.

13. Nothing in this chapter shall have the effect of prohibiting utility service lines.

## ZONING ADMINISTRATION

### ZONING/BUILDING ADMINISTRATOR

**165.24 ADMINISTRATION AND ENFORCEMENT.** A Zoning/Building Administrator designated by the City Council shall administer and enforce this chapter. The administrator may be provided with the assistance of such other persons as the City Council may direct.

**165.25 DEVELOPMENT AND OCCUPANCY PERMITS REQUIRED.** No building or structure in excess of 150 square feet or which is placed on a permanent foundation shall be erected, moved, or added to, without a permit therefore issued by the Zoning/Building Administrator. No development permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Board of Adjustment. Fees for development permits shall be as provided by City resolution. Development permits shall be applied for with the City Clerk and shall expire 1 year after the date of issuance if work is begun within 180 days of issuance or after 180 days if no substantial beginning of construction has occurred. Extensions of time may be granted in writing by the Zoning/Building Administrator for good cause. Applicants for development permits shall provide the name and registration number required by State law for all contractors to be engaged in the development. Before pouring or setting the footings or foundation for the building for which the development permit has been issued, the party to whom the development permit has been issued shall notify the City Public Works Director or his/her designee to afford him/her a reasonable period of time, but not less than one working day, within which to inspect the site before the pouring or setting of the footings or foundation to ensure the building will be built within the parameters of the development permit issued. If the footings or foundation for the building are poured or set without the City Public Works Director or his/her designee having been given notice and the opportunity to inspect before the pouring or setting of the footings or foundation, the party issued the development permit shall be guilty of a municipal infraction and assessed the penalty prescribed for municipal infractions under Section 4.03 of this Code of Ordinances.

No building shall be occupied or put to use unless and until the Zoning/Building Administrator has inspected same to ensure compliance with the development permit and the provisions of this chapter and has issued an occupancy permit for the building.

## BOARD OF ADJUSTMENT

**165.26 BOARD OF ADJUSTMENT: POWERS AND DUTIES.** The Board of Adjustment shall have the following powers and duties:

1. **Administrative Review.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning/Building Administrator in the enforcement of this chapter.

- A. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Anamosa affected by any decision of the administrative officer. Such appeal shall be taken within sixty (60) days of the rendering of the decision by filing with the Zoning/Building Administrator, and with the Board a notice of appeal specifying the grounds thereof. The Zoning/Building Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. The appeal shall be acted upon within 30 days of the filing.
- B. The Board shall fix a reasonable time for the hearing of the appeal, and give not less than seven (7) days nor more than twenty (20) days public notice in a paper of general circulation in Anamosa. At least 7 days immediately preceding the hearing a sign of at least 12" X 18" regarding the action and informing the public of said action and directing attention to the office of the City Clerk for information on said action shall be conspicuously placed on the lot in question visible and legible to pedestrian and vehicular traffic. At said hearing, any party may appear in person, by agent or by attorney.
- C. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning/Building Administrator from whom the appeal is taken certifies to the Board of Adjustment after the Notice of Appeal is filed with the Administrator, that by reason of facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning/Building Administrator from whom the appeal is taken and on due cause shown.

2. **Special Exceptions: Conditions Governing Applications; Procedures.** To hear and decide on, such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this

chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until:

- A. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.
- B. The special exceptions to be acted by the Board shall be acted upon within 30 days of the filing. The Board shall fix a reasonable time for the hearing of the special exception, and give not less than seven (7) days nor more than twenty (20) days public notice in a paper of general circulation in Anamosa. At least seven (7) days immediately preceding the hearing a sign of at least 12" X 18" regarding the action and informing the public of said action and directing attention to the office of the City Clerk for information on said action shall be conspicuously placed on the lot in question visible and legible to pedestrian and vehicular traffic. At said hearing, any party may appear in person, by agency or by attorney.
- C. The public hearing shall be held. Any party may appear in person, or by agent or attorney.
- D. The Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception, that the granting of the special exception will not adversely affect the public interest.

**3. Variance, Conditions Governing Application; Procedures.** To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

- A. A written application for a variance is submitted demonstrating:
  - (1) That special conditions and circumstances exist which are peculiar to land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - (2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
  - (3) That the special conditions and circumstances do not result from the actions of the applicant;

- (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of land, structures, or buildings in other districts may be considered grounds for the issuance of a variance.

- B. The variance shall be acted upon within 30 days of the filing. The Board shall fix a reasonable time for the hearing of the variance, and give not less than seven (7) days nor more than twenty (20) days public notice in a paper of general circulation in Anamosa. At least 7 days immediately preceding the hearing a sign of at least 12" X 18" regarding the action and informing the public of said action and directing attention to the office of the City Clerk for information on said action shall be conspicuously placed on the lot in question visible to pedestrian and vehicular traffic. At said hearing, any party may appear in person, by agent or by attorney.
- C. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
- D. The Board of Adjustment shall make findings that requirements of this section have been met by the applicant for a variance.
- E. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- F. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under this chapter.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved or any use expressly or by implication prohibited by the terms of this chapter in said district.

4. The concurring vote of the majority of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning/Building Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

**165.27 APPEALS FROM THE BOARD OF ADJUSTMENT.** Any person or persons, or any board, taxpayer, department, board or bureau of the City, or other areas subject to this chapter aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Chapter 414, Code of Iowa.

**165.28 DUTIES OF ZONING/BUILDING ADMINISTRATOR, BOARD OF ADJUSTMENT, PLANNING AND ZONING COMMISSION, AND COURTS ON MATTERS OF APPEAL.** All questions of interpretation and enforcement shall be first presented to the Zoning/Building Administrator, or that person's designee, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning/Building Administrator, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by Chapter 414, Code of Iowa.

**165.29 AMENDMENTS.** The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed, provided that at least seven days' notice of the time and place of such hearing shall be published in a paper of general circulation in the City. In no case shall the notice be published more than 20 days prior to the hearing. At least seven days preceding the hearing a sign measuring not less than 12 inches by 18 inches giving notice that the property is the subject of a pending re-zoning application and directing the public's attention to the office of the City Clerk for further information shall be conspicuously posted on the land in question visible to pedestrian and vehicular traffic. If the property is inaccessible to public vehicular traffic, the sign shall be posted at the nearest point of passage by public vehicular traffic.

The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. Notwithstanding Section 414.2, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of twenty percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all the members of the Council. The protest, if filed, must be filed before or at the public hearing.



Proposed amendments not recommended by the Planning and Zoning Commission shall become effective only upon a favorable vote of three-fourths (3/4) of the members of the City Council. All zoning amendment application forms shall be approved by resolution of the City Council.

**165.30 PENALTIES FOR VIOLATION.** Violations of the provisions of this chapter and any of its requirements (including violations of conditions and safeguards established in connection with the grant of variances or special exceptions) may be prosecuted as either a municipal infraction or simple misdemeanor. Each day a violation continues shall be considered a separate offense. The election of the City to prosecute a violation of this chapter as either a municipal infraction or simple misdemeanor shall not prevent the City from taking such other and further legal or equitable action as is necessary to prevent violation of the provisions of this chapter.

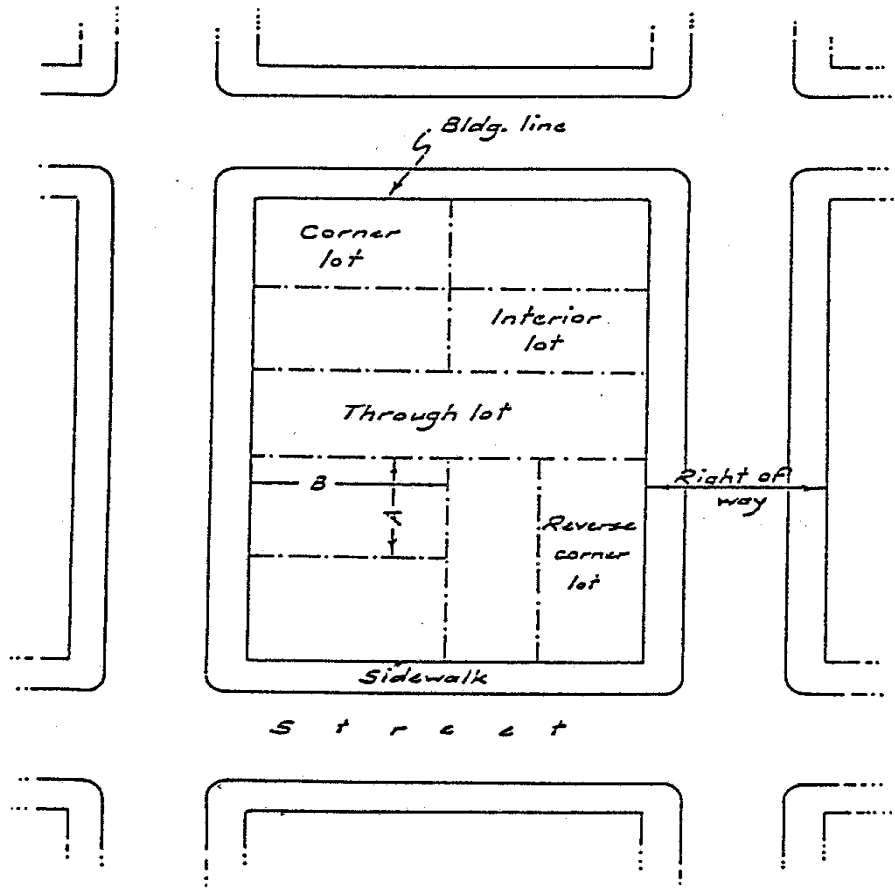
**165.31 SCHEDULE OF FEES, CHARGES, AND EXPENSES.** The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning district changes, zoning permits, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning/Building Official, City Clerk and may be altered or amended only by the City Council, as recommended by the Commission.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

**165.32 COMPLAINTS REGARDING VIOLATIONS.** Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning/Building Administrator. The Zoning/Building Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.

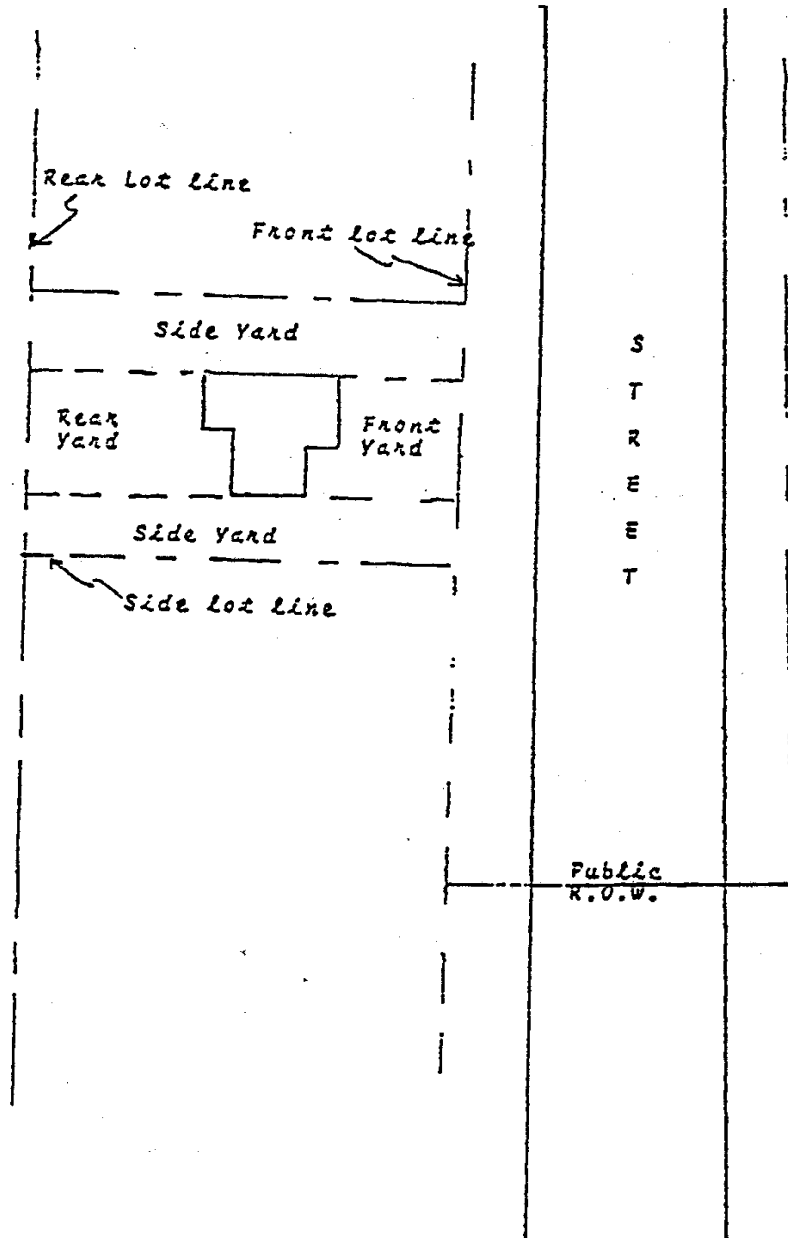
**165.33 ZONING ORDINANCE APPENDIX - DIAGRAMS.** The following section contains diagrams for graphically describing lots, yards and corner lot visibility.

Chart - Lot



A—Width of lot  
B—Length of lot

Chart - Yard



DIAGRAM

Corner Lots - Yards and Visibility

