

CHAPTER 165

ZONING REGULATIONS

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165.01 TITLE AND PURPOSE. This chapter shall be known and may be cited as the "Earlham Zoning Ordinance." This chapter is based upon a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations and restrictions and the districts proposed have been recommended and are here adopted with the view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

165.02 CONSTRUCTION OF TERMS. For the purpose of the Zoning Ordinance, the words "used or occupied" include the words "intended, designed or arranged to be used or occupied," and the word "lot" includes the words "plot or parcel."

165.03 DEFINITIONS. For the purpose of this Zoning Ordinance, the following terms and words are defined.

1. "Accessory use or structure" means a use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to use of the principal building.
2. "Alley" means a public way other than a street, 20 feet or less in width, affording secondary means of access to abutting property.
3. "Basement" means a story having more than one-half of its height below grade. A basement is not counted as a story for the purpose of height regulation.

4. "Billboard" means and includes all structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure is placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which such signs or billboards are located.
5. "Block" means that property abutting on one side of a street and lying within the two nearest intercepting or intersecting streets, or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.
6. "Board" means the Board of Adjustment.
7. "Boarding house" means a building, other than a hotel, where, for compensation, meals and lodging are provided for four or more persons.
8. "Building, height of" means the vertical distance from the average natural grade at the building line to the highest point of the roof.
9. "Building line" means the line of the outside wall of the building or any enclosed projection thereof nearest the lot line.
10. "Bulk stations" means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than 12,000 gallons.
11. "Court" means an open, unobstructed and unoccupied space other than a yard, which is bounded on two or more sides by a building on the same lot.
12. "District" means 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.
13. "Dwelling" means any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer or mobile home.
14. "Dwelling and property occupation" means any business or permitted use conducted full-time or part-time for financial gain through or from the dwelling in which one lives or from any other structure on the same premises located within an R residence district.
15. "Dwelling, condominium" means a multiple dwelling as defined in this section whereby the fee title to each dwelling unit is held independently of the others.
16. "Dwelling, multiple" means a building or portion thereof designed for or occupied exclusively for residence purposes by more than two families.
17. "Dwelling, single-family" means a building designed for or occupied exclusively for residence purposes by one family.
18. "Dwelling, single-family semidetached" means a residence designed for or occupied by one family, only, which is erected on a separate lot and is joined to another residence on one side, only, by a wall located on the lot line and which has yards on the remaining sides.
19. "Dwelling, townhome" means any one of three or more residences designed for or occupied by one family, only, which is attached and in a continuous row or

cluster. Each dwelling is designed and erected as a unit on a separate lot and separated from each dwelling by a wall.

20. "Dwelling, two-family" or "duplex" means a building designed for or occupied exclusively for residence purposes by two families.

21. "Family" means one or more related persons occupying a single housekeeping unit and using common cooking facilities but does not include more than four individuals not related by blood, marriage or adoption.

22. "Farm" means an area of 10 acres or more which is used for the growing of the usual farm products, such as vegetables, fruits, trees and grain, and their storage on the area as well as for the raising thereon of the usual farm poultry and farm animals. The term "farming" includes the operating of such an area for one or more of the above uses including the necessary accessory uses for treating or storing the produce, provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities and provided further that farming does not include the feeding of garbage or offal to swine or other animals.

23. "Garage, private" means an accessory building housing motor-driven vehicles of the residents of the premises.

24. "Garage, public" means any building or premises other than a private garage, used for equipping, refueling, servicing, repairing, hiring, selling or storing motor-driven vehicles.

25. "Grade" means the average elevation of the finished ground at the exterior wall of the main building.

26. "Hotel" means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house or lodging house.

27. "Junk yard" means 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.

28. "Lodging house" means a building where lodging or boarding is provided for compensation for five or more, but not exceeding 20 persons not members of the family there residing.

29. "Lot," for zoning purposes, means 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 a dedicated or private street and may consist of:

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

30. "Lot line" means a property line bounding a lot.
31. "Lot measurement" means:
- A. Depth. The mean horizontal distance between the front and rear lot lines.
 - B. Width. The width of a lot is considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the minimum building setback line.
32. "Lot of record" means a lot which is part of a subdivision which is recorded in the office of the Madison County Recorder or a lot or parcel described by metes and bounds, the deed to which has been so recorded.
33. "Lot types" are as follows:
- A. "Corner lot" means a lot located at the intersection of two or more streets.
 - B. "Interior lot" means a lot other than a corner lot with only one frontage on a street other than an alley.
 - C. "Double frontage lot" means 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" means 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.
34. "Mobile home" means any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings and which is, has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "mobile home" includes "camp car" and "house car."
35. "Mobile home park" means any lot or portion of a lot upon which two or more mobile homes, occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation.
36. "Motel" or "motor lodge" means a building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists with garage attached or parking facilities conveniently located to each such unit.
37. "Nonconforming use" means any building or land lawfully occupied by a use on March 20, 1969 (or at the time of any amendment to this Zoning Ordinance), which does not conform after the passage of the original ordinance (or amendment thereto) with the use regulations of the district in which it is situated.
38. "Nursing home" or "convalescent home" means 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.
39. "Parking space" means a surfaced area, enclosed, or unenclosed, of not less than 250 square feet either within a structure or in the open, exclusive of driveway or access drives for the parking of a motor vehicle.

40. "On-site sign" means a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

41. "Story" means that portion of a building, other than a basement, 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. "Half story" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four feet above the top floor level. A half story containing independent apartments or living quarters shall be counted as a full story.

42. "Structural alteration" means any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

43. "Structure" means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, billboards and poster panels.

44. "Tourist home" means a residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for automobile travelers.

45. "Yard" means 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.

46. "Yard, front" means a yard extending across the full width of the lot and measured, using the least distance between the front lot line and the building or any projection thereof. Provided, however, steps, unenclosed decks and unenclosed porches may project into the required front yard a maximum of 30 inches. "Unenclosed" may include roof and/or screens. The narrow frontage on a corner lot is considered the front lot line, regardless of where the building entrance is located.

47. "Yard, rear" means a yard extending across the full width of the lot and measured, using the least distance, between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as adjoining the street upon which the lot has its greater dimension. On both corner lots and interior lots, the rear yard is at the opposite end of the lot from the front yard.

48. "Yard, side" means a yard extending from the front yard to the rear yard and measured between the side lot lines and the building.

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165.04 ZONING DISTRICTS ESTABLISHED. For the purpose of this Zoning Ordinance, the following six classes of districts are established within the City as shown on the official zoning map, which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this Zoning Ordinance:

- A – Agricultural District
- R – Residence District
- C – Commercial District
- M – Industrial District
- F1 – Flood Plain
- F2 – Flood Hazard Area

165.05 OFFICIAL ZONING MAP.

1. Identification. The official zoning map shall be identified by the signature of the Mayor attested by the Clerk under the following words: "This is to certify that this is the official zoning map referred to in the Zoning Ordinance as first adopted on the first day of March, 1988." If, in accordance with the provisions of this Zoning Ordinance and Chapter 414 of the *Code of Iowa*, changes are made in district boundaries on the official zoning map, copies of such changes shall be filed with the official zoning map promptly after the amendment has been approved by the Council. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, together with amending ordinances, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the City.
2. Interpretation. Zoning districts that are bounded by streets, highways, alleys or other public rights-of-way shall be construed to follow such centerlines on the official zoning map. Where there is uncertainty as to the boundaries of districts as shown on the official zoning map, the Board of Adjustment shall interpret the district boundaries.
3. Maintaining Map. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of use, the Council may 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 zoning ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Mayor attested by the Clerk, under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as part of the Earlham Zoning Ordinance."
4. Amendments. Amendments changing the boundaries of districts as shown on the official zoning map shall be in form of an ordinance amending this chapter and refer to the official map, and shall set out the identification by legal description of the area affected and identify the zoning district in which the area has been located, and the new district designation applicable to the property area. The ordinance, after adoption and publication, shall be recorded by the Clerk and a certified copy thereof shall be attached to the official zoning map. Such amendatory ordinance, however, shall not repeal or reenact said map, but only amend it. The official zoning map, together with amending ordinances, shall be the final authority as to the current

zoning status of land and water areas, buildings and other structures in the City. From time to time the amendments can be drawn onto map in the manner provided by subsection 3. (*See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.*)

165.06 INTERPRETATION OF STANDARDS. In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this chapter shall control.

165.07 APPLICATION OF DISTRICT REGULATIONS. The regulations set by this Zoning Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

165.08 COMPLIANCE REQUIRED.

1. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed or structurally altered unless in conformity with all of the regulations specified herein for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
 - A. To exceed the height limit established herein;
 - B. To accommodate or house a greater number of families;
 - C. To occupy a greater percentage of lot area;
 - D. To have narrower or smaller rear yards, front yards, side yards or other open spaces; or in any other manner to be contrary to the provisions of this Zoning Ordinance.

165.09 OPEN SPACE TO SERVE SINGLE REQUIREMENT. Yards or parts 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 not be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

165.10 PREEXISTING YARDS OR LOTS. Yards or lots existing on February 3, 1969, shall not be reduced in dimension or area below the minimum requirements set forth in this Zoning Ordinance. Yards or lots created after March 20, 1969, shall meet at least the minimum requirements established by this Zoning Ordinance.

165.11 ADMINISTRATION AND ENFORCEMENT. The provisions of this Zoning Ordinance shall be enforced and administered by the Zoning Administrator. If the Zoning Administrator finds that any of the provisions of this Zoning Ordinance are being violated, he or she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Zoning Ordinance to ensure compliance with this Zoning Ordinance or to prevent violation of its provisions.

165.12 BUILDING PERMIT REQUIRED. Buildings or other structures shall not be erected, moved, added to or structurally altered without a permit therefor, issued by the Zoning Administrator. Building permits shall be issued in conformance with the provisions of this Zoning Ordinance, or upon written order from the Board of Adjustment. Fees for building permits shall be as provided in Section 165.18. When work for which a building permit is required by this chapter is started or proceeded with by any person prior to obtaining the required permit, the total building permit fee shall be increased by twenty percent, with a minimum penalty increase of \$10.00. The payment of such increased penalty fee shall not relieve any person from fully complying with the requirements of this chapter in the execution of the work or from any other penalties prescribed herein.

165.13 APPLICATION FOR BUILDING PERMIT. All applications for building permits shall be accompanied by a plan showing the actual dimensions and shape of the lot to be built upon, and the location and dimensions of the existing or proposed building or alteration. The application shall include existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Zoning Ordinance.

165.14 CONSTRUCTION AND USE TO COMPLY WITH PLANS AND PERMITS. Building permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such approved plans and applications and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Zoning Ordinance.

165.15 APPEALS; ADMINISTRATIVE DUTIES.

1. It is the intent of this Zoning Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator; and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law.

2. It is further the intent of this Zoning Ordinance that the duties of the Council in connection with this Zoning Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Zoning Ordinance. Under this Zoning Ordinance, the Council shall have only the duties of considering and adopting or rejecting the proposed amendments or the repeal of this Zoning Ordinance as provided by law. Applications for special permits for special uses as specified in Section 165.41 and considering applications for uses listed in the "M" Industrial district shall be directed to and decided by the Board of Adjustment.

165.16 CHANGES AND AMENDMENTS.

1. The Council may on its own motion or on petition after public notice and hearing as provided by law, and after report by the Planning and Zoning Commission, amend, supplement or change the boundaries or regulations herein or subsequently established. Any owner or owners of property may present a petition duly signed and verified, requesting an amendment, supplement or change in the regulations prescribed for a district or part thereof. Such petition shall be signed by the owners of at least 50

percent of the property within 300 feet therefrom, and said petition shall be filed with the Planning and Zoning Commission.

2. The Commission shall make a report to the Council within 60 days from the date of receipt of such petition. In case the proposed amendment, supplement or change is disapproved by the Commission, or in case of a protest against any proposed amendment or change signed by the owners of 20 percent or more of the area of the lots included in the proposed amendment or change, or by the owners of 20 percent or more of the property which is located within 200 feet of the exterior boundaries of the property for which the amendment or change is proposed, such amendment shall not become effective except by the favorable vote of at least three-fourths of all members of the Council.

165.17 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of this Zoning Ordinance 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 Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate and take action thereon as provided by this Zoning Ordinance.

165.18 FEES. Building permit fees shall be determined by whatever agency is conducting the inspection, and shall be set by resolution.

(Ord. 408 – May 19 Supp.)

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165.19 ENFORCEMENT AND VIOLATIONS. All departments, officials and employees of the City who are vested with the duty of authority to issue permits or licenses shall issue no such permit or license for any use, structure, or purpose if the same would not conform to the provisions of this Zoning Ordinance.

1. Violation of the provisions of this Zoning Ordinance or failure to comply with any of its requirements constitutes a misdemeanor. Each day such violation continues shall be considered a separate offense.
2. The owner or tenant of any building, structure, premises or part thereof and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
3. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

165.20 BOARD OF ADJUSTMENT CREATED. A Board of Adjustment is established, which shall consist of five (5) members appointed by the Council, at least three (3) of which shall be residents of the City of Earlham. The City must try to have at least one of the remaining members be an agricultural landowner. The term of office of the members of the Board shall be five years. Terms shall overlap as provided by law. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in his or her absence, the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of three members shall be necessary to constitute a quorum.

(Ord. 436 – Sep. 22 Supp.)

165.21 APPEALS.

1. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decision of the Zoning Administrator. Such appeal shall be taken within 10 days by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

2. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal has been filed with him or her, that by reason of facts stated in the certificate a stay would in his or her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

3. The fee for appeal is \$300 for residential property and \$350 for commercial property at the time the appeal is submitted. Any additional cost incurred by the City shall be paid by the applicant prior to receiving the permit. If the variance is not granted, a bill will be sent to the property owner for the balance of the total cost. If property owner does not pay the bill within 30 days, the amount will be assessed to property taxes in the same manner as stated in Code of Ordinances of Earlham Chapter 92.06.

(Ord. 396 – May 18 Supp.)

4. The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

165.22 POWERS OF BOARD.

1. Administrative Review. The Board shall have power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Zoning Ordinance.

2. Special Exceptions. The Board shall have power to permit the following exceptions to the district regulations set forth in this Zoning Ordinance, subject to the requirements of this section:

A. To permit erection and use of a building or the use of premises or vary the height and the regulations in any location for a public service corporation for public utility purposes or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.

B. To permit the extension of a use into a district where it would otherwise be prohibited, in a case where a district boundary line is so located that a lot or plot is in more than one district.

C. To hear and decide only such other special exceptions as the Board is specifically authorized to pass on by the terms of this Zoning Ordinance; 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 Zoning Ordinance; or to deny special exceptions when not in harmony with the purpose and intent of this Zoning Ordinance. A special exception shall not be granted by the Board unless and until:

(1) A written application for special exception is submitted indicating the section of this Zoning Ordinance under which the special exception is sought and stating the grounds on which it is requested.

(2) Notice of public hearing is given in advance of the public hearing. The owner of the property for which special exception is sought, or his or her agent, and any other affected property owners, shall be notified by mail. Notice of hearing may also be posted on the property for which special exception is sought.

(3) The public hearing is held. Any party may appear in person, or by agent or attorney.

(4) The Board makes a finding that it is empowered under the section of this Zoning Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

D. In granting any special exception, the Board may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance. Violations of such conditions and safeguards, when made a part of the terms

under which the special exception is granted, shall be deemed a violation of this Zoning Ordinance.

E. The Board may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

3. Variances.

A. The Board shall have power to authorize upon appeal, in specific cases, such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship. A variance from the terms of this Zoning Ordinance shall not be granted by the Board unless and until:

(1) A written application for a variance is submitted demonstrating that:

a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same district.

b. Literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance.

c. The special conditions and circumstances do not result from the actions of the applicant.

d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Ordinance 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 use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

(2) Notice of public hearing is given in advance of public hearing. The owner of the property for which the variance is sought, or his or her agent, and any other affected property owners shall be notified by mail.

(3) The public hearing is held. Any party may appear in person or by agent or by attorney.

(4) The Board makes findings that the requirements of this section have been met by the applicant for a variance.

(5) The Board further makes a finding that the reasons set forth in the application justify the granting of the variance.

(6) The Board further makes a finding that the granting of the variance will be in harmony with the general purpose and intent of this

Zoning Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

B. In granting any variance, the Board 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 Zoning Ordinance.

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

165.23 DECISIONS OF THE BOARD OF ADJUSTMENT. In exercising the above-mentioned powers, the Board may, so long as such action is in conformity with the terms of this Zoning Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made; and to that end shall have powers of the Zoning Administrator from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to affect any variation in the application of this Zoning Ordinance.

165.24 APPEALS FROM DECISION OF THE BOARD. Any taxpayer, or any officer, department, board or bureau of the City, or any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the ground of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board. The court may reverse or affirm, wholly or in part, or may modify the decision up for review.

165.25 STREET FRONTAGE REQUIRED. Lots containing any building used in whole or in part for residence purposes shall abut for at least 40 feet on at least one street, except that lots containing single-family semidetached dwellings shall abut for at least 37½ feet, or have an exclusive unobstructed private easement of access or right-of-way at least 20 feet wide to a street; and there shall be only one single-family dwelling for such frontage or easement.

165.26 ACCESSORY BUILDINGS AND GARAGES.

1. Accessory buildings or structures, except buildings housing animals or fowl, may be erected as a part of the principal building or may be connected thereto by a breezeway or similar structure, provided said building shall comply with all yard requirements for a principal building.
2. Detached accessory buildings may be located in rear yards as follows:
 - A. A minimum of 10 feet from other structures on the lot.
 - B. A minimum of two feet from alley lines and lot lines.
3. Accessory buildings or structures may be located in side yards no closer than 10 feet to the side of the principal building providing the minimum side yard requirements can be met on both corner and side lots.

4. Accessory buildings shall be no closer to the front right-of-way line than the front line of the principal building.
5. The accessory building shall not exceed one story or 18 feet in height.
(Ord. 456 – Mar. 25 Supp.)
6. Accessory buildings and structures shall not occupy more than 30 percent of any yard area on a lot and shall not exceed 1,000 square feet of building area.
7. No more than three accessory buildings or structures shall be allowed on any lot within any residential district, one of which shall be a detached garage.
(Ord. 456 – Mar. 25 Supp.)
8. The attachment of an accessory building to a main building as a means to circumvent the 10-foot rule is not allowed.
9. In the R District, a private garage is permitted in the side or rear yard on the same lot with a dwelling, either as a separate building or in a separate room within or attached to the dwelling, provided that space for not more than three motor vehicles is permitted. When wholly or partially within the limits of the side yard and attached to a principal building, such garage shall be considered a part of the principal building and shall conform to all yard and space requirements as specified in this Zoning Ordinance for principal buildings.
10. In the R District, a portable building is permitted in the side or rear yard on the same lot with a dwelling. It shall not exceed 144 square feet of floor space and a maximum building height of 10 feet. The portable building is considered a part of the maximum of 30 percent of the rear yard space requirement.

165.27 CORNER LOTS. For corner lots platted after March 20, 1969, the street side yard shall be equal in width to the setback regulation of the lots to the rear having frontage on the intersecting street. On corner lots platted and of record on March 20, 1969, the side yard regulation shall apply to the longer street side of the lot, except in the case of reverse frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than 50 percent of the setback required on the lots to the rear of such corner lot, and no accessory building on such corner lot shall project beyond the setback line of the lots in the rear; provided further, this regulation shall not be so interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record, or as shown by existing contract of purchase on March 20, 1969, to less than 28 feet or to prohibit the erection of an accessory building.

165.28 DWELLING AND PROPERTY OCCUPATION.

1. Any business of permitted use conducted at the residential dwelling in which one lives, or at any other structure on the same premises, shall not deface and/or alter the dwelling, property and accessory structures to appear anything other than a home and residential property. The dwelling must be lived in by the proprietor of the business.
2. The dwelling and accessory buildings shall not have storefront-style windows to display products or merchandise, nor shall such products be visible to the exterior in any way.
3. The dwelling and property occupation shall not be a nuisance to neighbors with undesirable sight, excessive sound, smell or air pollution nor cause traffic congestion.

4. All who maintain a dwelling and property occupation must apply annually for a permit to be signed and approved by the Zoning Administrator. This permit may be revoked at any time by the Zoning Administrator if the dwelling and property occupation ordinance is not strictly adhered to by the owner of the business.
5. In the event the owner of the business is renting the property and dwelling, the owner of the property must authorize the execution of such permit.

165.29 BUILDING LINES ON APPROVED PLATS. Whenever the plat of a land subdivision approved by the Planning and Zoning Commission and on record in the office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage unless specific yard requirements in this Zoning Ordinance require a greater setback.

165.30 FRONT YARD EXCEPTIONS. In areas where some lots are developed with a front yard that is less than the minimum required for the district by this Zoning Ordinance, or where some lots have been developed with a front yard greater than required by this Zoning Ordinance, the following rule shall apply. The front yard depth for a principal building located on a lot within 250 feet, measured along the street line, from the nearest corner of the lot under consideration to any portion of two or more lots in the same block, and which lots are occupied by dwellings that front on the same street as the proposed principal dwelling, shall be the average front yard depth of such existing dwellings.

1. Buildings located entirely on the rear half of a lot shall not be counted.
2. Buildings shall not be required to have a front yard greater than 50 feet or less than that required in the zoning district in which they are located.
3. If no building exists on one side of a lot within 250 feet of the lot in question, the minimum front yard shall be the same as the building on the other side.

165.31 OPEN SPACE. Yards or other open space provided about any building for the purpose of complying with the provisions of this Zoning Ordinance shall not be considered as providing a yard or open space for any other building. The lot area per family shall not be reduced in any manner except in conformity with the area regulations herein established for the district in which such building is located.

165.32 TEMPORARY DWELLING STRUCTURES. Temporary buildings, trailers, mobile homes, tents, portable or potentially portable structures shall not be used for dwelling purposes in any district, except when located within a mobile home park.

165.33 FACTORY-BUILT (MODULAR) HOUSES. A modular house is a structure built at a factory and inspected for compliance with either the *Uniform Building Code*, the *Uniform Plumbing Code*, the *Uniform Mechanical Code*, and the *National Electrical Code* or the *One and Two-Family Dwelling Code*, each with certain amendments as adopted as the *Iowa State Building Code* and mandatory for all such structures placed in Iowa. Compliance is evidenced by a seal issued by the Building Code Commissioner and attached to the house and accompanied by a copy of the manufacturer's certificate of compliance. A certified modular house shall be permitted anywhere a site-built or prefabricated site-erected building is permitted, whether meeting the same code requirements or not. A modular house may be placed on a parcel or lot if its placement as to yards and setback and minimum square footage meets the criteria which would apply to a site-built dwelling on the same lot. A modular house is not a mobile home or mobile home add-on unit.

4. Accessory buildings shall be no closer to the front right-of-way line than the front line of the principal building.
5. The accessory building shall not exceed one story or 18 feet in height with maximum side wall height of 10 feet.
6. Accessory buildings and structures shall not occupy more than 30 percent of any yard area on a lot and shall not exceed 1,000 square feet of building area.
7. No more than two accessory buildings or structures shall be allowed on any lot within any residential district.
8. The attachment of an accessory building to a main building as a means to circumvent the 10-foot rule is not allowed.
9. In the R District, a private garage is permitted in the side or rear yard on the same lot with a dwelling, either as a separate building or in a separate room within or attached to the dwelling, provided that space for not more than three motor vehicles is permitted. When wholly or partially within the limits of the side yard and attached to a principal building, such garage shall be considered a part of the principal building and shall conform to all yard and space requirements as specified in this Zoning Ordinance for principal buildings.
10. In the R District, a portable building is permitted in the side or rear yard on the same lot with a dwelling. It shall not exceed 144 square feet of floor space and a maximum building height of 10 feet. The portable building is considered a part of the maximum of 30 percent of the rear yard space requirement.

165.27 CORNER LOTS. For corner lots platted after March 20, 1969, the street side yard shall be equal in width to the setback regulation of the lots to the rear having frontage on the intersecting street. On corner lots platted and of record on March 20, 1969, the side yard regulation shall apply to the longer street side of the lot, except in the case of reverse frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than 50 percent of the setback required on the lots to the rear of such corner lot, and no accessory building on such corner lot shall project beyond the setback line of the lots in the rear; provided further, this regulation shall not be so interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record, or as shown by existing contract of purchase on March 20, 1969, to less than 28 feet or to prohibit the erection of an accessory building.

165.28 DWELLING AND PROPERTY OCCUPATION.

1. Any business of permitted use conducted at the residential dwelling in which one lives, or at any other structure on the same premises, shall not deface and/or alter the dwelling, property and accessory structures to appear anything other than a home and residential property. The dwelling must be lived in by the proprietor of the business.
2. The dwelling and accessory buildings shall not have storefront-style windows to display products or merchandise, nor shall such products be visible to the exterior in any way.
3. The dwelling and property occupation shall not be a nuisance to neighbors with undesirable sight, excessive sound, smell or air pollution nor cause traffic congestion.

4. All who maintain a dwelling and property occupation must apply annually for a permit to be signed and approved by the Zoning Administrator. This permit may be revoked at any time by the Zoning Administrator if the dwelling and property occupation ordinance is not strictly adhered to by the owner of the business.
5. In the event the owner of the business is renting the property and dwelling, the owner of the property must authorize the execution of such permit.

165.29 BUILDING LINES ON APPROVED PLATS. Whenever the plat of a land subdivision approved by the Planning and Zoning Commission and on record in the office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage unless specific yard requirements in this Zoning Ordinance require a greater setback.

165.30 FRONT YARD EXCEPTIONS. In areas where some lots are developed with a front yard that is less than the minimum required for the district by this Zoning Ordinance, or where some lots have been developed with a front yard greater than required by this Zoning Ordinance, the following rule shall apply. The front yard depth for a principal building located on a lot within 250 feet, measured along the street line, from the nearest corner of the lot under consideration to any portion of two or more lots in the same block, and which lots are occupied by dwellings that front on the same street as the proposed principal dwelling, shall be the average front yard depth of such existing dwellings.

1. Buildings located entirely on the rear half of a lot shall not be counted.
2. Buildings shall not be required to have a front yard greater than 50 feet or less than that required in the zoning district in which they are located.
3. If no building exists on one side of a lot within 250 feet of the lot in question, the minimum front yard shall be the same as the building on the other side.

165.31 OPEN SPACE. Yards or other open space provided about any building for the purpose of complying with the provisions of this Zoning Ordinance shall not be considered as providing a yard or open space for any other building. The lot area per family shall not be reduced in any manner except in conformity with the area regulations herein established for the district in which such building is located.

165.32 TEMPORARY DWELLING STRUCTURES. Temporary buildings, trailers, mobile homes, tents, portable or potentially portable structures shall not be used for dwelling purposes in any district, except when located within a mobile home park.

165.33 FACTORY-BUILT (MODULAR) HOUSES. A modular house is a structure built at a factory and inspected for compliance with either the *Uniform Building Code*, the *Uniform Plumbing Code*, the *Uniform Mechanical Code*, and the *National Electrical Code* or the *One and Two-Family Dwelling Code*, each with certain amendments as adopted as the *Iowa State Building Code* and mandatory for all such structures placed in Iowa. Compliance is evidenced by a seal issued by the Building Code Commissioner and attached to the house and accompanied by a copy of the manufacturer's certificate of compliance. A certified modular house shall be permitted anywhere a site-built or prefabricated site-erected building is permitted, whether meeting the same code requirements or not. A modular house may be placed on a parcel or lot if its placement as to yards and setback and minimum square footage meets the criteria which would apply to a site-built dwelling on the same lot. A modular house is not a mobile home or mobile home add-on unit.

165.34 MOBILE HOMES (MANUFACTURED HOMES). A manufactured (mobile) home is a structure built in a factory to the construction and safety standards established under the authority of 42 U.S.C., Section 5403. Where it is proposed to place such a home outside a mobile home park it shall be converted to real estate. A mobile home located outside of a mobile home park shall have a minimum width of 24 feet on its shortest side, and the structure shall meet minimum front, rear and side yard requirements of the lot in its residential or other permitted zone. The foundation of such mobile home shall be of an industry approved pier system, a permanent full foundation of concrete blocks set in mortar, or a poured concrete foundation. The footings shall be at least below the frost line and 12 inches below the top of undisturbed earth unless piling is required. The frost line shall be deemed to be 4½ feet below final finish grade at the foundation, and any backfill shall be properly compacted to prevent excessive frost penetration. Footings shall be at least 12 inches wide and 6 inches thick. The mobile home shall be firmly anchored in accordance with accepted practice. A mobile home not in place outside a mobile home park on the effective date of the ordinance codified in this section and not complying with the standards required for mobile homes since July 1976 under the State Building Code shall not be permitted to be converted to real estate. Only mobile homes complying with the standards of safety and construction required since 1976, with a medallion and certificate of compliance, may be placed outside a mobile home park after the effective date of the ordinance codified in this section.

165.35 LOTS OF RECORD. Any lot of record on March 20, 1969, which is located in any residence district, and which does not comply in area and/or minimum dimensions with the requirements of the district in which it is located, may be used for a single-family structure, provided that all setback and other requirements of this Zoning Ordinance are complied with.

165.36 STRUCTURES PERMITTED ABOVE HEIGHT LIMIT. The building height limitations of this Zoning Ordinance shall be modified as follows:

1. Chimneys, cooling towers, fire towers, grain elevators, monuments, penthouses, stacks, stage towers of scenery lofts, tanks, silos, water towers, ornamental towers and spires, radio or television towers or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances.
2. Public, semipublic or public service buildings, hospitals, sanitariums, or schools, when permitted in a district, may be erected to a greater height than otherwise permitted in the district if the building is set back from each property line at least one foot, in addition to the minimum yard requirements for each two feet of additional building height above the height limit otherwise provided in the district in which the building is constructed.

165.37 DOUBLE FRONTAGE LOTS. Buildings on double frontage lots extending through from street to street shall provide the required front yard on both streets.

165.38 REAR YARDS ADJACENT TO ALLEYS. In computing the depth of a rear yard where the rear yard opens on an alley, one-half of the alley width may be included as a portion of the rear yard.

165.39 OTHER EXCEPTIONS TO YARD REQUIREMENTS. Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for ordinary projections not to exceed 24 inches including roof overhang.

165.40 AUTO REPAIR. Where permitted in commercial districts, all auto repair, equipment repair and body repair activities must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to auto repair and body repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-way. Screening is subject to provisions of salvage yard screening requirements of Section 165.46(1)(C)(15). Any spray painting must take place within structures designed for that purpose.

165.41 SPECIAL PERMIT USES. The Board of Adjustment may, by special permit after public hearing, authorize the location of any of the following buildings or uses in any district in which they are otherwise prohibited by this Zoning Ordinance. Notice of time and place of hearing shall be given to all affected property owners at least 10 days in advance of hearing by placing notices in the United States mail:

1. Any public building erected and used by any department of the City, Township, County, State or Federal Government for maintenance or storage;
2. Airport or landing field;
3. Homes for the aged, nursing homes, nonprofit fraternal institutions provided they are used solely for fraternal purposes, and institutions of an educational, religious, philanthropic or charitable character; provided that the building shall be set back from all yard lines a distance of not less than two feet for each foot of building height but not less than the yard requirements for the district in which located;
4. Mobile home parks are subject to the minimum development requirements as follows:
 - A. Park.
 - (1) Front yard (to be measured from all streets on which park abuts): 50 feet;
 - (2) Side yard: 35 feet;
 - (3) Rear yard: 35 feet;
 - (4) Area: two acres;
 - (5) Drives: 25 feet in width surfaced with asphaltic or Portland cement concrete;
 - (6) Sanitary Facilities: connection with the municipal sewer system or adequate private sewage disposal facilities;
 - B. Mobile Home Spaces.
 - (1) Space size: 50 feet by 80 feet;
 - (2) Space area: 4,000 square feet;
 - (3) Off-drive parking: one parking space for each mobile home space;
 - (4) Front yard: 15 feet;
 - (5) Rear yard: 10 feet;
 - (6) Side yard: 5 feet.

5. Multiple dwellings, except in the M District, containing three or more dwelling units, provided the minimum lot area per dwelling unit shall be as follows:
 - A. With public sewer and water, 4,000 square feet per dwelling unit;
 - B. With public water and septic tanks, 6,000 square feet per dwelling unit;
 - C. With private well and septic tanks, 10,000 square feet per dwelling unit.
6. Preschools;
7. Public cemetery;
8. Dwelling and property occupations.

Special permits for any of the buildings or uses specified in this chapter shall be by the Board of Adjustment, which shall consider the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. Procedures of the Board of Adjustment for exceptions under this Zoning Ordinance shall be as set out in Section 165.22(2)(C).

165.42 NONCONFORMING USES.

1. Authority to Continue. Any building, structure or use lawfully established and existing on March 20, 1969, which does not conform to all of the regulations of the district in which it is located, may be continued subject to the provisions of this Zoning Ordinance. To avoid undue hardship, nothing in this Zoning Ordinance 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 the ordinance codified in this chapter, and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be diligently carried on until completion of the building involved.
2. Repairs and Alterations. Repairs and alterations may be made to a nonconforming building, provided that no structural alterations shall be made to a building which is designed or intended for a use not permitted in the district in which it is located, except that structural alterations may be made if they are required by law or are necessary to make the building and use thereof conform to the regulations of the district.
3. Additions and Expansions. A nonconforming building which is nonconforming as to size, height or setbacks, or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to, expanded or enlarged unless the entire building thereafter conforms to all of the regulations of the district as to size. A nonconforming use of land shall not be expanded or extended beyond the area it occupied on February 3, 1969.
4. Discontinuation. A building substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, which is or hereafter becomes vacant and remains unoccupied or is not used for a period of two years, shall not thereafter be occupied or used except in a manner which conforms to the use regulations of the district in which it is located. If a nonconforming use of land only is discontinued for a period of six months, such use shall not thereafter be renewed, and

any subsequent use of the land shall conform to the regulations of the district in which it is located.

5. Restoration of a Damaged Nonconforming Building. A building, designed or intended for a use which is not permitted in the district in which it is located, which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration shall exceed 60 percent of the cost of replacement of the entire building, shall not be restored unless such building and use thereof shall conform to all the regulations of the district in which it is located. If the cost of restoration of such damaged building does not exceed 60 percent of the cost of replacement of the entire building, no repairs or reconstruction shall be made unless such restoration is commenced within one year from the date of the fire or other casualty or act of God and is diligently pursued until completion.

6. Uses Under "Special Permit Uses." Any use for which a special exception is permitted as provided in Sections 165.36 through 165.41 of this chapter shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use.

165.45 COMMERCIAL DISTRICT.

1. Permitted Uses. The following principal uses are permitted in the C District:
 - A. Uses permitted in the R District;
 - B. Any local retail business or service establishments, such as the following:
 - (1) Animal hospitals, veterinary clinics or kennels
 - (2) Antique shops
 - (3) Automobile, truck, farm implement and mobile home sales and repair
 - (4) Baby stores
 - (5) Barber shops or beauty parlors
 - (6) Ballroom and dance halls
 - (7) Bars and taverns
 - (8) Bicycle and motorcycle shops – sales and repair
 - (9) Billboards
 - (10) Billiard parlors and pool halls
 - (11) Bookbinding
 - (12) Bowling alleys
 - (13) Candy shops
 - (14) Clothes dry cleaning
 - (15) Cocktail lounges
 - (16) Contractor's shops and warehouses
 - (17) Commercial parking lots
 - (18) Dairy stores – retail
 - (19) Dance and/or music studios
 - (20) Drive-in eating and drinking establishments
 - (21) Drugstores
 - (22) Electric substations
 - (23) Florist shops
 - (24) Fruit and vegetable markets
 - (25) Funeral homes
 - (26) Furniture stores
 - (27) Garages, public
 - (28) Gasoline service stations
 - (29) Golf-driving ranges and miniature golf courses

- (30) Gift shops
- (31) Groceries and delicatessens
- (32) Hardware stores
- (33) Hobby shops
- (34) Hotels, motels or motor lodges
- (35) Household appliances and equipment – sales and repair
- (36) Ice storage and distributing stations of not more than five-ton capacity
- (37) Jewelry shops
- (38) Launderettes and similar businesses
- (39) Laundries
- (40) Lawn mower repair shops
- (41) Non-slaughter meat processing
- (42) Monument sales and engraving
- (43) Office buildings
- (44) Packaging of candy, confections and/or frozen foods
- (45) Paint and wallpaper stores
- (46) Photographic studios
- (47) Post office substations
- (48) Printing and/or publishing businesses
- (49) Radio and television – sale and repair
- (50) Real estate offices
- (51) Restaurants, cafes and soda fountains
- (52) Sheet metal shops
- (53) Shoe repair shops
- (54) Sign painting shops
- (55) Sporting goods and camping equipment
- (56) Storage warehouses
- (57) Tailor shops
- (58) Tire repair shops
- (59) Variety stores.

C. Business or professional offices, supplying commodities or performing services.

2. Accessory Uses. The following accessory uses are permitted in the C District.

A. Accessory uses as permitted in the R District;

- B. Accessory uses and structures customarily incidental to any permitted principal uses.
- 3. Building Height. The building height limit in the C District is three stories, but not exceeding 45 feet in height.
- 4. Minimum Lot Area. For single-family dwellings in the C District, the minimum lot area requirement is the same as in the R District. There is no requirement for any other building except where living facilities are hereafter erected or altered above stores or other commercial uses, there shall be provided a lot area of not less than 1,000 square feet per dwelling unit.
- 5. Minimum Lot Width. In the C District, the minimum lot width requirement for a dwelling and any building containing any dwelling units is the same as in the R District. There is no requirement for any other building.
- 6. Minimum Front Yard Depth. The minimum front yard depth required in the C District is 25 feet except for properties fronting on Chestnut Avenue from the railroad to North Second Street and on First Street from Sycamore Avenue to Locust Avenue where the setback may conform to existing adjacent properties. When fronting on the right-of-way of a major thoroughfare shown on the official major thoroughfare plan, the front yard shall be measured from the proposed right-of-way line.
- 7. Minimum Side Yard Width. There is no minimum side yard width requirement in the C District except as follows:
 - A. Side yards shall be required for a dwelling and any building containing any dwelling and any building containing any dwelling units as required in the R District.
 - B. A side yard of not less than eight feet shall be required on that side of a lot which adjoins the R District.
- 8. Minimum Rear Yard Depth. The minimum rear yard depth required in the C District is 35 feet. For each foot that the front yard is increased over 25 feet, the rear yard may be decreased proportionately; except that where the rear yard adjoins the side lot line of a lot in the R District, there shall be a minimum rear yard of eight feet required adjacent to said lot line.
- 9. Fences, Walls and Plantings. For provisions on fences, walls and plantings, see Section 165.44(5) of this chapter.
- 10. Exceptions. For exceptions to the provisions of this section, see Sections 165.36 through 165.41 of this Zoning Ordinance.

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