

**Chapter 8: Property Standards**

**8.1 Property Standards.** The purpose of this chapter is to regulate all property within the City for protection of public health, safety, and welfare and to prevent interference with the comfortable enjoyment of life or property. Terms included herein may be defined in chapter 9 of this Code.

**8.2 Nuisance Prohibited.** The creation, causation, or maintenance of a nuisance, as defined in chapter 9 of the Code, is strictly prohibited due to the blight, annoyance, offense, danger, and other interferences created for members of the public by such nuisance.

**A. Abatement by the City.** Whenever the Mayor or other authorized person finds that a nuisance exists, the officer shall, unless seeking alternative relief, cause to be served upon the property owner a proper notice to abate the nuisance within a reasonable time after notice. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk who shall pay such expenses on behalf of the City. The Clerk shall certify costs of the abatement incurred by the City to the county auditor and it shall then be collected with, and in the same manner, as general property taxes. The following shall apply:

- 1. Notice to Abate.** The notice to abate shall contain:
  - a. Description of Nuisance.** A description of what constitutes the nuisance or other condition; and
  - b. Location of Nuisance.** The location of the nuisance or condition; and
  - c. Acts Necessary to Abate.** A statement of the act or acts necessary to abate the nuisance or condition; and
  - d. Reasonable Time.** A reasonable time within which to complete the abatement; and
  - e. Right to Hearing.** A statement that the notified party has a right to a hearing before the Mayor or Council’s designee, or his or her designee, by filing a written request therefore with such officer within a reasonable time; and

- f. **Assessment of City Costs.** A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.
- 2. **Method of Service.** The notice may be served upon a property owner by any of the following methods:
  - a. **Personal Service.** Personal service of the notice to the property owner by an employee or other contracted agent of the City; or
  - b. **Certified mail to the property owner.** By certified mail to the property owner of record and any persons in possession of the property. If a certified mailing has not been signed for by the property owner within ten (10) days of mailing, reasonable notice will be considered to have been given; or
  - c. **Sign on Property.** Posting a sign containing the notice in a conspicuous place on or near the property upon which action is pending. Such posted notice shall be of sufficient size and so placed upon the property that is easily visible from the street. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice; or
  - d. **Publishing.** Publication in a newspaper of general circulation in the City.
- 3. **Right to Hearing.** Any person ordered to abate a nuisance may have a hearing with the Mayor or Council’s designee, or his or her designee, as to whether a nuisance exists. The following shall apply:
  - a. **Request in Writing.** A request for a hearing must be made in writing and delivered to the Clerk, within the reasonable time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered.
  - b. **Hearing Officer.** The Mayor or Council’s designee, or his or her designee, shall serve as the hearing officer and the Clerk shall serve as secretary for the hearing.
  - c. **Procedures.** The hearing will be conducted according to the provisions of chapter 1.11 of this Code.

**d. Exhaustion of City Appeals.** The findings of the hearing officer shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

**e. Appeal to District Court.** Any person requesting a hearing will have the right to appeal for further review and decision to the appropriate Iowa District Court within fourteen (14) days of the final orders of the hearing officer.

**4. Emergency Abatement.** If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this chapter without prior notice.

**B. Habitual Violators.** If a person is found responsible for the creation of two or more nuisances of the same class within a twelve (12) month period, the Mayor or Council’s designee or other authorized person may declare the person to be a habitual violator, thereby allowing the City to abate further violations without notice and assess the abatement costs thereof to the owner of the private property involved. Once a person has been declared a habitual violator, this designation shall be in effect for three (3) years. Prior to determining any person as a habitual violator, the City shall provide the person reasonable notice and opportunity for a hearing under chapter 1.11. Notice shall be provided by any method allowed under chapter 8.2(A)(2).

**8.3 Property Maintenance and Life Safety Codes.** The section creates minimum property maintenance and life safety standards and accompanying enforcement measures.

**A. Property Maintenance and Life Safety Codes.** Each property within the City shall comply to the standards of The International Property Maintenance Code, 2009 Edition, as published by the International Code Council and the National Fire Protection Association (NFPA) 101 Life Safety Code, 2012 Edition as fully and completely as adopted below by reference:

- 1.** “Chapter 2: Definitions” of International Property Maintenance Code, 2009 Edition, as published by the International Code Council is hereby fully adopted by this reference and shall be used in the application of this ordinance and in regulation of property maintenance standards.
- 2.** “Chapter 3: General Requirements” of International Property Maintenance Code, 2009 Edition, as published by the International Code Council is hereby adopted by this reference and shall be used in the application of this ordinance and in regulation of property maintenance standards.

3. "Chapter 4: Light, Ventilation, and Occupancy Limitations" of International Property Maintenance Code, 2009 Edition, as published by the International Code Council is hereby adopted by this reference and shall be used in the application of this ordinance and in regulation of property maintenance standards.
4. "Chapter 5: Plumbing Facilities and Fixture Requirements" of International Property Maintenance Code, 2009 Edition, as published by the International Code Council is hereby adopted by this reference and shall be used in the application of this ordinance and in regulation of property maintenance standards.
5. "Chapter 6: Mechanical and Electrical Requirements" of International Property Maintenance Code, 2009 Edition, as published by the International Code Council is hereby adopted by this reference and shall be used in the application of this ordinance and in regulation of property maintenance standards.
6. "Chapter 7: Fire Safety Requirements" of International Property Maintenance Code, 2009 Edition, as published by the International Code Council is hereby adopted by this reference and shall be used in the application of this ordinance and in regulation of property maintenance standards.
7. "Chapter 8: References Standards" of International Property Maintenance Code, 2009 Edition, as published by the International Code Council is hereby adopted by this reference and shall be used in the application of this ordinance and in regulation of property maintenance standards.
8. "Chapter 24: One and Two Family Dwellings" of the National Fire Protection Association (NFPA) 101 Life Safety Code, 2012 Edition is hereby adopted by this reference and shall be used in the application of this ordinance and in regulation of life safety standards.
9. "Chapter 30: New Apartment Buildings" of the National Fire Protection Association (NFPA) 101 Life Safety Code, 2012 Edition is hereby adopted by this reference and shall be used in the application of this ordinance and in regulation of life safety standards.

**10.** “Chapter 31: Existing Apartment Buildings” of the National Fire Protection Association (NFPA) 101 Life Safety Code, 2012 Edition is hereby adopted by this reference and shall be used in the application of this ordinance and in regulation of life safety standards.

**B. Administrative Enforcement.** The Mayor or Council’s designee or other authorized person shall examine or cause to be examined every property or portion thereof likely to be in conflict with or in violation of this section. The enforcement officer shall provide the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer. Such notice shall also advise the owner that he or she may request a hearing, under chapter 1.11 before the Mayor or Council’s designee on the notice by filing a written request for hearing within the time provided in the notice.

**C. Method of Service.** The notice may be served upon a property owner by any of the following methods:

- 1. Personal Service.** Personal service of the notice to the property owner by an employee or other contracted agent of the City; or
- 2. Certified mail to the property owner.** By certified mail to the property owner of record and any persons in possession of the property. If a certified mailing has not been signed for by the property owner within ten (10) days of mailing, reasonable notice will be considered to have been given; or
- 3. Sign on Property.** Posting a sign containing the notice in a conspicuous place on or near the property upon which action is pending. Such posted notice shall be of sufficient size and so placed upon the property that is easily visible from the street. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice; or

**4. Publishing.** Publication in a newspaper of general circulation in the City.

**D. Request for Hearing.** Any notified party may request a hearing with the Mayor or Council’s designee to contest an order under this section. The following shall apply.

- 1. A request for a hearing must be made in writing and delivered to the Clerk, within the reasonable time stated in the notice, or it will be conclusively presumed that the order is valid; and
- 2. The Mayor or Council’s designee, or his or her designee, shall serve as the hearing officer and the Clerk shall serve as secretary for the hearing; and
- 3. The hearing will be conducted according to the provisions of chapter 1.11 of this Code; and
- 4. The findings of the hearing officer shall be conclusive.
- 5. Any person requesting a hearing will have the right to appeal for further review and decision to the appropriate Iowa District Court within fourteen (14) days of the final orders of the hearing officer.

**E. Order to Demolish.** The Mayor or Council’s designee or other authorized official shall order the demolition of buildings and structures meeting any of the following conditions:

- 1. If by reason of destruction, dilapidation, or neglect, a building or structure requires repairs or rehabilitation costing more than forty (40) percent of the replacement value of the building or structure in order to be brought into conformance with the standards adopted in this section; or
- 2. If the structure is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure.

**F. Compliance Agreements.** The Mayor or Council’s designee or other authorized person may enter into a compliance agreement with any person owning property not in compliance with the standards of chapter 8.3(A). The compliance agreement is a written, executed agreement with the property owner which sets terms for the property owner to complete improvements necessary for the property to be in substantial compliance with the standards of chapter 8.3(A). The voluntary compliance agreement shall provide reasonable terms for compliance and a description of necessary corrective action.

**G. Costs Assessed to Property.** Costs incurred to enforce any order of this section shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

**8.4 Rental Housing Certification Program.** The purpose of this section is to regulate rental housing facilities and conditions in order protect and promote the health, safety, and welfare of those persons utilizing such housing.

**A. Rental Certificate Required.** Every person offering a dwelling unit for rent within the City shall have a Rental Certificate from the City indicating that the unit has been properly registered and is in compliance with the property maintenance standards adopted in 8.3(A) of this chapter. No person shall rent, lease, operate, or otherwise allow the occupancy of any dwelling unit unless such person holds a valid rental certificate as is required by this section. Once rental registration and inspection requirements are satisfied, the Clerk shall issue a rental certificate for the dwelling unit.

**B. Remedy for Violations.** If a person is in violation of this regulation, the Mayor or Council’s designee or other authorized persons shall seek injunctive relief, any remedy by civil action, or any other relief authorized by another chapter of this Code.

**C. Initial Rental Registration.** Every dwelling unit being offered for rent at the date of the adoption of this section and every dwelling unit offered for rent after the adoption of this section must submit to the Clerk, on forms provided, an application requesting a rental certificate.

**D. Initial Inspection.** Every dwelling unit being offered for rent at the date of the adoption of this section and every dwelling unit offered for rent after the adoption of this section must have an initial inspection by the City to determine compliance with the standards adopted in chapter 8.3(A). The fee for the initial inspection shall be the regular inspection fee established in chapter 10 of the Code. If the dwelling unit is determined to be in compliance with the standards adopted in 8.3(A), no further inspection shall be required to receive the initial Rental Certificate for the dwelling unit. If the premises fail to comply, the inspector shall notify the applicant in writing, stating the reasons for such noncompliance. The inspector shall require the applicant to remedy defects prior to re-inspection. The Mayor or Council’s designee may enter into a reasonable compliance agreement as in Chapter 8.4(G) of this chapter with the property owner and a Rental Certificate may still be issued.

Each additional inspection required shall be subject to the regular inspection fee established in chapter 10.

**E. Ongoing Registration and Inspection Requirements.** Following the initial Inspection Registration and Inspection, each dwelling unit shall be subject to the following ongoing registration and inspection requirements as determined by the status of the dwelling unit.

**1. Accredited Dwelling Unit:** Accredited Dwelling Unit status is dependent on the maintenance of the following requirements:

**a. Registration.** An Accredited Dwelling Unit is a dwelling unit that has been timely registered in two consecutive years as required by 8.4(E)(3) of this chapter. In the initial year of the program, a dwelling unit which has been properly registered shall meet this requirement.

**b. Inspections.** An Accredited Dwelling Unit is a dwelling unit offered for rent that was in full compliance with the standards adopted in 8.3(A) upon the Initial Inspection or has maintained compliance with the standards of 8.3(A) following required corrective action or has remained in full compliance with any Compliance Agreement under 8.4(G).

**c. Nuisance, Parking Violations, or Municipal Infractions.** An Accredited Dwelling Unit is a dwelling unit with an owner or tenant that has not been found to be creating or maintaining any nuisance within chapter 8.2 of this Code upon the dwelling unit property within twelve months from filing of the most recent Rental Registration form or a dwelling unit occupied by a tenant who has committed, upon the dwelling unit property, a parking violation as prohibited by Chapter 5 of this Code or a municipal infraction as prohibited by Chapter 4 of this Code within twelve months from filing of the most recent Rental Registration form.

**2. Non-Accredited Dwelling Unit.** Any dwelling unit being offered for rent in the City that is not an Accredited Dwelling Unit.



- 3. Ongoing Registration Requirements.** Every person offering a dwelling unit must register the dwelling unit with the City every year by filing a Rental Registration Form. The registration shall be for a calendar year and each Rental Registration Form must be received before January 31 of the current year, but not earlier than November 15 of the previous year to be considered timely. The person offering the dwelling unit must pay the Rental Registration Fee as established in chapter 10 of this Code each year at the time the form is submitted.
  
- 4. Ongoing Inspection Requirements.** All units must be inspected annually, but requirements differ based upon the status of the unit.

  - a. Accredited Dwelling Units.** An accredited dwelling unit must be inspected by the City once every thirty-six (36) months. The timing of the City inspection is intended to be approximately thirty-six months following the most recent City inspection of the property, meaning another inspection method would be required for the two years not certified by an inspection by the City. In the two intervening years, the property owner of the dwelling unit shall perform a self-assessed inspection using an “Inspection Checklist” form provided by the City. The “Inspection Checklist” form for required self-assessed inspections must be submitted along with the annually required registration form. The property owner of an Accredited Dwelling Unit shall only pay the inspection fee established in chapter 10 in years in which the City performs the inspection. If the premises fail to comply, the inspector shall notify the applicant in writing, stating the reasons for such noncompliance and that the unit has lost Accredited Dwelling Status.
  
  - b. Non-Accredited Dwelling Units.** A Non-Accredited Dwelling unit must be inspected on an annual basis by the City. The property owner of a Non-Accredited Dwelling Unit shall pay the inspection fee established in chapter 10 every year at the time the City performs the annual inspection. If the premises fail to comply, the inspector shall notify the applicant in writing, stating the reasons for such noncompliance. Each additional inspection required shall be subject to the regular inspection fee established in chapter 10.
  
- F. Request for Hearing.** Any person offering a dwelling unit for rent may request a hearing with the Mayor or Council’s designee to contest an order under this section. The following shall apply:

1. A request for a hearing must be made in writing and delivered to the Clerk, within the reasonable time stated in the notice, or it will be conclusively presumed that the order is valid.
2. The Mayor or Council’s designee, or his or her designee, shall serve as the hearing officer and the Clerk shall serve as secretary for the hearing.
3. The hearing will be conducted according to the provisions of chapter 1.11 of this Code.
4. The findings of the hearing officer shall be conclusive.
5. Any person requesting a hearing will have the right to appeal for further review and decision to the appropriate Iowa District Court within fourteen (14) days of the final orders of the hearing officer.

**G. Compliance Agreements.** The Mayor or Council’s designee or other authorized person may enter into a compliance agreement with any person offering the dwelling unit for rent that is not in compliance with the standards of 8.3(A). The compliance agreement is a written, executed agreement with the person responsible for the dwelling unit under which such person agrees to bring the property into substantial compliance with the standards of 8.3(A). The voluntary compliance agreement shall provide reasonable terms for compliance and a description of necessary corrective action. An extension of the time limit for compliance shall be granted by the Mayor or Council’s designee if the person offering the dwelling unit for rent has shown due diligence or substantial progress in correcting the violation, but circumstances render full and timely compliance under the original conditions unattainable.

**8.5 Building Codes** The Iowa State Building Code promulgated by the Iowa State Building Code Advisory Council and the Iowa State Building Code Commissioner pursuant to Code of Iowa Chapter 103A is hereby adopted as and shall constitute the “Building Code of the City of Neola, Iowa,” to regulate the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the City, and the same is, by this reference, incorporated herein as fully and completely as if set forth in full. Any locally adopted code will not be applied if a higher or more stringent standard has been adopted as part of the Iowa State Building Code the City shall apply the higher or more stringent standard. The City shall serve as the local authority for plan review and inspections which would otherwise be performed by the State of Iowa Building Inspector or Fire Marshall. Locally adopted codes shall be the following:

**A. Existing Building Code.** Each property within the City shall comply to the standards of The International Existing Building Code, 2009 Edition, as published by the International Code Council fully and completely, subject to the following:

- 1. Strike and eliminate “Chapter 1: Scope and Administration.”
- 2. Fees shall be established by chapter 10 of the Code.

**B. International Building Code.** The International Building Code, 2009 Edition, and Appendix Chapters, as published by the International Code Council, subject to the following:

- 1. Sec. 101.01 Title. Insert Neola.
- 2. Sec. 101.4.1 Electrical. After ICC Electrical Code, insert "and the National Electrical Code, 2005 Edition, as Published by the National Fire Protection Association."
- 3. Sec. 101.4.2 Gas. After ICC Fuel Gas Code, insert "2006 Edition."
- 4. Sec. 101.4.3 Mechanical. After ICC Mechanical Code insert "2006 Edition."
- 5. Sec. 101.4.4 Plumbing. After ICC Plumbing Code insert "2006 Edition."
- 6. Sec. 101.4.5 Property Maintenance. After ICC Property Maintenance Code, insert "2006 Edition."
- 7. Sec. 101.4.6 Fire Prevention. After ICC Fire Code, insert "2006 Edition."

- 8. Sec. 101.4.7 Energy. After ICC Energy Conservation Code, insert "2006 Edition."
  - 9. Sec. 104.11 Alternative methods. After paragraph, insert "the Iowa Administrative Code 661, Chapter 16, Div. VI, Part 2 Manufactured Home Construction is hereby adopted for installation of mobile (manufactured) homes."
  - 10. Strike Sec. 108 Fees and replace with "Fees shall be established by Chapter 10 of the Code."
  - 11. Strike section 112 in its entirety.
  - 12. Strike section 113 in its entirety.
  - 13. Fees shall be established by chapter 10 of the Code.
- C. The International Mechanical Code** and Appendix Chapters, 2006 Edition, as published by the International Code Council, subject to the following:
- 1. Sec. 101.1 Title. Insert Neola.
  - 2. Strike section 108 in its entirety.
  - 3. Strike section 109 in its entirety.
  - 4. Fees shall be established by chapter 10 of the Code.
- D. The International Plumbing Code** and Appendix Chapters, 2006 Edition, as published by the International Code Council, subject to the following:
- 1. Section 101.1. Insert "Neola, Iowa."
  - 2. Strike section 108 in its entirety.
  - 3. Strike section 109 in its entirety.
  - 4. Fees shall be established by chapter 10 of the Code.

- E. The National Electrical Code** and Appendix Chapters, 2005 Edition, as published by the National Fire Protection Association, subject to the following:

  - 1. Fees shall be established by chapter 10 of the Code.
  
- F. The International Fire Code** and Appendix Chapters, 2006 Edition, as published by the National Fire Protection Association, subject to the following:

  - 1. Sec. 101.1. Insert "Neola."
  
  - 2. Sec. 109.3 Penalties. Insert "the maximum amount allowed by State Law. Each day a violation continues constitutes a separate violation."
  
  - 3. Fees shall be established by chapter 10 of the Code.
  
- G. The International Fuel Gas Code** and Appendix Chapters, 2006 Edition, as published by the International Code Council, subject to the following:

  - 1. Sec. 101.1 Insert "Neola."
  
  - 2. Sec. 105.5.2 Fee Schedule. Insert "Fees shall be established by chapter 10 of the Code."
  
- H. Permits Required.** Permits shall be required for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the City. Permit fees shall be established by chapter 10 of the Code. Permits will be requested and approved upon forms provided by the City and shall expire within one (1) year if work is not commenced or one (1) year after commencement.
  
- I. Conditions of Permits.** All work must be completed in accordance with approved plans and specifications within one (1) year following the issuance of the permit, and if not so completed, the permit shall automatically cancel. A permit shall automatically cancel if for any reason work is not commenced within one-hundred-twenty (120) days of the date of issuing the building permit or if work is substantially stopped for a period of one-hundred-eighty (180) days, prior to said cancellation, unless a written extension is granted by the enforcement officer upon good cause shown by the applicant for such extension.

**J. Stop Orders.** Whenever any work is being done contrary to the provisions of this section or any other valid regulation, the authorized official may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the City to proceed with the work.

**1. Notice to Stop.** The notice to stop shall contain:

**a. Description of Violation.** A description of what constitutes the violation causing the stop order; and

**b. Location.** The location subject to the stop order; and

**c. Right to Hearing.** A statement that the owner has a right to a hearing before the Mayor or Council’s designee, or his or her designee, by filing a written request therefore with such officer within a reasonable time.

**2. Method of Service.** The notice may be served upon a property owner by any of the following methods:

**a. Personal Service.** Personal service of the notice to the property owner by an employee or other contracted agent of the City; or

**b. Certified mail to the property owner.** By certified mail to the property owner of record and any persons in possession of the property. If a certified mailing has not been signed for by the property owner within ten (10) days of mailing, reasonable notice will be considered to have been given; or

**c. Sign on Property.** Posting a sign containing the notice in a conspicuous place on or near the property upon which action is pending. Such posted notice shall be of sufficient size and so placed upon the property that is easily visible from the street. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice; or

**d. Publishing.** Publication in a newspaper of general circulation in the City.

- 3. Request for Hearing.** Any person subject to a stop order may have a hearing with the Mayor or Council’s designee, or his or her designee, regarding the order. The following shall apply:
  - a. A request for a hearing must be made in writing and delivered to the Clerk, within the reasonable time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered.
  - b. The Mayor or Council’s designee, or his or her designee, shall serve as the hearing officer and the Clerk shall serve as secretary for the hearing.
  - c. The hearing will be conducted according to the provisions of chapter 1.11 of this Code.
  - d. The findings of the hearing officer shall be conclusive and, if a violation is found to exist, it shall be ordered correct or removed within a reasonable time under the circumstances.
  - e. Any person requesting a hearing will have the right to appeal for further review and decision to the appropriate Iowa District Court within fourteen (14) days of the final orders of the hearing officer.

**K. Remedy for Violations.** If a person is in violation of this regulation, the Mayor or Council’s designee or other authorized persons shall seek injunctive relief, any remedy by civil action, or any other relief authorized by another chapter of this Code.

**8.6 Building Numbering.** Every property in the City shall comply with the following building numbering requirements:

- A. Obtain Building Number.** The owner of each property in the City shall obtain the number street number assigned to the principal building from the Clerk. Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.
- B. Display Building Number.** The owner of each property in the City shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half (2 ½) inches in height and of a contrasting color with their background.

**C. Failure to Comply.** If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

**8.7 Noise Control.** The purpose of this Section is to prevent excessive sound, which is a serious hazard to the public health and welfare and to the quality of life in the City.

**A. Measurement of Noise.** The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. The measurement shall be a slow, A-weighted sound level.

**B. Regulations.** No person shall engage or participate in the making and creating of an excessive or unusually loud sound within the city heard and measured in the manner prescribed below, except when done under and in compliance with a permit issued by the City.

1. It shall be the duty of persons in a position of ownership, possession or control of premises to prevent such premises from being the site of activities producing sound levels in excess of what is permitted under this chapter. Failure or refusal to perform such duty shall constitute a violation of this section.
2. It shall be the duty of persons in positions of leadership or responsibility with respect to unincorporated associations, groups, gatherings and assemblages of people to prevent such from causing or making sound levels in excess of what is permitted under this chapter. Failure or refusal to perform such duty shall constitute a violation of this section.
3. For the purpose of determining and classifying any sound as excessive or unusually loud, the following test measurement and requirements are to be applied:



- a. The sound shall be measured at the edge of the city street or alley right-of-way reasonably appearing to be nearest to the source of the sound, or if in a park or agriculturally zoned area, approximately 25' from the source of the sound. When a complaint is received, a measurement may also be taken at a location on the property where the complaining party was disturbed.
- b. The sound shall be measured on a sound level meter of standard design and quality operated in the "A" slow response weighing scale.
- c. A sound measured or registered in excess of the maximum permitted levels according to the following table, is declared to be excessive and unusually loud and is unlawful.

Neighborhood Characteristic	Maximum Permitted
Residential	60 between 7 a.m. to Midnight
	55 between Midnight to 7 a.m.
Commercial	65
Industrial	80
Park or Agriculturally Zoned	65

**C. Remedy for Violations.** If a person is in violation of this regulation, the Mayor or Council’s designee or other authorized persons shall seek injunctive relief, any remedy by civil action, or any other relief authorized by another chapter of this Code.

**8.8 Zoning Regulations.** The regulations of this section provide comprehensive zoning and land use standards to serve the public health, safety and general welfare of the City and its citizens. The City intends that this Zoning Code and any amendments to it shall be consistent with the City's Comprehensive Plan. It is the City's intent to amend this Code whenever such action is deemed necessary to keep regulatory provisions in conformance with the Comprehensive Plan.

**A. Administration.** The following regulations shall apply to the administration and enforcement of the Zoning Code:

- 1. Planning and Zoning Commission.** There shall be a Planning and Zoning Commission, hereinafter referred to as the Commission, consisting of five (5) members. Members shall be residents of the City, appointed by the Council. Commission members shall be qualified by knowledge or experience to act in matters pertaining to the development of a City plan and shall not hold any elective office in the City government. The term of office of the members of the Commission shall be five (5) years. The terms of not more than one-third of the members will expire in any one-year. All members of the Commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the Council. Members of the Commission may be members of the Board also.
  
- 2. Board of Zoning Appeals.** A Board of Zoning Appeals, hereafter the Board, is hereby established. The Board shall consist of five (5) members appointed by the Mayor, subject to approval by the Council, for terms shall of five (5) years. Members of the Board may be members of the Commission also.
  
- 3. Zoning Administrator.** This section shall be enforced by the Zoning Administrator, hereafter the Administrator. The Administrator shall be appointed by the Council. The Administrator shall have the following duties: 1) to issue all zoning permits and certificates of zoning compliance, 2) to cause any building, structure, land, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein in violation of any provision of this section, 3) ensure any site plan, special exception permit, variance, or amendment approved by the Council or Board is faithfully executed, and 4) to interpret and enforce all zoning regulations.
  
- 4. Zoning Permit.** No structure shall be occupied by a new use unless a Certificate of Occupancy shall have been issued by the Administrator. No structure, including signs, shall hereafter be erected, reconstructed, structurally altered, enlarged, added to or removed, nor shall any excavation for any such structure be commenced until and unless a zoning permit shall have been issued by the Administrator. No accessory buildings shall be constructed or altered, site changes made, removals or any type of construction, reconstruction or redevelopment of property take place until and unless a zoning permit shall have been issued by the Administrator. No surface, impervious or pervious, shall be constructed on the property unless a zoning permit shall have been issued by the Administrator. The Administrator shall issue a Certificate of Occupancy or zoning permit after the following procedures and findings have been satisfied:

- a. An application, available from the Administrator, is completed in full and filed with the Administrator along with the required application fee.
  - b. Supporting information is provided with the application, such as a site plan indicating set back lines, building locations, proposed and existing uses and other such information, as the Administrator may require to ascertain compliance with this chapter.
  - c. A signed and attested statement from the property owner indicating compliance with all provisions of this chapter and a detailed explanation of any permitted nonconformities on the subject property is submitted to the Administrator.
  - d. The Administrator shall determine the location of lot lines for all zoning permit applications in which lot line location is necessary to determine in order to verify compliance with required yard regulations. The Administrator shall first confer with any adjacent property owner who may be affected by the application to determine if the adjacent property owner objects to the location of lot lines as asserted by the applicant. If the adjacent property owner objects to the location as asserted by the applicant, the applicant must obtain a survey at their own cost and submit it to the City with their application.
- 5. Permit Expiration.** All zoning permits issued under this chapter shall be requested and approved upon forms provided by the City and shall expire within one (1) year if work is not commenced or one (1) year after commencement.

- 6. Certificate of Zoning Compliance.** No land shall be occupied or used, and no building be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Administrator stating that the use complies with the provisions of this chapter. No change of use shall be made on any land or in any building or part thereof until a certificate is issued by the Administrator stating that the proposed use complies with the provisions of this chapter. Changes of use, without physical improvements to the property may request a certificate of zoning compliance without first receiving a zoning permit. Certificates of zoning compliance shall not be used as any form of guarantee from the City that the property owner has complied with this chapter. The responsibility to comply with this section rests entirely upon the property owner. The Administrator may revoke a certificate at any time upon knowledge of non-compliant use of the property. In the event a certificate of compliance is revoked the property owner shall be notified by certified mail. All holders of zoning permits shall apply for a certificate of zoning compliance within thirty (30) days of completion of the improvement for which the zoning permit was secured.
  
- 7. Special Exception Permit.** Where Table 2 and Table 3 in this section require a Special Exception Permit, the following procedures for submission and approval by the Board shall be followed:

  - a. Purpose.** A Special Exception Permit allows the Board to permit uses or area and dimensional exceptions that may be compatible with the general plan, but which are not routinely allowed or permitted by right. The process emphasizes transparency and openness by requiring a public hearing process. The process is focused on preventing and controlling certain uses and conditions which could have detrimental effects on a community or neighboring properties, but provides flexibility from rigid application of rules which would prevent desirable outcomes. Approval is a discretionary act. A Special Use Permit may impose conditions on a property or use to ensure compatibility with nearby land uses.
  
  - b. Application.** An application for a Special Exception Permit, available from the Administrator, shall be completed in full and filed with the Administrator along with the required application fee as required by chapter 10 of this Code.

- c. Criteria.** Specific criteria that the Board and Commission may consider when evaluating a Special Exception application include, but are not limited to the following:

  - i. Special Exceptions for Use.** Table 2 provides eligible uses for a Special Exception according to District designation. The Board must evaluate whether the granting of the Minor Special Exception will be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. In addition, the Board must make a finding that the proposed use satisfies the goals and objectives of the Comprehensive Plan and will contribute to the general welfare of the community.
  - ii. Special Exceptions for Area and Dimension.** The Board may permit a Special Exception for area and dimension regulations when specifically authorized to by the Section.
- d. Hearing by Commission.** The Commission shall hold a hearing regarding the application within thirty (30) days of receipt of the complete application. A public notice of the hearing shall be published in the same manner as required by Chapter 362.3(b) of the Code of Iowa. The Commission shall transmit a written recommendation on the disposition of the application to the Board. The Commission shall make the recommendation to the Board with fourteen (14) days of the hearing. If all members of the Commission are also members of the Board, this requirement shall not be necessary.
- e. Hearing and Decision by Board.** The Board shall act upon a Special Exception Permit within thirty (30) days of receiving a recommendation on the application from the Commission. Failure to act within thirty (30) days shall constitute a denial of the application. The Board shall deny, approve, or approve with conditions the application for a Special Exception Permit and transmit a written decision to the applicant. The decision of the Board shall contain specific findings of fact supporting the granting or denial of a Special Exception Permit and shall clearly set forth any conditions or restrictions imposed by the Special Exception Permit. The Board shall render its decision on the application within fourteen (14) days of the hearing.

- f. Revocation of Special Exception Permit.** At any time, the Board may revoke the Special Exception Permit upon finding the applicant has violated the conditions of approval. Prior to revocation the Board shall give the applicant a hearing in conformance with chapter 1.11 of this Code. The Board may reinstate the Special Exception Permit if the owner remedies the deficiencies causing the revocation of the Special Exception Permit. If not reinstated, the property owner shall be in violation of this chapter and the City may pursue its remedies thereunder.
  
- 8. Site Plan Review.** The Site Plan Review procedure provides for review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property. The following shall apply:

  - a. Application.** A completed site plan must be filed with the Administrator along with the application fee required in chapter 10.
  
  - b. Uses Requiring Site Plan Review.** The following selected uses shall follow the Site Plan review procedure prior to the issuance of a building permit:

    - i. Multiple family developments with 3 or more dwelling units; and
  
    - ii. Civic use facilities; and
  
    - iii. Any commercial, industrial, or office use.
  
  - c. Authority to Approve.** The Administrator, or his/her designee(s) shall review and evaluate as site plans, and shall transmit such recommendation to the Council for review and denial or approval.
  
  - d. Application Requirements.** An application for a Site Plan Review may be filed by the owner(s) of a property or the owners' authorized agent with the Administrator. The application shall include the following information:

    - i. Name and address of the applicant; and
  
    - ii. Owner, address, and legal description of the property; and
  
    - iii. A description of the nature and operating characteristics of the proposed use; and

- iv. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
  - (i) The date, scale, north point, title, name of owner, and name of person preparing the site plan; and
  - (ii) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements; and
  - (iii) The location, size, and use of proposed and existing structures on the site; and
  - (iv) The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, signage, and lighting; and
  - (v) Location of any major site feature, including drainage and contours at no greater than five foot intervals; and
  - (vi) Any other information that may be required for review by the Administrator, or his/her designee.
  
- e. **Review and Evaluation.** The Board shall review and approve or disapprove the site plan based on the following criteria:
  - i. **Height and Bulk.** Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations; and
  - ii. **Building Coverage.** Building coverage should be similar to that of surrounding development of possible higher coverage should be mitigated by landscaping or site amenities; and
  - iii. **Frontage.** Project frontage along a street should meet minimum frontage requirements and provide reasonable exposure for the development; and

- iv. Parking and Internal Circulation.** Parking should serve all structures with minimal conflicts between pedestrians and vehicles. All structures must be accessible to public safety vehicles. Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points; and
- v. Landscaping.** Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage ways should be preserved; and
- vi. Building Design.** Architectural design and building materials should be compatible with surrounding areas or highly visible locations. Highly visible developments should maximize the aesthetic appeal of the community; and
- vii. Traffic Capacity.** Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations; and
- viii. External Traffic Effects.** Project design should direct non-residential traffic away from residential areas; and
- ix. Operating Hours.** Projects with long operating hours must minimize effects on surrounding residential areas; and
- x. Outside Storage.** Outside storage areas must be screened from surrounding streets and less intensive land uses; and
- xi. Storm Water Management.** Development should handle storm water adequately to prevent overloading of public storm water management system. Development should not inhibit development of other properties. Development should not increase probability of erosion, flooding, landslides, or other runoff related effects; and
- xii. Comprehensive Plan.** Projects should be consistent with the City Comprehensive Plan; and
- xiii. Lighting.** Impact of exterior lighting on surrounding area.



- f. Modification of Site Plan.** The Board may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to, additional landscaping or screening; installation of erosion control measures; improvement of access or circulation; rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, welfare, community character, property values, and/or aesthetics.
  - g. Expiration.** A Site Plan approval shall become void one year after the date of approval, unless the applicant receives a Zoning Permit and diligently carries out development prior to the expiration of this period.
  - h. Administration Following Approval.** The Administrator, or his/her designee, may approve an application to modify a previously approved site plan if he/she determines that the modification does not affect findings related to the criteria set forth above. The Administrator, or his/her designee may revoke a Site Plan approval if he/she determines that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Board.
- 9. Variance.** The Board may authorize, upon appeal in specific cases, such variance from the standards provided in Table 3, as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance can be considered for the property development standards of Table 3 only and variances for uses as provided in Table 2 is expressly disallowed. A variance is any deviation from the use, area, or dimensional standards of this ordinance not meeting the standard of a Minor Special Exception or Special Exception. The Board shall act upon the variance request within thirty (30) days of the public hearing. Failure to act within thirty (30) days shall constitute denial of the request. A variance from the terms of this ordinance shall not be granted by the Board unless and until:
- a. Application.** An application for a variance must be filed with the Administrator along with the application fee required in chapter 10; and

**b. Hearing by Commission.** The Commission shall hold a hearing regarding the application within thirty (30) days of receipt of the complete application. A public notice of the hearing shall be published in the same manner as required by Chapter 362.3(b) of the Code of Iowa. The Commission shall transmit a written recommendation on the disposition of the application to the Board. The Commission shall make the recommendation to the Board with fourteen (14) days of the hearing. If all members of the Commission are also members of the Board, this requirement shall not be necessary.

**c. Hearing and Decision by Board.** The Board may hold a hearing and act upon the variance application within thirty (30) days of receiving a recommendation on the application from the Commission. A public notice of a hearing shall be published in the same manner as required by Chapter 362.3(b) of the Code of Iowa. Failure to act within thirty (30) days shall constitute a denial of the application. The Board shall deny, approve, or approve with conditions the application for a variance and transmit a written decision to the applicant. The Board shall render its decision on the application within fourteen (14) days of the hearing.

**d. Criteria for Approval.** Prior to approving any variance, the Board shall make the following findings:

- i. That 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; and
- ii. That literal interpretation of the provisions of this section would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; and
- iii. That the special conditions and circumstances do not result from the actions of the applicant; and
- iv. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance; and

- v. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible the reasonable use of the land, building or structure; and
  - vi. The Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- e. Conditions, Safeguards, and Prohibition of Use Variances.** In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations 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 ordinance. Under no circumstances shall the Board grant a variance to allow a use not permitted in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
- f. Remand by Council.** The Council may remand a decision to grant a variance to the Board for further study. The effective date of the variance is delayed for thirty (30) days from the date of the remand. The Board may act upon the remand any time after the thirty (30) days has passed.
- 10. Appeals.** The Board shall hear appeals from any person aggrieved by or contesting a decision of the Administrator. The following shall apply:
- a. **Requirements for Appeal.** A written request for appeal, which states the basis for the appeal, must be filed with the Administrator along with the fee required in chapter 10; and
  - b. **Repose and Limitation of Appeal.** Appeals shall be filed within thirty (30) days from when notice of the decision is served.
  - c. **Filing Requirements.** The appeal shall be filed with the Clerk on a form available from the Clerk.
  - d. **Conduct of Hearing.** The appeal hearing will be conducted according to the provisions of chapter 1.11 of this Code.
  - e. **Timing of Decision.** The Board shall render a decision on the appeal within thirty (30) days of the appeal; and

- f. Tolling of Order.** An appeal shall toll the period to complete any requirements ordered by the Administrator until the Board has made a final decision on the appeal.
  - g. Further Appeal.** The appellant may appeal any decision of the Board to the appropriate District Court.
- 11. Amendments.** The Council may from time to time, on its own motion or on petition, amend, supplement, change, modify or repeal the boundaries of districts or regulations herein established. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the Commission for its report and recommendation. The Commission shall hold a public hearing on the proposed amendment and make a report and recommendation to the Council within forty-five (45) days of the public hearing. Failure to act within forty-five (45) days shall constitute a recommendation of denial. Within thirty (30) days of receipt of the Commission’s recommendation, the Council shall hold a public hearing on the proposed amendment. The Council shall act on the proposed amendment within forty-five (45) days of the public hearing. The City may take an additional forty-five (45) days to implement required multiple readings of the ordinance and required publication. Failure to enact an amendment within ninety (90) days shall constitute denial of the amendment. Reconsideration of any map or text amendment, after denial, shall not occur within one year of the denial and must be processed as if it were newly initiated; following the same procedures before the Commission and Council.
- 12. Divided Property.** Where one (1) parcel of property is divided into two (2) or more portions by reason of different zoning district classifications, each portion shall be used independently of the other in its respective zoning classification, and for the purpose of applying the regulations of this section, each portion shall be considered as if in separate and different ownership.
- 13. Vacated Streets or Roads.** Whenever any street, road, alley or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert to include right-of-way of the public way thus vacated which shall thenceforth be subject to all regulations of the extended district or districts.

**14. Enforcement.** The Administrator shall issue enforcement orders in writing. An enforcement order shall provide notice to the property owner or occupant of any violation by indicating the nature of the violation and the action necessary to correct it. The Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions. The following shall apply:

- a. Civil Action for Violations.** If a person is in violation of this regulation, the Mayor or Council’s designee or other designated official shall seek any remedy provided for by Chapters 4.2, 4.5, or by civil action.
  
- b. Separate Offenses.** The owners or tenant of any building, structure, land or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may each be charged with a separate offense and upon conviction suffer the penalties herein provided.
  
- c. Other Remedies.** In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, nothing herein contained shall prevent the City from taking other lawful action as is necessary to prevent or remedy any violation.

**15. Nonconformities.** Any lawful use of land or structures existing at the time of passage of this section or subsequent amendment, may be continued with the following limitations:

- a.** No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of this chapter. Use or occupation of an area of land is intended to mean only that land which is actually utilized by the nonconforming use and shall not be interpreted to include a larger area of land by virtue of ownership, intent to use or any other argument less than actual use and physical occupation by the nonconforming use; and
  
- b.** No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel which was not physically occupied by such use at the time of adoption of this chapter; and

- c. Any structure containing a nonconforming use which has deteriorated or has been damaged to the extent of forty-percent (40%) of its replacement costs, as estimated immediately prior to damage, shall not be repaired or reconstructed, except in conformity with this chapter; and
- d. No nonconforming use may be substituted for any other nonconforming use; and
- e. A nonconforming use may be converted only to a conforming use. Once a use has been converted to a conforming use, it shall not be converted back to a nonconforming use; and
- f. No nonconforming use shall be established after having been discontinued for six months. Vacating of premises or building or non-operative status of the use shall be evidence of discontinuance; and
- g. A nonconforming use shall be terminated relating to any transfer or conveyance of portion of the property comprising the nonconforming use; however, a transfer or conveyance of the total property comprising the nonconforming use shall not terminate said nonconforming use; and
- h. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten percent (10%) of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.
- i. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located; and

- j. Any use of land, use of structure, or any structure in existence at the time of adoption of this chapter which was not an authorized nonconformity under previous zoning chapters, shall not be authorized to continue its nonconforming status pursuant to this chapter or amendments thereto.

**B. Classification and Use Types.** The Zoning Code establishes a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Administrator shall have the authority to determine the appropriate use type. The Administrator shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination. The following shall apply:

- 1. **Agricultural Use Types.** Agricultural use types include the on-site production and sale of plant and animal products by agricultural methods.
  - a. **Animal Production.** The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational use. Typical uses include grazing, ranching, dairy farming, and poultry farming.
  - b. **Crop Production.** The raising and harvesting of tree crops, row crops for field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.
  - c. **Horticulture.** The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.
  - d. **Intensive Agriculture.** Uses on farms which include feed lots, hog and cattle farms and poultry operations where animals are tightly confined in buildings or outdoor pens, where less than fifty percent (50%) of the feed is grown on site, and which are not compatible with an urban or urbanizing area.
- 2. **Residential Use Types.** Residential use types include uses providing wholly or primarily non-transient living accommodations. Residential uses include:

- a. **Single Family Residential (Detached).** The use of a site for one dwelling unit, occupied by one family. A single family residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit.
  
  - b. **Duplex Residential.** The use of a legally described lot for two dwelling units, each occupied by one family within a single building.
  
  - c. **Townhouse Residential.** The use of a site for two, but not more than twelve or more attached dwelling units, each occupied by one family and separated by vertical side walls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls.
  
  - d. **Multiple-Family Residential.** The use of a site for three or more dwelling units within one building.
  
  - e. **Upper-Story Residential.** The use of a building level(s) over and above the street level story for single or multiple family residential uses. The building level at street level shall not have any residential space, unless otherwise necessary for handicap accessibility in a multi-family use.
  
  - f. **Group Residential.** The use of a site for a residence by four or more unrelated persons, not defined as a family, on a weekly or longer basis.
  
  - g. **Retirement Residence.** A building or group of buildings which provide residential facilities for four or more residents of at least fifty years of age, or households headed by a householder of at least fifty years of age. A retirement residence may provide a range of residential building types and may also provide general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences with more than 50 living units may include additional health care supervision or nursing care, provided that the number of beds for such residences shall not exceed 25% of the total number of individual living units. Typical uses include assisted living centers or retirement centers.
3. **Civic Use Types.** Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with social importance.



- a. Administration.** Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.
- b. Cemetery.** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium's, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- c. Clubs.** Uses providing meeting, recreational, or social facilities for a private, non-profit or non-commercial association, primarily for use by members and guests.
- d. College and University Facilities.** An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.
- e. Convalescent Services.** A use providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental illness, or communicable disease. Typical uses include nursing homes.
- f. Cultural Services.** A library, museum, or similar registered non-profit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.
- g. Day Care Services (Limited).** Includes all classifications of day care facilities regulated by the State of Iowa that operate providing care for not more than six (6) children. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.
- h. Day Care Services (General).** Includes all classifications of day care facilities regulated by the State of Iowa that operate providing care for more than six (6) children. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

- i. Detention Facilities.** A publicly operated or contracted use providing housing and care for individuals legally confined, which is designed to isolate those individuals from the community.
- j. Emergency Residential Services.** A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings. Such facilities being limited to no more than three (3) victims at any one time.
- k. Family Home.** A facility as defined in Iowa Code Section 414.22, and including, but not limited to, Elder Family Homes and Elder Group Homes.
- l. Elder Family Homes.** A facility as defined in Iowa Code Section 231A.
- m. Elder Group Homes.** A facility as defined in Iowa Code Section 231B.
- n. Group Care Facility.** A government-licensed or approved facility which provides for resident care and short or long-term, continuous multi-day occupancy of more than 8 but no more than 30 unrelated persons, not including resident staff. Purpose of the facility may include the following:

  - i.** Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder; or developmental disabilities.
  - ii.** Rehabilitation from the effects of drug or alcohol abuse.
  - iii.** Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work-release, and probationary programs.
  - iv.** Others who require direct adult supervision.
- o. Group Home.** A facility licensed by the State of Iowa in which at least three but no more than eight persons, not including resident Mayor or Council’s designees or house parents, who are unrelated by blood, marriage, or adoption, reside while receiving therapy, training, living assistance, or counseling for the purpose of adaptation to living with or rehabilitation from a physical or mental disability as defined by the relevant provisions of the Code of Iowa or by the Fair Housing Amendments Act of 1988.

- p. Guidance Services.** A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.
- q. Health Care.** A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to out-patients, employees, or visitors.
- r. Hospital.** A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis, including emergency treatment, diagnostic services, training, administration, and services to patients, employees, or visitors.
- s. Maintenance Facilities.** A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.
- t. Park and Recreation Services.** Publicly owned and operated parks, playgrounds, recreation facilities, and open spaces.
- u. Postal Facilities.** Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service.
- v. Primary Educational Facilities.** A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of Iowa.
- w. Public Assembly.** Facilities owned and operated by a public agency or a charitable non-profit organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, incidental sales, and exhibition facilities.

- x. Religious Assembly.** A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto (excluding private primary or private secondary educational facilities, community recreational facilities, day-care facilities, and incidental parking facilities). A property tax exemption obtained pursuant to Property Tax Code of the State of Iowa shall constitute prima facie evidence of religious assembly use.
  
- y. Safety Services.** Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.
  
- z. Secondary Educational Facilities.** A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of Iowa.
  
- aa. Utilities.** Any above ground structures or facilities, other than lines, poles, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, delivery, collection, or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land.
  
- 4. Office Use Types.** Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

  - a. General Offices.** Use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices.
  
  - b. Financial Services.** Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, savings banks, and loan companies. An ATM (Automatic Teller Machine) which is not accompanied on-site by an office of a its primary financial institution is considered a "General Retail Services" Use Type.

- c. Medical Offices.** Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar practitioners licensed for practice in the State of Iowa.
  
- 5. Commercial Use Types.** Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

  - a. Agricultural Sales and Service.** Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, farm implement dealerships, feed and grain stores, and tree service firms.
  
  - b. Automotive and Equipment Services.** Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

    - i. Automotive Rental and Sales.** Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
  
    - ii. Auto Services.** Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.

- iii. Body Repair.** Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
  
- iv. Equipment Rental and Sales.** Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
  
- v. Equipment Repair Services.** Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.
  
- vi. Short-Term Vehicle Storage.** Storage of operating or non-operating vehicles for a period of no more than forty (40) days. Typical uses include storage of private parking tow-away or impound yards but exclude dismantling or salvage. Long-term storage of operating or non-operating vehicles beyond (40) days constitutes an Industrial Use Type.
  
- c. Bed and Breakfast.** A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always owned and operated by the owner of the structure, include no more than ten units, and accommodate each guest or visitor for no more than 7 consecutive days during any one-month period.

- d. Business Support Services.** Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.
  
- e. Business or Trade Schools.** A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
  
- f. Campground.** Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than 7 consecutive days during any one-month period.
  
- g. Commercial Recreation.** Private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Typical uses include driving ranges, theaters, private dance halls, or private skating facilities. Commercial recreation is divided into the following categories:

  - i. Commercial Recreation (Limited).** Facilities which include a structure of five thousand (5,000) square feet or less and/or a site covering an area of no more than one-half acre.
  
  - ii. Commercial Recreation (General).** Facilities which include a structure of more than five thousand (5,000) square feet or and/or a site covering an area of more than one-half acre.
  
- h. Communications Services.** Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities. Broadcast towers, and their minor ancillary ground structures are classified as "Miscellaneous Use Types."

- i. Construction Sales and Services.** Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales, or tool and equipment rental or sales.
  
- j. Consumer Services.** Establishments which provide services, primarily to individuals and households, but excluding Automotive Use Types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.
  
- k. Convenience Storage.** Storage services primarily for personal or non-intrusive commercial activity. Typical uses include mini-warehousing.
  
- l. Convenience Food Sales.** Establishments occupying facilities of less than five thousand (5,000) square feet; and characterized by sales of specialty foods or a limited variety of general items, and by the sales of fuel for motor vehicles.
  
- m. Food Sales.** Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

  - i. Limited Food Sales.** Establishments occupying facilities of less than five thousand (5,000) square feet; and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, small grocery stores.
  
  - ii. General Food Sales.** Establishments selling a wide variety of food commodities, using facilities larger than five thousand (5,000) square feet. Typical uses include supermarkets.
  
- n. Funeral Services.** Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.



- o. Gaming Facilities.** Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to licensing regulations of the City of Neola or the State of Iowa.
  
- p. General Retail Services (Small and Large Scale).** Sale or rental with incidental service of commonly-used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:

  - i. General Retail Services (Small Scale)** include facilities with no more than five thousand (5,000) square feet in a single establishment or fifteen thousand (15,000) square feet within a multiple tenant Common Development.
  
  - ii. General Retail Services (Large Scale)** include facilities of five thousand (5,000) square feet or more in a single establishment or fifteen thousand (15,000) square feet or more within a multiple tenant Common Development.
  
- q. Hotel.** One or more buildings containing twenty (20) or more guest rooms, with such rooms being designed, intended to be used or are used as temporary or overnight accommodations for guests in which daily services of linen change, central telephone switchboard, towel change, soap change, general clean-up, and a registration lobby staffed on a twenty-four (24) hour daily basis are provided by the management. Each room shall be a minimum of two-hundred-fifty (250) square feet in area, exclusive of bathroom, closet, or balcony space. No room may be used by the same person or persons for a period exceeding thirty (30) days per year. Access to all rooms shall be provided through one or more common entrance(s). Accessory uses are encouraged and permitted accessory uses include restaurants, cocktail lounges, banquet halls, ballrooms, or meeting rooms.
  
- r. Kennel.** Boarding and care services for dogs, cats and similar small mammals or large birds; or any premises on which three or more animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, ostrich raising facilities; pet motels, or dog training centers.

- s. **Laundry Services.** Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plans, diaper services, or linen supply services.
  
- t. **Liquor Sales.** Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.
  
- u. **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 vehicles and a unique point of access for each unit.
  
- v. **Personal Improvement Services.** Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a non-professional nature. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
  
- w. **Personal Services.** Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; or dry cleaning stations serving individuals and households, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
  
- x. **Pet Services.** Pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.
  
- y. **Research Services.** Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.

- z. Restaurants.** A use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 per cent of the establishment's gross income. Further definition is as follows:

  - i. Restaurant (Drive-in or Fast Food).** An establishment which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.
  - ii. Restaurant (General).** An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to Drive-in or Fast Food Restaurants. Typical uses include cafes, coffee shops, and restaurants.
  
- aa. Restricted Businesses.** Any business activity which offers the opportunity to view sexual activities or view or touch anatomical areas for entertainment purposes in a manner that offends contemporary standards in the City, depicts or describes sexual conduct in a patently offensive way, and lacks serious literary, artistic, political, or scientific value. This category includes the sale or viewing of visual or print materials that meet these criteria. Typical uses include retail services or stores which are distinguished by an emphasis on activities or materials that emphasize sexual content; businesses which offer live performances characterized by exposure of specified anatomical areas; and adult theaters.
  
- bb. Stables and/or Riding Academies.** The buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

**cc. Surplus Sales.** Businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.

**dd. Trade Services.** Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.

**ee. Tavern/Lounge.** A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.

**ff. Vehicle Storage- Long Term.** Storage of private parking tow-away or impound yards beyond forty (40) days but excluding dismantling or salvage.

**gg. Veterinary Services.** Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.

**6. Parking Use Types.** Limited to Off-Street Parking Lots/Facilities, which include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility.

**7. Industrial Use Types.** Industrial use types will be classified according to each use type’s impact on the surrounding area and community at-large. Industrial use types are the following:

**a. Construction Yards.** Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.

- b. Custom Manufacturing.** Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving: the use of hand tools, the use of domestic mechanical equipment not exceeding 2 horsepower, or use of a single kiln not exceeding 8 KW or equivalent. This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, candle making shops.
  
- c. Light Industry.** Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or un-enclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.
  
- d. General Industry.** Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, storage, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.
  
- e. Heavy Industry.** Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.
  
- f. Recycling Collection.** Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
  
- g. Recycling Processing.** Any site which is used for the processing of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.



**d. Construction Batch Plant.** A temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.

**e. Landfill (Non-putrescible Solid Waste Disposal).** The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile.

**f. Landfill (Putrescible and Non-putrescible Solid Waste Disposal).** The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Iowa. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage) and manure.

**C. Establishment of Zoning Districts.** Zoning Districts are established in this Zoning Code to promote compatible land use patterns and to establish site development regulations appropriate to the purposes and specific nature of each district. Each Zoning District is designed to achieve the goals of the Comprehensive Plan. The following base districts and overlay districts are hereby established. A base district designation shall apply to each lot or site within the City and its planning jurisdiction. Each site must be in one base district. References in this Zoning Code to less intensive or more intensive districts shall represent a progression from the Single-Family Residential District as the least intensive to the Limited Industrial District as the most intensive. Table 1 displays the names of these districts. The Zoning Map attached as Exhibit A will serve as the Official Zoning Map to enact the establishment of Zoning Districts.

**Table 1**

<b>ZONING DISTRICTS</b>	<b>DISTRICT NAMES</b>
SFR	Single Family Residential District
UDR	Urban Density Residential District
FMU	Flexible Mixed Use District
TC	Town Center District
HC	Highway Corridor District
GC	General Commercial and Industrial District
AR	Agriculture Reserve District
PUD	Planned Unit Development District

- 1. Single-Family Residential (SFR).** This district is intended to provide for low to moderate density residential neighborhoods, characterized by single-family dwellings on relatively large lots with supporting community facilities and urban services. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
  
- 2. Urban Density Residential (UDR).** This district is intended to provide for medium-density residential neighborhoods, characterized by single-family dwellings on moderately-sized lots with supporting community facilities and urban services. Its regulations apply to established parts of the City and to new areas which are developed to higher residential densities. Regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
  
- 3. Flexible Mixed-Use (FMU).** This district is intended to recognize historical zones of transition between commercial and residential uses, but to provide general flexibility to allow for mixed uses. Desired uses include multiple-family housing, community facilities, commercial, and office uses. Uses that are more intense or less intense than the desired uses stated above shall be permitted by Special Exception Permit and the Board shall attach any conditions necessary to harmonize uses to the greatest degree possible.
  
- 4. Town Center (TC).** This district is designed for the preservation and enhancement of the Town Center or Downtown Business District. The regulations will encourage development that exhibits attractive design characteristics, storefront-style shopping; and greater social interaction. The district will accommodate mixed-use buildings with retail, service, and office uses on the ground floor and residential units above the nonresidential space.
  
- 5. Highway Commercial (HC).** This district is intended to be applied to sites fronting on major highways for uses and services normally associated with the traveling public. Highway Commercial areas should be designed so that all or most of the needs of the traveling public can be accommodated at one stop. Other uses include sales, services, and retail which serve the needs of markets ranging from several neighborhoods to the overall region. The district is further characterized by a need for adequate off-street parking.



- 6. General Commercial and Industrial (GCI).** This district accommodates a variety of commercial and industrial uses, some of which have significant traffic, environmental, or visual effects. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from surrounding residences.
  
  - 7. Agriculture Reserve (AR).** This district is intended to provide for the protection and preservation of agricultural land within the incorporated area of the City. As an urban area, intensive agriculture activity is not considered appropriate. These uses would adversely affect adjacent development. The district should protect agricultural areas that provide a stable and productive use until converted to urban land uses. Accessory uses would include the usual agricultural buildings and structures, provided all buildings or structures permanently housing livestock or poultry are located more than three hundred-twenty (320) feet from all property lines.
  
  - 8. Planned Unit Development (PUD).** This district is intended to provide for the development or redevelopment of land under the control and in accordance with a Master Plan and development guidelines and standards in which the land uses, transportation elements, building densities, arrangements, and types are set out in a unified plan, which may provide greater flexibility of land use, transfer of development rights within the PUD, and building locations than the conventional zoning district may permit. The PUD District is intended to maximize benefits from the use of open spaces, maximize aesthetics, encourage certain architectural standards for buildings, and permit mixed uses and diversity of bulk regulations without endangering the health, safety, welfare, and land value of surrounding and internal properties. A PUD may consist of a mix of land uses of residential, commercial, and limited industrial, provided such Planned Unit Development is compatible with the Comprehensive Plan of the City.
- D. Land Use Regulations.** Land uses shall be regulated by district. Table 2 below provides the permitted uses, special use exceptions, and prohibited uses for each zoning district.