

# CHAPTER 165

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## GENERAL PROVISIONS AND DEFINITIONS

**165.01 PURPOSE.** The purpose of this chapter is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, safety, and general welfare in the City of Panora, Iowa.

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

1. No building, structure, or land shall hereafter be used or occupied,

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

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

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

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

5. All structures existing, as of the effective date of this chapter and which comply with the terms and conditions of this chapter, shall be considered lawful and be allowed to continue and exist or be constructed on the current perimeters of the existing structure.

### **165.03 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP.**

1. Official Zoning Map. The City shall be divided into districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, shall be adopted by ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 165.03 of Ordinance No. of the City of Panora, Iowa," together with the date of adoption.

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

entry on the Official Zoning Map as follows: "By official action of the City Council, the following changes were made to the Official Zoning Map."  
(Indicating the changes by ordinance numbers and date of publication.)

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

2. Annexation of New Land. Any land annexed to the City after the effective date of this chapter shall be zoned as determined by the City Council at the time of annexation.

3. Replacement of the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. of the City of Panora, Iowa."

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

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

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3. Boundaries indicated as approximately following City limits shall be construed as following such City limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries;
8. Whenever the Council vacates and disposes of a street or alley, adjacent districts shall extend to the center line of the vacation;
9. Whenever a variance exists between the Official Zoning Map and the legal description on an amendment to this chapter, the legal description applies.

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

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "shall" is mandatory; the word "may" is permissive.

The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied."

The word "lot" includes the words "plot" or "parcel."

1. **Abutting** — Having property or district lines in common.
2. **Access** — A way of approaching or entering a property from a public street.
3. **Accessory Buildings** — A subordinate building located on the same lot with the main building, occupied by or devoted to, an accessory use. Where an accessory building is attached to the main building in a subordinate manner, as by a wall or roof, such accessory building shall be considered part of the main building.
4. **Accessory Structure** — A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.
5. **Accessory Use** — A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
6. **Agriculture** — The production, keeping or maintenance, for sale, lease, or personal use, of plants useful to humans, including but not limited to: forages and sod crops; grains and seed crops; excluding beef cattle, sheep, swine, horses, mules, goats, poultry or other dairy products, or any mutations or hybrids thereof including the breeding and grazing of any or all such animals, including bees and apiary products or fur animals. Trees and forest products, fruits of all kinds; vegetables; or land devoted to a soil conservation or forestry management program are permitted.
7. **Agricultural Sales and Services** — Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, 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, hay, feed and grain stores, and tree service firms.
8. **Alley** — A public way, other than a street, twenty (20) feet or less in width, affording secondary means of access to abutting property.
9. **Animal Feeding Operation** — A lot, yard, corral, building, or other area in which animals are confined and fed and maintained for forty-five (45) days or

more in any twelve (12) month period, and all structures used for the storage of manure from animals in the operation. Two (2) or more animal feeding operations under common ownership or management are deemed to be a single animal feeding operation if they are adjacent or utilize a common system for manure storage. An animal feeding operation does not include a livestock market.

10. Auction House — A place where objects of art, furniture, or other goods are offered for sale to persons who bid on the objects in competition with each other.

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

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

13. Board — The Board of Adjustment.

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

15. Building, Height of — The vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

16. Convenience Storage — Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing, but trailers are excluded from this purpose.

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

18. Dwelling — Any building, or portion thereof designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.
19. Dwelling, Multiple — A building or portion thereof designed for or occupied exclusively for residence purposes by two (2) or more families.
20. Dwelling, Single-family — A building designed for or occupied exclusively for residence purposes by one (1) family.
21. Elder Home — Any residential facility which meets the definition of an elder home as defined in Section 414.29 and referenced sections of the Code of Iowa.
22. Family — One (1) or more persons related by blood, marriage or adoption occupying a single dwelling unit. When facilities for dwelling purposes are rented to other occupants of a building, those occupants shall not be considered part of the same family under this chapter.
23. Family Home — A community-based residential home which is licensed as a residential care facility under Chapter 135C or as a child foster care facility under Chapter 237 to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.
24. Frost-Free Foundation — A foundation supporting a structure which is required to be at least forty-two (42) inches below grade.
25. Garage — A building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank is stored, repaired, or kept.
26. Garage, Private — A building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.
27. Garage, Public or Storage — A building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

28. Grade — The average elevation of the finished ground at the exterior walls of the main building.
29. Health Care Facility — Any residential care facility, intermediate care facility, or skilled nursing facility.
- A. Residential Care Facility — Any institution, place, building, or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, personal assistance and other essential daily living activities to three (3) or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis.
- B. Intermediate Care Facility — Any institution, place, building or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three (3) or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services which can be provided only under the direction of a registered nurse or a licensed practical nurse.
- C. Skilled Nursing Facility — Any institution, place, building, or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three (3) or more individuals not related to the administrator or owner thereof within the third degree of consanguinity who by reason of illness, disease, or physical or mental infirmity require continuous nursing care services and related medical services, but do not require hospital care. •The nursing care services provided must be under the direction of a registered nurse on a twenty-four (24) hour per day basis.
30. Home Occupation — An incidental occupation conducted in a dwelling unit, provided that:



- A. No persons other than members of the family residing on the premises shall be engaged on the premises in such occupation, except by special exception by the Board of Adjustment.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the gross floor area of the dwelling unit, calculated from the outside perimeter, shall be used in the conduct of the home occupation. This area restriction shall not apply to the care of children if the property otherwise qualifies as a borne occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, except that one (1) sign, identifying the name of the business, is allowed. The sign shall not be larger than two (2) square feet in size, shall not be illuminated, and must be mounted flat against the building. Advertising displays, devices, or signs visible through a window of the building shall not be allowed.
- D. No home occupation may be conducted in any accessory building, except by special exception of the Board of Adjustment. No outdoor storage shall be allowed in the conduct of such home occupation and no storage of materials shall be allowed in any enclosures other than buildings as defined by this chapter.
- E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which

creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

G. The following uses shall not be allowed as a home occupation:

- (1) Auto repair and body shops.
- (2) Auto and motorcycle maintenance shops.
- (3) Vehicle sales.
- (4) Junk yards.
- (5) For-profit kennels.

31. Horticulture — The growing of horticultural and floracultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales. Typical uses include wholesale plant nurseries and greenhouses.

32. Hospital — An institution which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding twenty-four (24) hours of two (2) or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four (24) hours of obstetrical or other medical or nursing care for two (2) or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four (24) hours of two (2) or more nonrelated aged or infirm persons requiring or receiving chronic or convalescent care; and shall include sanitariums or other related institutions. Provided, however, this shall not apply to hotels or other similar places that furnish only food and lodging, or either, to their guests. "Hospital" shall include, in any event, any facilities wholly or partially constructed or to be constructed with federal financial assistance, pursuant to Public Law 725, 79th Congress, approved August 13, 1946.

33. Hotel — A building occupied as the more or less temporary residence of individuals who are lodged for compensation with or without meals, in which there are sleeping rooms or suites of rooms with no provision made for cooking in any

individual room or suite of rooms, and entrance is through a common lobby or office.

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

35. Kennel (Commercial) — An establishment in which dogs or domestic animals more than six (6) months old are housed, groomed, bred, boarded, trained, or sold.

36. Landscaped — An area devoted to or developed predominately with plant material or natural landscape features, including lawn, ground cover, gardens, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, water features, paved or decorated surfaces or rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements, provided that the use of brick, stone, aggregate, or other inorganic materials shall not predominate over the use of plant material.

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

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

- A. A single lot of record;

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

39. Lot Frontage — The front of a lot shall be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section. The principal building on a lot shall front on a street or a public place except in the case of lots abutting lake shore where the lots shall front on the lake and the rear yard shall be opposite the front yard.

40. Lot Measurements —

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

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

42. Lot Types — The chart on the following page illustrates terminology used in this chapter with reference to "corner" lots, "interior" lots, "through" lots, and "reversed corner" lots as follows:

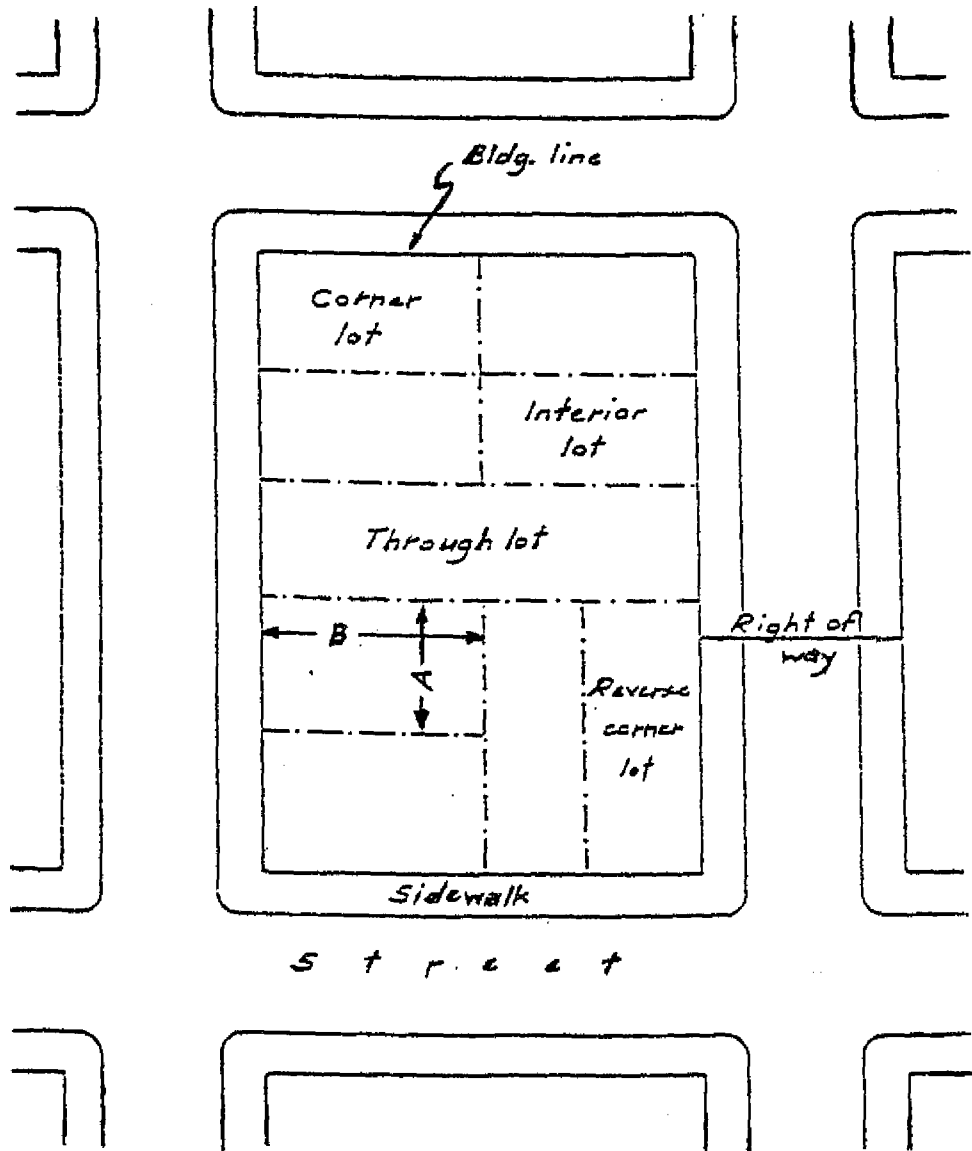
"corner" lot — a lot located at the intersection of two (2) or more streets.

"interior" lot — a lot other than a corner lot with only one (1) frontage on a street other than an alley.

"through" lot — a lot other than a corner lot with frontage on more than one (1) street other than an alley. Lots with frontage on two (2) non-intersecting streets may be referred to as "through" lots. On through lots the required front yard shall be provided on both streets.

"reversed corner" lot — a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

CHART - LOT



A - Width of lot

B - Depth of lot

43. **Manufactured Home** — A manufactured home shall be located and installed according to the same standards, including but not limited to, a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. A manufactured home is a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. A mobile home as defined in Section 435.1 of the Code of Iowa is not a manufactured home, unless it has been converted to real property as provided in Section 435.26 of the Code of Iowa, and shall be taxed as a site-built dwelling. This section shall not be construed as abrogating a recorded restrictive covenant.

44. **Mobile Home** — Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means.

45. **Modular Home** — Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.

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

47. **Nonconformities** — Lots, structures, uses of land and structures, or characteristics of uses, which are prohibited under the terms of the zoning regulations but were lawful at the date of enactment of the regulations.

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

49. Permitted Use — A use by right which is specifically authorized in a particular zoning district.
50. Planning and Zoning Commission — A Commission referred to as the Commission or Planning and Zoning Commission appointed by the Council to recommend the boundaries of the various districts and appropriate regulations and restrictions to be enforced through this chapter and as granted powers under Chapter 414 of the Code of Iowa.
51. Preschool/Child Care Center — An establishment providing for the care, supervision and protection of children for a fee.
52. Principal Use — The main use of land or structures as distinguished from an accessory use.
53. Projections (into yards) — Parts of buildings such as architectural features that extend beyond the building's exterior wall,
54. Public Space — An open or unoccupied public place which is permanently reserved for the purpose of access to abutting property.
55. Quorum — A majority of the full authorized membership.
56. Recreational Vehicle — A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. This definition shall also include boats and appurtenant trailers.
57. Remodel — To construct an addition or alter the design or layout of a building or make substantial repairs or alterations.
58. Restaurant — A use engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty (50) percent of the gross income. A general restaurant may include live entertainment. Typical uses include restaurants, coffee shops, dinner houses, and similar establishments with incidental alcoholic beverages service.



59. Retail Sales — Sale or rental of commonly used goods and merchandise for personal or household use, but excludes those classified more specifically in this section inclusive. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and hand-crafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories (excluding service and installation).
60. Service Station (Gas Station) — A building or premises used for dispensing or offering for sale at retail any automobile fuels, oils, or having pumps and storage tanks therefor, or where battery, tire or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale.
61. Setback — The required distance between every building structure where in contact with the ground and lot line in which it is located. Minimum yard setback distances shall apply to the roofline and any part of any structure, except steps, sidewalks or fences, that is between two and ten feet above the street centerline elevation. (*Ord. 238 Oct. 07 Supp.*)
62. Signs — Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.
63. Signs, On-Premises — An advertising device concerning the sale or lease of the property upon which they are located and advertising devices concerning activities conducted or products sold on the property upon which they are located.
64. Signs, Off-Premises — An advertising device including the supporting structure which directs the attention of the general public to a business, service, or

activity not usually conducted or a product not usually sold upon the premises where such a sign is located. Such a sign shall not include: On-premises signs, directional or other official sign or signs which have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.)

65. Signs, Portable — Any sign that is not permanently affixed to a building, structure, or the ground.

66. Signs, Real Estate — A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

67. Special Exception — A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in these regulations and authorized by the Board of Adjustment.

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

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

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

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

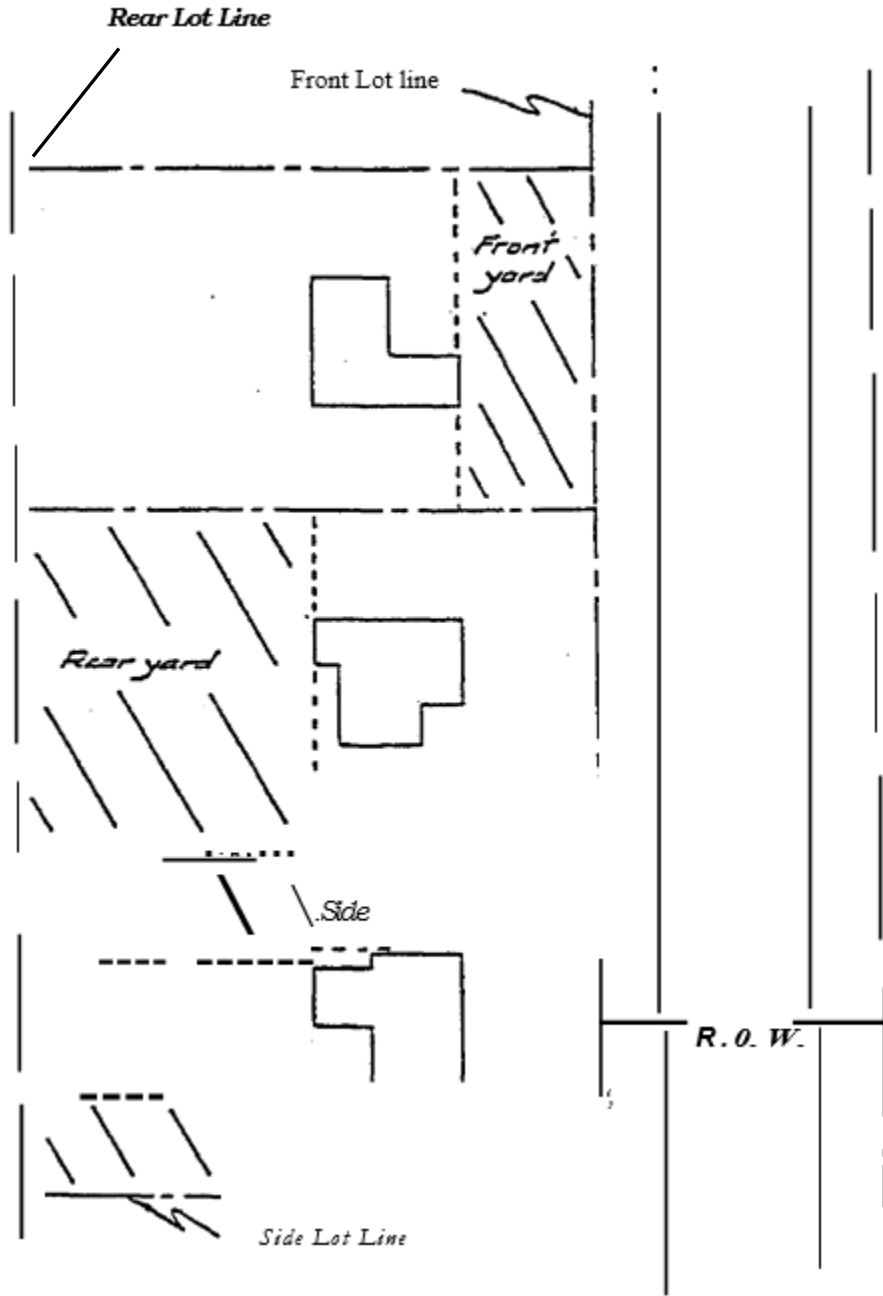
72. Street Line — The right-of-way line of a street.

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

74. Structure — Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, and including fences or walls used as fences.
75. Terrace — A level, landscaped, and/or surfaced area, also referred to as a deck or patio, directly adjacent to a principal building at or within three (3) feet of the finished grade and not covered by a permanent roof.
76. Townhouse — A dwelling unit having a common wall with or abutting one (1) or more adjoining dwelling units.
77. Townhouse Lot — That portion of the total development site of a townhouse residential use intended for separate ownership as the location of a single townhouse and associated private yard area.
78. Townhouse Residential — The use of a site for four (4) or more townhouse dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site, together with common area serving all dwelling units.
79. Trailer — A structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary office.
80. Use — The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.
81. Variance — A device used by the Board of Adjustment which grants a property owner, relief from certain provisions of a zoning ordinance when the result would be an opportunity for improved zoning and planning which would benefit the community.
82. Vehicle Repair Shop — A business for the 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 new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.

83. Warehousing — Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants.
84. Yard — An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. Fences and walls are permitted in any yard, subject to height limitations as indicated herein. (See chart on following page)
85. Yard, Front — A yard extending across the width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. Corner lots shall have two (2) front yards and two (2) side yards. (See chart on following page)
86. Yard, Rear — A yard extending across the width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On interior lots the rear yard shall be the opposite end of the lot from the front yard. (See chart on following page)
87. Yard, Side — A yard extending from the front yard to the rear yard and measured between the side lot lines and the building. (See chart on following page)
88. Zoning/Building Administrator — The local official responsible for reviewing zoning/building permits and following a determination by the Board of Adjustment for special exceptions and variances. Decisions of the official may be appealed to the Board of Adjustment. Permits are issued by the Zoning/Building Administrator.
89. Zoning District — A section the City designated in the text of the zoning regulations and delineated on the zoning map in which requirements for the use of land, the building and development standards are prescribed. Within each district, all requirements are uniform.
90. Zoning Map — The map delineating the boundaries of districts which, along with the zoning text, comprises the zoning regulations.

**CHART - YARD**



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## NONCONFORMITIES

**165.10 NONCONFORMITIES.** Within the districts established by this chapter there exist:

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

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

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

**165.11 NONCONFORMING LOTS OF RECORD.** In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of the chapter. This section shall apply even though such lot fails to meet the requirements



for area or width, or both, if the lot conforms to other regulations for the district in which such lot is located.

Variance of yard requirements shall be obtained only through the action of the Board of Adjustment.

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

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these regulations.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of these regulations.
3. If any such nonconforming use of land ceases for any reason for a period of twelve (12) months, then any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
4. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

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

1. No such nonconforming structure may be enlarged or altered in such a way which increases its nonconformity; however, where a side yard is a pre-existing nonconformity, the nonconformity may be extended along the lot line, but in no case may it become closer to the lot line.
2. Should such nonconforming structure or nonconforming portion

of structure be destroyed by any means to an extent of more than sixty (60) percent of its market value at time of destruction, it shall not be reconstructed; however, reconstruction shall be allowed on the same perimeter location.

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

#### **165.14 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES**

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

1. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, or reconstructed, except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months or

for eighteen (18) months during any three (3) year period (except when government action impedes access to the premises) the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

6. When nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than sixty (60) percent of the market value at time of destruction.

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

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

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**DISTRICT REGULATIONS**

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

		Page
165.22	AG — Agricultural District	32
165.24	RS-1 — Residential One District	36
165.25	RS-2 — Residential Two District	41
165.28	AC — Arterial Commercial District	45
165.30	BC — Business Commercial District	53
165.31	BCD — Historic Downtown Business Commercial District	59
165.32	LI — Light Industrial District	67
165.34	HI — Heavy Industrial District	72

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

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**165.22 AG — AGRICULTURAL DISTRICT.**

1. Intent This district is intended to provide for areas in which agriculture and related uses are encouraged as the principal use of land. However, uses which may be offensive to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic or physical appearance or other similar factors are not permitted. The district prohibits urban density residential use until these areas may be served by utilities and services of the City. This district is also intended to preserve land suited for eventual development into other uses, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur and the fiscal integrity of the City is preserved. All newly annexed areas to the City will automatically be placed into this district classification unless otherwise suitably classified.
2. Permitted Uses. The following uses are permitted in the AG District:
  - A. Agriculture, including farm dwellings and other usual agricultural buildings and structures.
  - B. Home occupations (see Section 165.05 for restrictions relating to home occupations).
  - C. Agricultural services.
3. Excluded Uses. The following uses are prohibited within the AG District:
  - A. Animal feeding operations.
4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the AG District including, but not limited to, the following:
  - A. Private garages, barns and other farm buildings.
  - B. Roadside stands not exceeding four hundred (400) square feet of floor area offering for sale only agricultural products or other products produced on the premises.



- C. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
  - D. Any telecommunication receiving structure so designed to prevent direct attachment, mounting, or installation to the principal building or structure in any residential district shall be considered an accessory structure or use. Such telecommunication receiver shall be installed within the rear yard, on a concrete pad and permanently affixed mounting structure. No mobile or portable structures will be allowed.
  - F. Solar collectors.
  - G. Radio and television receiving antennas.
5. Special Exceptions. Certain uses may be permitted in the AG District subject to specific conditions and requirements, intended to make them compatible with and acceptable to adjacent uses, that may be imposed by the Board of Adjustment:
- A. Cemeteries, crematories or mausoleums.
  - B. Commercial kennels.
  - C. Greenhouses and nurseries.
  - D. Publicly operated sanitary landfills.
  - E. Private recreational camps, golf courses and recreational facilities.
  - F. Public or private utility substations, relay stations, etc.
  - G. Churches or accessory facilities.
  - H. Publicly owned and operated buildings and facilities.
  - I. Railroad tracks, but no other facility.
6. Performance Standards. Land, buildings, and other structures may be used for one or more of the purposes specified in the AG District subject to the following performance standards:
- A. Emissions. No offensive dust, dirt, fly ash, offensive odors or noxious, toxic or corrosive fumes, gases or liquids shall be emitted.

B. Noise. No noise or vibration which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originated.

C. Wastes. No offensive wastes shall be discharged into any stream, storm drainage system, sanitary sewers or on-site sanitary disposal system.

D. Hazards. No material which is dangerous due to explosion, toxicity, extreme fire hazard or radioactivity shall be used, stored or manufactured except in accordance with applicable governmental codes and regulations.

7. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the AG District:

	<b>Min. Lot Area</b>	<b>Min. Lot Width (feet)</b>	<b>Min. Front Yard (feet)</b>	<b>Min. Side Yard (feet)</b>	<b>Min. Rear Yard (feet)</b>	<b>Max. Height: The Lesser Of</b>
Dwelling	2 acres	150	40	25	40	2 ½ stories or 35 feet
Other Uses	10 acres	200	40	25	40	2 ½ stories or 35 feet, excluding farm buildings

8. Off-street Parking. The following off-street parking requirements shall apply in the AG District:

A. Dwellings: two (2) parking spaces on the lot for each living unit in the building.

B. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.

C. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.

D. Roadside stands: one (1) parking space for each fifty (50) square feet of enclosed floor area.

E. Greenhouses and nurseries: one (1) parking space per one thousand (1,000) square feet of enclosed floor area.

9. Off-street Loading. The following off-street loading requirements shall apply in the AG District:
  - A. All activities or uses allowed in the AG District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
  - B. Loading shall not be permitted to block public right-of way unless otherwise provided for in the Panora Municipal Code.
10. Sign regulations for all districts can be found in Chapter 165.40 (15) Supplementary District Regulations.

**165.24 RS-1 — RESIDENTIAL ONE DISTRICT.**

1. Intent. This district is intended to provide for a variety of residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Various population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various residential areas of the City.
2. Permitted Uses. The following uses are permitted in the RS District:
  - A. Single-family detached dwellings.
  - B. Family homes (no such home shall be within one-quarter (1/4) mile of any other family home).
  - C. Elder homes (no such home shall be within one-quarter (1/4) mile of any other elder home).
  - D. Home occupations (see Sections 165.05 for restrictions relating to home occupations).
  - E. Manufactured/modular homes
3. Excluded Uses. The following uses are prohibited within the RS District:

None
4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RS District including, but not limited to, the following:
  - A. Private garages.
  - B. Domestic animals such as: cats, dogs, birds, tropical fish, and customarily accepted pets that are housed within the dwelling. A maximum of twelve (12) fowl are allowed. Horses, cows, swine, sheep, goats, roosters, and other similar animals, etc. normally considered farm or wild and untamed animals shall be excluded.

- C. Private recreational facilities.
  - D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
  - E. Any telecommunication receiving structure so designed to prevent direct attachment, mounting, or installation to the principal building or structure in any residential district shall be considered an accessory structure or use. Such telecommunication receiver shall be installed within the rear yard, on a concrete pad and permanently affixed mounting structure. No mobile or portable structures will be allowed. Structure will adhere to maximum height requirement for principal structures in the district
  - F. Solar collectors.
  - G. Radio and television receiving antennas.
  - H. Bed and breakfast establishments.
5. Special Exceptions. Certain uses may be permitted in the RS District subject to specific conditions and requirements, intended to make them compatible with and acceptable to adjacent uses that may be imposed by the Board of Adjustment:
- A. Preschools and child care centers.
  - B. Public or private utility substations, relay stations, etc.
  - C. Churches.
  - D. Publicly owned and operated buildings and facilities.
  - E. Private schools that are accredited by the State of Iowa with a curriculum similar to public schools.
  - F. Golf courses but not miniature courses or separate driving tees.
  - G. Railroad tracks but no other facility.
  - H. Bed and breakfast establishments.

6. Performance Standards. Land, buildings, and other structures may be used for one or more of the purposes specified in the RS District subject to the following performance standards:
- A. Odors, Gases and Fumes. No offensive odors or noxious, toxic, or corrosive fumes or gases shall be emitted into the air.
  - B. Noise. No noise which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originates.
  - C. Wastes. No offensive wastes shall be discharged into any stream or storm drain.
  - D. Vibrations. No vibration shall be transmitted outside the property where it originates.
  - E. Danger. No material which is dangerous due to explosion, toxicity, extreme fire hazard or radioactivity shall be used, stored or manufactured except in accordance with applicable governmental codes and regulations.
  - F. Recreational Vehicles. Recreational vehicles and all boats and appurtenant trailers shall not be parked or stored within the front yard of a lot in this district. No more than one (1) such recreational vehicle may be parked or stored within the side yard or rear yard of a residential lot unless within an enclosed garage. Recreational vehicles shall not be used for human occupancy in this district. Recreational vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any lot other than in completely enclosed buildings.
  - G. Special Sales Uses. Special sales, including garage sales, porch sales, basement sales, moving sales, estate sales, or similar activities, shall be operated not more than three (3) days in the same month or more than six (6) days in the same year.
  - H. Trailers. Trailers of any type that are used for the storage of materials, goods or objects shall not be parked or stored within the district unless within an enclosed garage or unless regularly moved off the property at a minimum of every 120 days.

7. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the RS District:

Zoning Symbol	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
RS	5,000	50	20	6	20	2 ½ stories or 35 feet

8. Off-Street Parking. The following off-street parking requirements shall apply in the RS District:

- A. Dwellings: two (2) parking spaces on the lot for each living unit in the building. For dwellings not consisting of living units: two (2) parking spaces on the lot for each one thousand (1,000) square feet of floor area.
- B. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.
- C. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.
- D. Elementary, junior high and equivalent private or parochial schools: one (1) parking space for each classroom and office plus one (1) parking space for each three hundred (300) square feet of gross floor area in the auditorium or gymnasium.
- E. Senior high schools and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each ten (10) students.
- F. Colleges, universities, institutions of higher learning, and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each five (5) students.
- G. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area.
- H. Preschools and child care centers: one (1) parking space per employee.

9. Off-Street Loading. The following off-street loading requirements shall apply in the RS District:

A. All activities or uses allowed in the RS District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of way unless otherwise provided for in the Panora Municipal Code.

10. Sign regulations for all districts can be found in Chapter 165.40 (15) Supplementary District Regulations. The following sign regulations shall apply to the RS-1 District:

A. On-premises signs, except real estate and home occupation signs, are not permitted. Real estate, lease, or sales signs relating to the property on which the sign is located, are permitted but shall not exceed four (4) square feet in area.

1. Home occupation signage. One (1) sign, identifying the name of the business, is allowed. The sign shall not be larger than two (2) square feet in size, shall not be illuminated, and must be mounted flat against the building. Advertising displays, devices, or signs visible through a window of the building shall not be allowed.



**165.25 RS-2 — RESIDENTIAL TWO DISTRICT.**

1. Intent. The purpose of this district is to encourage residential neighborhoods of exclusively single-family dwellings with a wide range of lot sizes. Various population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various residential areas of the City.
2. Permitted Uses. The following uses are permitted in the RS-2 District:
  - A. Single-family detached dwellings.
  - B. Multi-family dwellings (not exceeding two thousand (2,000) square feet of lot area per dwelling unit).
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RS District including, but not limited to, the following:
  - A. Storage buildings and garages accessory to the principal building.
  - B. Domestic animals such as: cats, dogs, birds, tropical fish, and customarily accepted pets that are housed within the dwelling. A maximum of twelve (12) fowl are allowed. Horses, cows, swine, sheep, goats, roosters, and other similar animals, etc. normally considered farm or wild and untamed animals shall be excluded.
  - C. Home occupations as defined in this chapter, provided such home occupation does not generate traffic, noise, odors, or pollutants which would be objectionable to the surrounding residences.
4. Special Exceptions. No special exceptions are permitted in the RS-2 District
5. Performance Standards. Land, buildings, and other structures may be used for one or more of the purposes specified in the RS-2 District subject to the following performance standards:

- A. Odors, Gases and Fumes. No offensive odors or noxious, toxic, or corrosive fumes or gases shall be emitted into the air.
- B. Noise. No noise which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originates.
- C. Wastes. No offensive wastes shall be discharged into any stream or storm drain.
- D. Vibrations. No vibration shall be transmitted outside the property where it originates.
- E. Danger. No material which is dangerous due to explosion, toxicity, extreme fire hazard or radioactivity shall be used, stored or manufactured except in accordance with applicable governmental codes and regulations.
- F. Recreational Vehicles. Recreational vehicles and all boats and appurtenant trailers shall not be parked or stored within the front yard of a lot in this district. No more than one (1) such recreational vehicle may be parked or stored within the side yard or rear yard of a residential lot. Recreational vehicles shall not be used for human occupancy in this district. Recreational vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any lot other than in completely enclosed buildings.
- G. Special Sales Uses. Special sales, including garage sales, porch sales, basement sales, moving sales, estate sales, or similar activities, shall be operated not more than three (3) days in the same month or more than six (6) days in the same year.
- H. Trailers. Trailers of any type that are used for the storage of materials, goods or objects shall not be parked or stored within the district unless within an enclosed garage or unless regularly moved off the property at a minimum of every 120 days.

6. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the RS-2 District:

Zoning Symbol	Min Lot Area (84. Ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
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RS-2	5,000	50	15	6*	20**	2 1/2 stories or 35 feet
<p>*The side yard width on any one side for townhouses shall, however, be zero feet                  **All lots within this district will have a 10 foot. PUE(Public Utility Easement) in the rear yard measured from the rear property line – no fences or structures are allowed to be built in the PUE.</p>						

7. Minimum Floor Area. Single-family dwelling shall have a minimum of 900 square feet of living space. In this district only, two and three family dwellings shall have a minimum of 800 square feet for each unit.

8. Off-Street Parking. The following off-street parking requirements shall apply in the RS-2 District:

A. Dwellings: two (2) parking spaces on the lot for each living unit in the building. For dwellings not consisting of living units: two (2) parking spaces on the lot for each one thousand (1,000) square feet of floor area.

9. Off-Street Loading, The following off-street loading requirements shall apply in the RS District:

A. All activities or uses allowed in the RS District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of way unless otherwise provided for in the Panora Municipal Code.

10. Sign regulations for all districts can be found in Chapter 165.40 (15) Supplementary District Regulations. The following sign regulations shall apply to the RS-2 District:

A. On-premises signs, except real estate and home occupation signs, are not permitted. Real estate, lease, or sales signs relating to the property on which the sign is located, are permitted but shall not exceed four (4) square feet in area.

1. Home occupation signage. One (1) sign, identifying the name of the business, is allowed. The sign shall not be larger than two (2) square feet in size, shall not be illuminated, and must be mounted flat

against the building. Advertising displays, devices, or signs visible through a window of the building shall not be allowed.

**165.28 AC — ARTERIAL COMMERCIAL DISTRICT.**

1. Intent. This district is intended to provide for certain areas of the City for the development of service, retail, and other non-residential uses which because of certain locational requirements and operational characteristics are appropriately located in close proximity to arterial and other main thoroughfares. Residential type structures are also permitted. The district is further characterized by a typical need for larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares.
2. Permitted Uses. The following uses are permitted in the AC District:
  - A. Sales and display rooms and lots, including yards for the storage or display of new or used building materials but not for any scrap or salvage operation storage or sales.
  - B. Offices and clinics.
  - C. Churches and publicly owned and operated buildings and facilities.
  - D. Hotels and motels.
  - E. Any other retail or service sales business, including food preparation for sale off-premises.
  - F. Educational institutions accredited by the State of Iowa.
  - G. Dwellings.
3. Excluded Uses. The following uses are prohibited within the AC District:

None.
4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the AC District including, but not limited to, the following:
  - A. Private recreational facilities.
  - B. Private garages.
  - C. Parking lots.

D. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

5. Special Exceptions. Certain uses may be permitted in the AC District subject to specific conditions and requirements, intended to make them compatible with and acceptable to adjacent uses, that may be imposed by the Board of Adjustment:

A. Public or private utility substations, relay stations, etc.

B. Railroad tracks but no other facility.

6. Performance Standards. Land, buildings, and other structures may be used for one or more of the purposes specified in the AC District subject to the following performance standards:

A. Trailers of any type that are used for the storage of materials, goods, or objects shall not be parked or stored within the district unless within the district unless within an enclosed garage or unless regularly moved off the property at a minimum of every 120 days.

B. Street Sales, Furniture and Plants. Any outdoor furniture or planters made of wood must be finished and weather-resistant. Any metal may have no rust or chipping paint. Plants kept in front of the buildings must be kept green and alive with no unsightly weeds. Sidewalk sales must be conducted so as to retain at least a four-foot-wide clear path on the sidewalk and may not continue for more than six consecutive days and no more than 15 days in a calendar month.

7. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the AC, Arterial Commercial District.

Zoning Symbol	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
AC	8,000	60	25	10	<ul style="list-style-type: none"> <li>If adjacent to a Residential District, the rear yard shall be equal to the minimum rear yard required in the adjacent district;</li> <li>If adjacent to another property that is also in the</li> </ul>	3 stories or 45 feet

					<p>AC district and the rear yard abuts an alley, the rear yard shall be no less than two (2) feet for approved commercial uses;</p> <ul style="list-style-type: none"> <li>• In all other situations the rear yard shall be no less than 15 feet</li> </ul>	
<p>Building Width Requirements: Any new building more than 45 feet in width should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of the following techniques:</p> <ol style="list-style-type: none"> <li>1. Divisions or breaks in materials.</li> <li>2. Window bays</li> <li>3. Separate entrances and entry treatments</li> <li>4. Variation in roof lines</li> <li>5. Building setbacks</li> </ol>						

8. Off-Street Parking Requirements. The following off-street parking requirements shall apply in the AC District:

- A. Sales and service buildings require one (1) parking space per three hundred (300) square feet of gross floor area.
- B. Offices/clinics require one (1) parking space per three hundred (300) square feet of gross floor area.
- C. Churches require one (1) parking space on the lot for each five (5) seats in the main auditorium.
- D. Public buildings and facilities require one (1) parking space per three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.
- E. Hotels and motels require one (1) parking space per room plus one (1) parking space for each employee.
- F. Whenever a use changes, a new primary building is built or when the area of enclosed space increases 30% more than the 2006 size:
  - (1) New public parking in front yards of commercial-use properties may only be on surfaces paved with asphalt, concrete, pavers or similar hard surface pavement that is graded to adequately drain and safely dispose of all surface water.

(2) Vehicles parked elsewhere on the lot must be parked on asphalt, concrete, crushed rock or other granular surface that is graded to adequately drain and safely dispose of all surface water.

G. No parking or displays shall be permitted in an eight-foot-wide landscaping strip along the right-of-way (except for driveways).

9. Off-Street Loading. The following off-street loading requirements shall apply in the AC District:

A. All activities or uses allowed in the AC District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of way unless otherwise provided for in this Code of Ordinances.

C. New loading docks or ramps may not be located in the front yard and must be screened from view of the highway, adjacent residential properties or residentially zoned districts by a 100% opaque screen that is at least six feet (6') high and is either:

- (1) A screen of the same style and material as the primary building, or
- (2) A combination of fence and/or landscaping.

10. Sign regulations for all districts can be found in Chapter 165.40 (15) Supplementary District Regulations. The following sign regulations shall apply to the AC District:

A. The following standards shall apply to all new signs except real estate signs, all construction-type signs or signs with less than seven square feet that are placed temporarily, meaning no more than six consecutive days or more than 15 days in a calendar month:

1. Unless the face of the sign is etched in wood, the supports for a free-standing sign must either be brick or stone.
2. The top of signs may not exceed 14.5 feet above the centerline grade of the street.



3. Total area of the face of the sign may not exceed 100 square feet.
4. There may be no more than one free-standing sign for every 66 linear feet of highway frontage.
5. Free-standing signs must be permanently anchored to the ground.
6. Total area of all combined wall and roof signs may not exceed 15% of the total area of the front façade.
7. Lighting of signs must be directed away from residential properties or districts. Internally lit signs shall not illuminate toward residential properties or districts. Lighting shall be cut-off type fixtures and shall not exceed one foot-candle at the property line common with a residential property or property zoned residential.

B. No flashing signs will be allowed as free-standing signs, wall signs, roof signs, or anywhere else.

11. Design Standards. The following shall apply to all commercial use properties in the AC District:

A. Primary Building Materials. Any new building fronting on a highway must have its exterior sides that face a public road be at least 50% of either brick, glass, stone or split-face concrete block. These materials may not be painted, but shall be integrally colored.

B. Front Entry. Each new principal commercial building shall have clearly defined, highly visible customer entrances featuring no less than two of the following:

- (1) Canopies or porticos
- (2) Overhangs
- (3) Recesses/projections
- (4) Arcades
- (5) Raised corniced parapets over the door
- (6) Peaked roof forms

- (7) Arches
- (8) Outdoor patios
- (9) Display windows
- (10) Architectural details such as tile work and moldings which are integrated into the building structure and design.
- (11) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

C. Windows, Walls facing the highway must be at least 20% transparent. Side walls visible from highway must be at least 10% transparent.

D. Screening Equipment, Waste and Storage. Permitted outside storage of materials or equipment that are not for sale, new mechanical equipment (e.g., air conditioner) and new trash dumpsters may not be located in the front yard and must be screened from view of the highway, adjacent residential properties or residentially zoned districts by a 100% opaque screen that is at least as high as the equipment or materials to be screened and is either:

- (1) A screen of the same style and material as the primary building (parapet for mechanical equipment mounted on the roof), OR
- (2) A combination of fence and/or landscaping. If a use changes, a new primary building is built or when the area of enclosed space increases 30% more than the 2006 size, then screening must be provided for trash dumpsters. New exhaust fans may not be placed through walls that are visible from a street. (*Ord. 246- Oct. 07 Supp.*)

12. Landscaping and Buffering. The following shall apply to all commercial-use properties in the AC District:

A. Front Yard Landscaping. Whenever a use changes, a new primary building is built or when the area of enclosed space increases 30% more than the 2006 size, at least one large tree, three small trees, five shrubs or five perennials within a mulched landscape or rock bed shall be provided for every 40 feet of frontage (not counting driveways). These plants shall be

placed in the front yard. All front yard areas not paved shall be placed in lawn or otherwise landscaped.

B. **Buffers Between Dissimilar Uses.** Buffering is required to buffer the impact of new commercial activity that locates adjacent to existing or proposed residential property. Buffering, according to the standards in Section 165.40(13), is required whenever a use changes, a new primary building is built or when the area of enclosed space increases 30% more than the 2006 size. If a new opaque fence is erected that is longer than 75 feet, it must be broken by a landscape area every 50 feet to soften the linear effect of the fence. (*Ord. 246— Oct. 07 Supp.*)

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**165.30 BC — BUSINESS COMMERCIAL DISTRICT.**

1. Intent. This district is intended primarily to accommodate businesses and offices. It is characterized further by a variety of stores and related activities which occupy the area of the City near downtown. This district is also characterized by certain mixed-use structures and limited residential.
2. Permitted Uses. The following uses are permitted in the BC District:
  - A. Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods or products.
  - B. Offices/clinics.
  - C. Hotels and motels.
  - D. Publicly owned and operated buildings and facilities.
  - E. Existing dwellings at the time of adoption of this chapter (second floor and above only).
3. Excluded Uses. Besides uses not listed above, new body shops and auto repair shops are expressly prohibited within the BC District,
4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the BC District including, but not limited to, the following:
  - A. Outdoor sales and service.
  - B. Private garages.
  - C. Parking lots.
  - D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
  - E. Accessory uses customarily incidental to any permitted principal use,

5. Special Exceptions. The following uses may be permitted in the BC District subject to specific conditions and requirements, intended to make them compatible with and acceptable to adjacent uses, that may be imposed by the Board of Adjustment:

- A. Service stations and the sales of petroleum products.
- B. Warehousing.
- C. Preschools and child care centers.
- D. Churches or accessory facilities.
- E. Outdoor sales or storage of building materials.
- F. Railroad tracks but no other facility.

6. Performance Standards. Land, buildings, and other structures may be used for one or more of the purposes specified in the BC District subject to the following performance standards:

- A. Trailers of any type that are used for the storage of materials, goods or objects shall not be parked or stored within the district unless within an enclosed garage or unless regularly moved off the property at a minimum of every 120 days. Semi-trailers are prohibited
- B. Street Sales, Furniture and Plants. Any outdoor furniture or planters made of wood must be finished and weather-resistant. Any metal may have no rust or chipping paint. Plants kept in front of buildings must be kept green and alive with no unsightly weeds. Sidewalk sales must be conducted so as to retain at least a four-foot-wide clear path on the sidewalk and may not continue for more than six consecutive days and no more than 15 days in a calendar month.

7. Bulk Regulations. The following requirements apply to permitted uses and buildings in the BC District:

Zoning Symbol	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
BC	None	20	None	None, except if a side yard is adjacent to a	None, except if a rear yard is	3 stories or 45 feet

				Residential District, then it shall be 10 feet and if otherwise provided, no less than 5 feet	adjacent to a Residential District, then it shall be 10 feet	
<p>Building Width Requirements: Any new building more than 45 feet in width should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of the following techniques:</p> <ol style="list-style-type: none"> <li>1. Divisions or breaks in materials.</li> <li>2. Window bays</li> <li>3. Separate entrances and entry treatments</li> <li>4. Variation in roof lines</li> <li>5. Building setbacks</li> </ol>						

8. Off-Street Parking Requirements.

A. Dwelling units shall have a minimum of two (2) spaces per dwelling unit.

B. Whenever a use changes, a new primary building is built or when the area of enclosed space increases 30% more than the 2006 size:

(1) New public parking in front yards of commercial-use properties may only be on surfaces paved with asphalt, concrete, pavers or similar hard surface pavement that is graded to adequately drain and safely dispose of all surface water.

(2) Vehicles parked elsewhere on the lot must be parked on asphalt, concrete, crushed rock or other granular surface that is graded to adequately drain and safely dispose of all surface water.

C. No parking or displays shall be permitted in an eight-foot-wide landscaping strip along the right-of-way (except for driveways).

9. Off-Street Loading. The following off-street loading requirements shall apply in the BC District:

A. All activities or uses allowed in the BC District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of-way unless otherwise provided for in this Code of Ordinances.

C. New loading docks or ramps may not be located in the front yard and must be screened from view of the highway, adjacent residential properties or residentially-zoned districts by an 100% opaque screen that is at least six feet high and is either:

- (1) A screen of the same style and material as the primary building, or
- (2) A combination of fence and/or landscaping.

10. Sign regulations for all districts can be found in Chapter 165.40 (15) Supplementary District Regulations. The following sign regulations shall apply to the BC District:

A. The following standards shall apply to all new signs except real estate signs, all construction-type signs or signs with less than seven square feet that are placed temporarily, meaning no more than six consecutive days or more than 15 days in a calendar month:

1. Unless the face of the sign is etched in wood, the supports for a free-standing sign must either be brick or stone.
2. The top of signs may not exceed 14.5 feet above the centerline grade of the street.
3. Total area of the face of the sign may not exceed 100 square feet.
4. There may be no more than one free-standing sign for every 66 linear feet of highway frontage.
5. Free-standing signs must be permanently anchored to the ground.
6. Total area of all combined wall and roof signs may not exceed 15% of the total area of the front façade.
7. Lighting of signs must be directed away from residential properties or districts. Internally lit signs shall not illuminate toward residential properties or districts. Lighting shall be cut-off type fixtures and shall not exceed one foot-candle at the property line common with a residential property or property zoned residential.



B. No flashing signs will be allowed as free-standing signs, wall signs, roof signs, or anywhere else.

11. Design Standards. The following shall apply to all commercial-use properties in the BC District:

A. Primary Building Materials. Any new building fronting on a highway must have its exterior sides that face a public road be at least 50% of either brick, glass, stone or split-face concrete block. These materials may not be painted, but shall be integrally colored.

B. Front Entry. Each new principal commercial building shall have clearly defined, highly visible customer entrances featuring no less than two of the following:

- (1) Canopies Or porticos
- (2) Overhangs
- (3) Recesses/projections
- (4) Arcades
- (5) Raised corniced parapets over the door
- (6) Peaked roof forms
- (7) Arches
- (8) Outdoor patios
- (9) Display windows
- (10) Architectural details such as tile work and moldings which are integrated into the building structure and design.
- (11) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

C. Windows. Walls facing the highway must be at least 20% transparent. Side walls visible from highway must be at least 10% transparent.

D. Screening Equipment, Waste and Storage. Permitted outside storage of materials or equipment that are not for sale, new mechanical equipment (e.g., air conditioner) and new trash dumpsters may not be located in the front yard and must be screened from view of the highway, adjacent residential properties or residentially zoned districts by a 100% opaque screen that is at least as high as the equipment or materials to be screened and is either:

- (1) A screen of the same style and material as the primary building (parapet for mechanical equipment mounted on the roof), OR
- (2) A combination of fence and/or landscaping. If a use changes, a new primary building is built or when the area of enclosed space increases 30% more than the 2006 size, then screening must be provided for trash dumpsters. New exhaust fans may not be placed through walls that are visible from a street,

12. Landscaping and Buffering. The following shall apply to all commercial-use properties in the BC District:

A. Front Yard Landscaping. Whenever a use changes, a new primary building is built or when the area of enclosed space increases 30% more than the 2006 size, at least one large tree, three small trees, five shrubs or five perennials within a mulched landscape or rock bed shall be provided for every 40 feet of frontage (not counting driveways). These plants shall be placed in the front yard. All front yard areas not paved shall be placed in lawn or otherwise landscaped.

B. Buffers Between Dissimilar Uses. Buffering is required to buffer the impact of new commercial activity that locates adjacent to existing or proposed residential property. Buffering, according to the standards in Section 165.40(13), is required whenever a use changes, a new primary building is built or when the area of enclosed space increases 30% more than the 2006 size. If a new opaque fence is erected that is longer than 75 feet, it must be broken by a landscape area every 50 feet to soften the linear effect of the fence. (*Section 165.30 amended by Ord. 246 Oct. 07 Supp.*)

**165.31 BCD — HISTORIC DOWNTOWN BUSINESS COMMERCIAL DISTRICT.**

1. Intent. This district is intended to accommodate the major business and office concentration in the City. It is characterized further by a variety of stores and related activities which occupy the central commercial area of the City. This district is intended to be the single central business district of the City and is also characterized by certain mixed-use structures and limited residential. The regulations herein are intended to help fulfill the following goals for downtown:
  - A. Preserve the small-town, unique character of downtown Panora.
  - B. Complement the existing historic architecture.
  - C. Enhance the pedestrian orientation of downtown Panora and encourage streetscape design that is inviting and on a human scale.
  - D. Encourage pedestrian activity downtown.
  - E. Strive for a "classic" appearance; that is, a look that stands the test of time. When viewed in 20 or 30 years, building façades and streetscape elements should not "date" themselves and be associated with a particular fad or trend, but rather they should have a classic, timeless appearance.
2. Permitted Uses. The following uses are permitted in the BCD District.
  - A. Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods or products.
  - B. Offices/clinics.
  - C. Hotels and motels.
  - D. Publicly owned and operated buildings and facilities.
  - E. Existing dwellings at the time of adoption of this chapter (second floor and above only).
3. Excluded Uses. Besides uses not listed above, new body shops and auto repair shops are expressly prohibited within the BCD District:

4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the BCD District including, but not limited to, the following:
  - A. Outdoor sales and service.
  - B. Private garages.
  - C. Parking lots.
  - D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
  - E. Accessory uses customarily incidental to any permitted principal use.
5. Special Exceptions. The following uses may be permitted in the BCD District subject to specific conditions and requirements, intended to make them compatible with and acceptable to adjacent uses, that may be imposed by the Board of Adjustment:
  - A. Service stations and sales of petroleum products.
  - B. Warehousing.
  - C. Preschools and child care centers.
  - D. Churches or accessory facilities.
  - E. Outdoor sales or storage of building materials.
  - F. Railroad tracks but no other facility.
6. Performance Standards. Land, buildings, and other structures may be used for one or more of the purposes specified in the BCD District subject to the following performance standards:
  - A. Trailers of any type that are used for the storage of materials, goods or objects shall not be parked or stored within the district unless within an enclosed garage or unless regularly moved off the property at a minimum of every 120 days. Semi-trailers are prohibited

B. Street Sales, Furniture and Plants. Any benches or planters kept in front of buildings must be a variety approved by the Downtown Enhancement Committee organized pursuant to 165.31(12). Requests submitted to and denied by the Downtown Enhancement Committee may be appealed to the Planning Commission for their consideration. Any metal may have no rust or chipping paint. Any wood must be finished and weather-resistant. Plants kept in front of buildings must be kept green and alive with no unsightly weeds. Sidewalk sales must be conducted so as to retain at least a five-foot-wide clear path on the sidewalk and may not continue for more than six consecutive days and no more than 15 days in a calendar month.

7. Bulk Regulations. The following requirements apply to permitted uses and buildings in the BCD District:

Zoning Symbol	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Height: Maximum and Minimum
BCD	None	20	None	None, except if a side yard is adjacent to a Residential District, then it shall be 10 feet and if otherwise provided, no less than 5 feet	None, except if a rear yard is adjacent to a Residential District, then it shall be 10 feet	Buildings may not be built to a height more than 15 feet greater than an adjacent building and no less than 15 feet less than an adjacent building

A. Setback or Build-to Lines. New construction and infill buildings must maintain the alignment of façades along the sidewalk edge (within nine inches). Special exceptions may be granted by the Board of Adjustment if the setback is pedestrian-oriented and contributes to the quality and character of the streetscape. An example would be for outdoor dining.

B. Building Width Requirements: Any new building more than 45 feet in width should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of the following techniques.

- (1) Divisions or breaks in materials
  - (2) Window bays
  - (3) Separate entrances and entry treatments
  - (4) Variation in roof lines
  - (5) Building setbacks (up to nine inches)
8. Off-Street Parking Requirements:
- A. New dwelling units created after 2006 shall have a minimum of two (2) spaces per dwelling unit,
  - B. Off-street parking must be located in the rear of buildings on Main Street.
9. Off-Street Loading. The following off-street loading requirements shall apply in the BCD District:
- A. All activities or uses allowed in the BCD District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
  - B. Loading shall not be permitted to block public right-of way unless otherwise provided for in this Code of Ordinances.
10. Sign regulations for all districts can be found in Chapter 165.40 (15) Supplementary District Regulations. The following sign regulations shall apply to the BCD District:
- A. Internally illuminated signs (not including neon) are prohibited except for theater signage. Pylon and monument signage is prohibited on Main Street. Temporary window signage is limited to one-third of the window surface area. The combination of neon signage, permanently painted signage and temporary signage should not exceed a total 'of two-thirds of the window surface area.
  - B. Projecting signs must be no greater than 12 square feet and have a maximum width of 3 feet and maximum height of five feet. No less than 8

- feet of clearance shall be provided between the sidewalk elevation and the lowest point of the projecting sign. Maximum distance between sign and building face is one foot. Projecting or wall signs cannot block or obliterate design details, windows or cornices of the building upon which they are placed.
- C. No flashing or moving message signs are allowed.
  - D. Wall signs must be placed between 4 and 12 feet above the grade of the sidewalk, unless there are architectural details that would be covered.
  - E. No sign may be more than 14 1/2 feet high.
11. Design Standards, Adherence to the following standards is required for any new buildings or structures, building additions, or changes to existing building facades:
- A. Primary Building Materials. Painting previously unpainted brick is not allowed. The following materials are not allowed on the façades or sides of buildings adjacent to public right-of-ways:
    - (1) Concrete block or brick larger than 4 inches in height, 12 inches in length.
    - (2) Aluminum, vinyl or fiberglass siding or roofing materials.
    - (3) Concrete masonry units (except split-faced block variety may be used for accents only).
    - (4) Materials that attempt to mimic traditional materials. An example would be fiberglass panels that are molded to look like brick.
  - B. Front Entry. Except when using a door style original to the building, doors must be metal or wood with a full panel design with at least the upper panels in glass. Vinyl and metal screen/storm doors are not allowed.
  - C. Cornices,
    - (1) Cornices should be preserved, maintained, or repaired in their original configuration or with materials and details to match the existing,

- (2) Do not remove, conceal or cover a cornice.
- (3) If the cornice is missing, it should be replaced based upon physical or pictorial evidence. If no such evidence exists, cornices should be in keeping with other cornices on similar commercial buildings.

D. Windows.

- (1) New buildings: 30% of the first floor to be transparent.
- (2) Existing Buildings:
  - a. Original windows should be repaired and retained. Window replacement should only be considered when existing are not original or part of a historic remodeling, or when they are so deteriorated that repair is not feasible.
  - b. New storefront windows should match the original in location, design, size, configuration and materials of original display windows.
  - c. If the original storefront windows are missing, and the original design is unknown, they should be replaced with traditionally scaled windows.
  - d. Clear glass should be installed for display windows, not tinted glass. Interior shades or horizontal blinds should be utilized for shade or privacy. Permanent tinted glass, shades, or covers may not be used.
  - e. Avoid creating new window openings or eliminating original window openings on all principal elevations, or on areas of a historic building that can be viewed easily by the public.
  - f. Window shutters should only be installed on those windows of the building that historically had shutters.





exact materials cannot be used. Transom windows should be replaced with windows unless the interior structure has been altered such that windows are not feasible. In all other cases, materials for architectural details shall replicate the appearance of the original.

H. Color. The color of buildings should complement the adjacent buildings' colors. The color of brick or other natural building materials should dictate the color family choice. Bricks in the red and brown tones with light and bright colors used only as minor accents. The accent colors should complement the primary color. Colors used must either be on the color palette approved by the Downtown Enhancement Committee organized pursuant to 165.31(12) or a proposed color must be submitted to and approved by them. If the Downtown Enhancement Committee does not approve a color submitted, the applicant may appeal the decision to the Planning Commission for consideration.

I. Utility Areas and Mechanical Equipment Screening. Where mechanical equipment, utility boxes or dumpsters are located on the ground visible from the street, a barrier must be constructed around the structure, to the height of the structure, to screen such equipment or dumpster. Barriers should maintain necessary access and adequate air circulation to and around such equipment.

12. Exhaust Fans. Exhaust fans may not exhaust through any wall visible from a street. *(Section 165.31 added by Ord. 246— Oct. 07 Supp.)*

**165.32 LI — LIGHT INDUSTRIAL DISTRICT.**

1. Intent. This district is intended to provide for areas of development by industrial firms that have high standards of performance and that can locate in close proximity to residential and business uses. The district regulations are designed to permit the development of any manufacturing or industrial operations which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic, physical appearance or other similar factors. All industrial operations must be in an enclosed building. No residential uses, hotels or motels, schools, or colleges are permitted in this district.
2. Permitted Uses. The following uses are permitted in the LI District:
  - A. Agriculture, including the usual agricultural buildings and structures; however, not including any residential farm dwellings.
  - B. Any nonresidential building or use which would not be hazardous, obnoxious, offensive or unsightly by reason of odor, sound, vibrations, radioactivity, electrical interference, glares, liquid or solid waste, smoke, or other air pollutants.
  - C. Storage, manufacture, compounding, processing, packing and/or treatment of products, exclusive of the rendering or refining of fats and/or oils.
  - D. Manufacture, compounding, assembly and/or treatment of articles or merchandise derived from previously prepared materials.
  - E. Assembly of appliances and equipment, including manufacture of small parts.
  - F. Wholesale distribution of all standard types of prepared or packaged merchandise.
  - G. Sale and storage of building materials.
  - H. Contractors' offices and storage of equipment.
  - I. Public or private utility substations, relay stations, etc.

- J. Professional and semi-professional office buildings and clinics
  - K. Fitness and exercise facilities
  - L. Retail sales, display rooms, and services conducted entirely within building.
3. Excluded Uses. The following uses are prohibited within the LI District:
- A. Scrap or salvage operation storage or sales.
4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the LI District including, but not limited to, the following:
- A. Accessory buildings and uses customarily incidental to a permitted use.
5. Special Exceptions. No special exceptions are permitted in the LI District.
6. Performance Standards. Land, buildings, and other structures may be used for one or more of the purposes specified in the LI District subject to the following performance standards:
- A. Emissions. No offensive dust, dirt, fly ash, offensive odors or noxious, toxic or corrosive fumes, gases or liquids shall be emitted.
  - B. Noise. No noise or vibration Which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originated.
  - C. Wastes. No offensive wastes shall be discharged into any stream, storm drainage system, sanitary sewers or on-site sanitary disposal system.
  - D. Hazards. No material which is dangerous due to explosion, toxicity, extreme fire hazard or radioactivity shall be used, stored or manufactured except in accordance with applicable governmental codes and regulations.
  - E. Trailers. Trailers of any type that are used for the storage of materials, goods or objects shall not be parked or stored within the district unless within an enclosed garage or unless regularly moved off the property at a minimum of every 120 days.

7. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the LI District:

Zoning Symbol	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Height: Maximum and Minimum
LI	None	None	25	None, except that adjacent to a Residential District, then it shall be 25 feet	20 feet	3 stories or 45 feet

8. Off-Street Parking. The following off-street parking requirements shall apply in the LI District:

- A. All commercial uses shall provide one (1) parking space on the lot for each three hundred (300) square feet of floor area.
- B. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.

9. Off-Street Loading. The following off-street loading requirements shall apply in the LI District:

- A. All activities or uses allowed in the LI District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
- B. Loading shall not be permitted to block public right-of-way unless otherwise provided for in the Panora Municipal Code.

10. Sign regulations for all districts can be found in Chapter 165.40 (15) Supplementary District Regulations. The following sign regulations shall apply to the LI District:

- A. The following standards shall apply to all new signs except real estate signs, all construction-type signs or signs with less than seven square feet that are placed temporarily, meaning no more than six consecutive days or more than 15 days in a calendar month:
  - 1. Unless the face of the sign is etched in wood, the supports for a free-standing sign must either be brick or stone.

2. The top of signs may not exceed 14.5 feet above the centerline grade of the street.
  3. Total area of the face of the sign may not exceed 100 square feet.
  4. There may be no more than one free-standing sign for every 66 linear feet of highway frontage.
  5. Free-standing signs must be permanently anchored to the ground.
  6. Total area of all combined wall and roof signs may not exceed 15% of the total area of the front façade.
  7. Lighting of signs must be directed away from residential properties or districts. Internally lit signs shall not illuminate toward residential properties or districts. Lighting shall be cut-off type fixtures and shall not exceed one foot-candle at the property line common with a residential property or property zoned residential.
- B. No flashing signs will be allowed as free-standing signs, wall signs, roof signs, or anywhere else.

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**165.34 HI — HEAVY INDUSTRIAL DISTRICT.**

1. Intent. This district is intended to provide areas for activities and uses of a heavy industrial character and is the least restrictive of any district. In the best interest of the City, certain uses in the HI District shall be subject to final City Council approval, conditional approval, or denial to ensure that proper safeguards are taken. No residential uses, schools, colleges, hospitals, or clinics are permitted.
2. Permitted and Conditional Uses. There may be any use, excluding residential uses and manufactured/mobile homes. The following uses must be given separate City Council approval before approval is issued:
  - A. Acid and bases manufacture.
  - B. Cement, lime, gypsum, or plaster of paris manufacture,
  - C. Distillation of bones.
  - D. Explosive manufacture or storage.
  - E. Fat rendering.
  - F. Fertilizer manufacture.
  - G. Gas manufacture.
  - H. Glue manufacture.
  - I. Petroleum, or its products, refining of.
  - J. Smelting of tin, copper, zinc, or iron ores.
  - K. Junk yards. Must be surrounded by a solid fence at least six (6) feet high located within building lines and the junk piled not higher than the fence.
  - L. Tire recycling.
3. Excluded Uses. The following uses are prohibited within the HI District:

None.



4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the HI District including, but not limited to, the following:
  - A. Accessory buildings and uses customarily incidental to a permitted use.
5. Special Exceptions. Certain uses may be permitted in the HI District subject to specific conditions and requirements, intended to make them compatible with and acceptable to adjacent uses, that may be imposed by the Board of Adjustment:
  - A. Recreational uses which are temporary in nature.
6. Performance Standards. Land, buildings, and other structures may be used for one or more of the purposes specified in the HI District subject to the following performance standards:
  - A. Emissions. No offensive dust, dirt, fly ash, offensive odors or noxious, toxic or corrosive fumes, gases or liquids shall be emitted.
  - B. Noise. No noise or vibration which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originated.
  - C. Wastes. No offensive wastes shall be discharged into any stream, storm drainage system, sanitary sewers or on-site sanitary disposal system.
  - D. Hazards. No material which is dangerous due to explosion, toxicity, extreme fire hazard or radioactivity shall be used, stored or manufactured except in accordance with applicable governmental codes and regulations.
  - E. Trailers. Trailers of any type that are used for the storage of materials, goods or objects shall not be parked or stored within the district unless within an enclosed garage or unless regularly moved off the property at a minimum of every 120 days.

7. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the HI District:

Zoning Symbol	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Height: Maximum and Minimum
HI	10,000	None	25	None, except that adjacent to a RS District, it shall be 100 feet, 50 feet from any AC District	35 feet, unless abutting a railroad right-of-way, in which case 5 feet is required	3 stories or 45 feet

8. Off-street Parking. The following off-street parking requirements shall apply in the HI District:

- A. All commercial uses shall provide one (1) parking space on the lot for each three hundred (300) square feet of floor area.
- B. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.

9. Off-street Loading. The following off-street loading requirements shall apply in the HI District:

- A. All activities or uses allowed in the HI District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
- B. Loading shall not be permitted to block public right-of-way unless otherwise provided for in the Panora Municipal Code.

10. Sign regulations for all districts can be found in Chapter 165.40 (15) Supplementary District Regulations.

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**165.36 PD — PLANNED DEVELOPMENT DISTRICT.**

1. Intent. This district is intended to provide for an alternative living environment in which different uses are integrated in an orderly planned single development. The district shall be intended for large scale developments on tracts of land not less than ten (10) acres in size and incorporate principles of civic design, land use planning and landscape architecture. It is also intended that such districts be developed in accordance with standards set forth in the Panora Comprehensive Land Use Plan.
2. Permitted Uses. The following uses are permitted in the PD District:
  - A. Any use permitted in the RM Residential Multi-Family District.
  - B. Any use permitted in the AC Arterial Commercial District, provided that such use provides goods and services primarily to the planned development area.
3. Required Conditions. The proposed location, design, construction and operation of a particular use shall adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding properties. The best practical means of the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance shall be employed. All facilities required for the discharge, collection and treatment of liquid, solid or gaseous wastes shall be designed, constructed and operated in accordance with all applicable statutes and regulations of the State of Iowa.
4. Standards and Requirements. The requirements set forth hereafter shall prevail in the PD District over conflicting requirements of this chapter:
  - A. The Planning and Zoning Commission may require that uses of least intensity or a buffer of open space or screening be placed along the borders of the project which adjoin a more restrictive district.
  - B. After final approval of a project by the City Council a plan of the Planned Development showing building lines, building location, common

- land, roadways, easements, utilities, landscaping and other applicable items shall be filed with the Zoning/Building Administrator and maintained as a permanent part of the City records.
- C. In the review of the plan, the Planning and Zoning Commission and the City Council may consider any deed restrictions or covenants entered into or contracted for by the developer concerning the use of common land or permanent open space.
- D. Suitable provision for maintenance of open space shall be provided through Homeowner's Association, Deed Covenants or other similar provisions as approved by the City Council.
- E. No zoning/building permit for any commercial building shall be issued until occupancy permits for residential dwellings have been issued for at least sixty (60) percent of the planned development in question.
5. Land Use and Density Requirements. The following requirements shall apply to the PD District:
- A. No more than fifteen (15) percent of the total area of the Planned Development District shall be used for commercial uses.
- B. A minimum of fifteen (15) percent of the total area of the Planned Development District shall be dedicated or reserved as usable open space and shall not include roadways, alleys, vehicular drives, parking, loading or storage areas.
6. Height Regulations. There shall be no height regulations in the PD District except that no building or structure may be erected or altered so that it would extend into an airport height zone or other restricted air space required for the protection of any public airport.
7. Changes and Modifications. Changes or modifications of the plan of a Planned Development District such as location of buildings, parking lots, common areas except streets, etc., may be made upon application to and approval of the Planning and Zoning Commission or under the provisions for exceptions and variations as set forth in this chapter.

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**SUPPLEMENTARY DISTRICT REGULATIONS****165.40 SUPPLEMENTARY DISTRICT REGULATIONS.**

1. **Building Lines on Approved Plats.** Whenever the plat of a land subdivision approved by the Planning and Zoning Commission and on record in the office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this chapter unless specific yard requirements in this chapter require a greater setback.
2. **Structures to Have Access.** Every building hereafter erected or moved shall be on a lot adjacent to a public or approved private street, or public open space, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
3. **Erection of More Than One Principal Structure on a Lot.** In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot.
4. **Accessory Buildings.** The following regulations apply to accessory buildings:
  - A. No accessory building may be erected in any required front yard and no separate accessory building may be erected within five (5) feet of a main building.
  - B. No accessory building shall be closer than five (5) feet to the side lot line or two (2) feet to the rear lot line.
  - C. Accessory buildings located in the rear yard may not occupy more than thirty (30) percent of the rear yard.
  - D. No accessory building shall be used without occupancy of the principal building and no accessory building shall exceed twenty (20) feet in height.  
*(Ord. 226— Sep. 04 Supp.)*

5. Fences. No fence or hedge more than thirty percent (30%) solid or more than three (3) feet high, abutting the corner lot, may be located within 20 feet of a street intersection. Fences or hedges up to four (4) feet high above grade may be located on any remaining part of a lot. Fences or hedges up to six (6) feet high above grade may be erected in the rear yard or side yard of any lot. Fences or hedges up to six feet high may also be erected in one, but only one, of the front yards of a corner lot so long as such fence is set back from the street right-of-way line at least as far as any neighboring house or twenty feet, whichever is less. Fences or hedges shall be allowed to be built up to the lot line, but maintenance easements shall be provided when less than three (3) feet exists between the fence structure and a neighboring private property. *(Ord. 239 - Oct. 07 Supp.)*

6. Height Limits. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tank, water towers, ornamental towers, spires, wireless tower, grain elevators, or necessary mechanical appurtenances are exempt from the district height regulations.

7. Projections. Sills, belt courses, cornices, over hangs, and ornamental features may project only thirty (30) inches into a required yard. Setbacks shall be measured from the foundation wall.

8. Fire Exits and Chimneys. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half (3 1/2) feet when so placed as not to obstruct light and ventilation, may be permitted by the Zoning/Building Administrator.

9. Porches. Open, unenclosed porches may extend ten (10) feet into a front yard.

10. Patios/Decks. Patios and decks shall not be allowed in front yards. Patios and decks which are raised above the level of the ground by more than six (6) inches shall comply with the required setbacks, however, patios or decks which are at grade level or less than six (6) inches above grade level shall comply with one-half (1/2) of the required setback.



11. Service Lines. Nothing in these regulations shall have the effect of prohibiting utility service lines.
12. Parking Spaces. All vehicular parking spaces located in required front yards shall be a minimum of ten (10) feet in width and be surfaced with gravel, concrete, or asphalt.
13. Buffering and Landscaping Requirements.
  - A. Plants used to meet landscape requirements found in other sections of the zoning code must meet the following minimums at the time of planting:
    - (1) Deciduous trees used to meet landscaping requirements must be at least one-inch caliper (at one foot above the ground).
    - (2) Evergreen trees must be at least three feet (3') tall.
    - (3) Shrubs. Three-gallon container and at least 18 inches in height.
    - (4) Large trees are defined as canopy trees with a maturity height of at least 25 feet and drip line width of 20 feet.
  - B. No parking or displays shall be permitted in an eight-foot-wide landscaping strip along state highway right-of-way (except for driveways).
  - C. Buffer screens, where required in other sections of the zoning code, must have either a fence or landscaping that meets the following minimums:

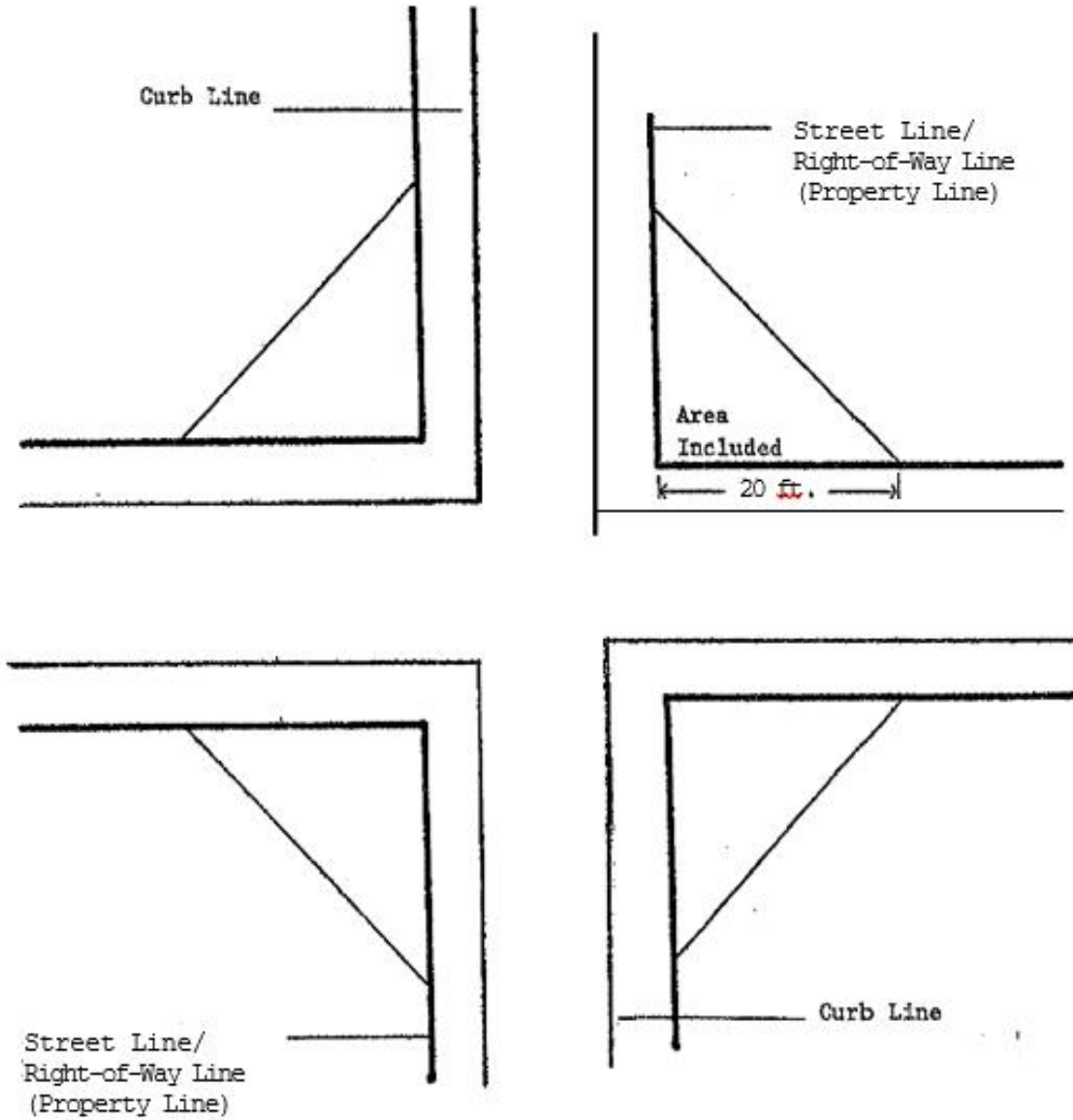
<b>If the Buffer Screen Is:</b>	<b>If A Side Yard Buffer, It Must Be:</b>	<b>If A Rear Yard Buffer, It Must Be:</b>
Fence	At least 50% opaque and the "smoother" side, if there be one, must face the residential area	100% opaque and the "smoother" side, if there be one, must face the residential area
Landscaping	Minimum of eight feet (8') wide and contain at least 5 shrubs, five perennials within a mulched landscape bed, 3 small trees one large tree for every 40 feet. Plantings may be evenly dispersed or clumped together so long as at least half the view (from the residential property) of the new nonresidential structure is blocked or obscured by the landscaping.	Minimum of eight feet (8') wide and the plantings must provide a continuous screen, such that there is no break gap where plant material cannot be seen at any point three to six feet off the ground (except in the two years following planting),

*(Ord. 246— Oct. 07 Supp.)*

14. Yards and Visibility. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of three (3) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty (20) feet from the point of the intersection (see Diagram on following page).

**DIAGRAM**

**CORNER LOTS - YARDS AND VISIBILITY**



15. General Sign Regulations. The following provisions shall be observed in all zoning districts:

A. No advertisement, advertising structure, billboard or other object shall be erected, used or maintained which in any way simulates official, directional or warning signs erected or maintained by the City of Panora or by the State of Iowa.

B. No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct free and clear vision of the intersection.

C. No neon sign or other illuminated advertisement shall be of such color or located in such a fashion as to diminish or detract in any way from the effectiveness of any traffic signal or similar safety or warning device,

D. Flood lights at ground level or located within twelve (12) feet of ground level shall be so located and shielded as to prevent any glare or blinding effect upon any lane of moving traffic.

E. Off-premises signs, except political signs, are not permitted.

F. On-premises signs are permitted. Real estate, lease, or sales signs, relating to the property on which the sign is located, are permitted but shall not exceed six (6) square feet in area.

G. Political signs on private property are permitted but shall not exceed thirty-two (32) square feet in size.

H. Construction Signs. Signs identifying the architect, engineer, contractors, and other individuals involved in the construction of a building, and such signs announcing the character of the building enterprise or the purpose for which the building is intended (but not including product advertising). One non-illuminated sign not exceeding thirty-two (32) square feet shall be permitted for each street frontage. Such sign shall not extend higher than ten (10) feet above grade level and meet the front yard requirement for a principal structure unless located on the wall of a building on the premises or on a protective barricade surrounding the construction. Such

signs shall be removed within one week following completion of construction.)

I. One subdivision identification sign not exceeding twenty-four (24) square feet in size shall be allowed.

J. Signs for residential use identifying the premises and occupant, but not including advertising matter, are permitted but shall not exceed six (6) square feet in area. Public, parochial, private schools and colleges, children's homes, and public and quasi-public buildings for cultural use, may have identification signs not to exceed thirty-two (32) square feet in area. Churches, synagogues, and chapels shall be allowed one (1) sign not exceeding twenty-four (24) square feet in size.

K. All business signs shall be removed from the premises within ninety (90) days of the closing of a business.

16. Residential Dwelling Standards. All single-family dwelling units shall meet the following minimum standards:

A. The minimum width of a dwelling structure or principal building shall be twenty-two (22) feet at the exterior dimension of three (3) or more exterior walls, exclusive of attached garages, porches or other accessory structures.

B. All dwelling units including attached garages shall be placed on a permanent frost-free perimeter foundation.

C. All dwelling units shall provide for a minimum of nine hundred (900) square feet of habitable floor space. Such minimum floor area shall not include the area of attached garages or basements.

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

**165.46 ZONING/BUILDING PERMIT REQUIRED.** No zoning/building or other structure shall be erected, moved or added to, without a building permit therefor issued by the Zoning Administrator. No zoning/building permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Board of Adjustment. Fees for zoning/building permits shall be provided by the Council by resolution. Zoning/building permits shall be applied for with the City Building Official and shall expire one year after the date of issuance. Work on the exterior of any project must be completed within the first six months of the permit period. Providing work has commenced, is progressing, and not stopped for a consecutive 30-day period, permits may be extended by the Building Official. No additional fee will be assessed. In the case of an expired permit, the builder must apply for a permit extension at a monthly prorated amount of the original permit fee. Up to a three-month extension may be granted if the builder submits a written construction schedule for the extension period in addition to the fee. No zoning/building permit shall be valid until reviewed and signed by the Building Official, and, no work shall begin until signed by the same. If work is not completed within the permit timeline, a certificate of occupancy cannot be obtained, and any extensions have expired, the builder will be required to apply for a new permit with no waiver in fees.

Except as provided below, construction, additions to or placement of any building or structure may not begin until the entire lot upon which the structure is to be placed has been surveyed and written evidence of the survey provided to the City. A full survey of the entire lot is not necessary in the following instances:

1. No survey is required with proposed structures with 144 square feet or less and not permanently anchored to the ground (e.g., not attached to a concrete footing or foundation).
2. For additions to existing structures: only a survey of the lot line (or lines) on the side(s) of the structure where the addition will be located.

3. No surveys required for replacing existing sidewalks, driveways, porches, decks and fences.
4. For new sidewalks, driveways, porches, decks on the property: only a survey is required of the lot line (or lines) on the side(s) of the structure where the sidewalk, driveway, porch or deck will be located, but no survey is required if the sidewalk, driveway, porch, or deck is located between two existing structures.
5. No survey required for lamp posts, flag poles or similar structures if located inside the boundaries of existing sidewalks, fences or other structures.
6. No survey required for fences built next to a neighboring property where there is a recorded easement on the neighboring property for erection and maintenance of such fence.

If so required, written evidence of a survey must be provided to the city by the building permit applicant before a zoning/building permit is issued.

*(Ord. 240 Oct. 07 Supp.)*

**165.47 ZONING DISTRICT MAP.** It shall be the responsibility of the Zoning/Building Administrator to update the Zoning District Map.

**BOARD OF ADJUSTMENT****165.50 BOARD OF ADJUSTMENT; ESTABLISHMENT AND PROCEDURE.**

1. Board Created. A Board of Adjustment is hereby established and shall hereinafter at times be referred to as the "Board," which Board shall consist of five (5) members serving without compensation appointed by the City Council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

A majority of the members of the Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling of real estate. Members shall be appointed for overlapping terms of five (5) years.

2. Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairperson and at such other time as the Board may determine. The Chairperson, or the City Attorney, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall, through its Secretary, keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, shall be immediately filed in the office of the Board and shall be a public record. Said action shall take effect upon the Board receiving sufficient confirmation of the recording by the applicant in the office of the County Recorder. A copy of said action shall also be filed in the office of the Zoning/Building Administrator.

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

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



- A. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Panora affected by any decision of the administrative officer. Such appeal shall be taken within ten (10) days by filing with the Zoning/Building Administrator, and with the Board a notice of appeal specifying the grounds thereof. The Zoning/Building Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.
- B. The Board shall fix a reasonable time for the hearing of the appeal, and give not less than seven (7) days nor more than twenty (20) days public notice in a paper of general circulation in the City, thereof, and decide the same within thirty (30) days of the hearing. At said hearing, any party may appear in person, by agent or by attorney.
- C. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning/Building Administrator from whom the appeal is taken certifies to the Board of Adjustment after the Notice of Appeal is filed with the Administrator, that by reason of facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning/Building Administrator from whom the appeal is taken and on due cause shown.
2. Special Exceptions: Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of these regulations; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until;
- A. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.

- B. The Board shall fix a reasonable time for the hearing of the special exception, and give not less than seven (7) days nor more than twenty (20) days public notice in a paper of general circulation in the City, thereof, and decide the same within thirty (30) days of the hearing.
- C. The public hearing shall be held. Any party may appear in person, or by agent or attorney.
- D. The Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest. The granting of a special exception shall run with the owner and not with the land.
- E. Lapse of Special Exception. A special exception approval shall lapse and become void two (2) years following the date of approval unless prior to expiration a zoning/building permit is issued and construction is commenced and diligently pursued or the site is occupied if no zoning/building permit is required.
3. Variance. Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:
- A. A written application for a variance is submitted demonstrating:
- (1) That special conditions and circumstances exist which are peculiar to land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

- (2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.
  - (3) That special conditions and circumstances do not result from the actions of the applicant.
  - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.
- B. The Board shall fix a reasonable time for the hearing of the variance, and give not less than seven (7) days nor more than twenty (20) days public notice in a paper of general circulation in the City, thereof, and decide the same within thirty (30) days of the hearing.
- C. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
- D. The Board of Adjustment shall make written findings that requirements of this subsection have been met by the applicant for a variance.
- E. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- F. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

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

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

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

H. The City Council may provide for its review of variances granted by the Board of Adjustment before their effective date. The City Council may remand a decision to grant a variance to the Board of Adjustment for further study. The effective date of the variance is delayed for thirty (30) days from the date of the remand. Such remand shall occur within thirty (30) days of the Board of Adjustment decision.

4. Any variance granted is subject to any existing easements.

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

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**ENFORCEMENT AND AMENDMENTS**

**165.60 ENFORCEMENT AND INTERPRETATION.** All questions of interpretation and enforcement shall be first presented to the Zoning/Building Administrator, or that person's assistant. Such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning/Building Administrator, and recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by Chapter 414, Code of Iowa,

**165.61 AMENDMENTS.** The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed, provided that at least seven (7) days' notice of the time and place of such hearing shall be published in a paper of general circulation in the City. In no case shall the notice be published more than twenty (20) days prior to the hearing. Amendment requests shall be filed with the Zoning/Building Administrator and forwarded to the Planning and Zoning Commission which shall recommend on the request.

The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. Notwithstanding Section 414.2, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of twenty (20) percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty (20) percent or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths (%) of all the members of the Council. The protest, if filed, must be filed before or at the public hearing. Any amendment to this chapter shall be recorded in the office of the County Recorder.

**165.62 VIOLATION.** Failure to comply with the provisions of this chapter or with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a violation of this chapter. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other legal action as is necessary to prevent any violation.

**165.63 SCHEDULE OF FEES, CHARGES, AND EXPENSES.** The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning district changes, zoning/building permits, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning/Building Administrator and the City Clerk, and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

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

## FLOOD PLAIN REGULATIONS

### 165.70 FLOOD PLAIN OVERLAY DISTRICT

1. Lands to Which These Flood Plain Overlay District Regulations Apply. The provisions of Sections 165.70 through 165.77 apply to all lands within the jurisdiction of the City which are located within the boundaries of the Flood Plain (Overlay) District as established in Section 165.71,
2. Rules for Interpretation of Flood Plain (Overlay) District. The boundaries of the Flood Plain (Overlay) District areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Zoning Administrator in the enforcement or administration of these flood plain regulations.
3. Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of these flood plain regulations and other applicable regulations which apply to uses within the jurisdiction of these flood plain regulations
4. Abrogation and Greater Restrictions. It is not intended by these flood plain regulations to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where these flood plain regulations impose greater restrictions, the provisions herein shall prevail. All other ordinances inconsistent with these flood plain regulations are hereby repealed to the extent of the inconsistency only.
5. Interpretation. In their interpretation and application, the provisions of these flood plain regulations shall be held to be minimum requirements and shall be liberally construed in favor of the Council and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
6. Warning and Disclaimer of Liability. The standards required by these flood plain regulations are considered reasonable for regulatory purposes. This does not imply that areas outside the designated Flood Plain (Overlay) District areas will be free from



flooding or flood damages. These flood plain regulations shall not create liability on the part of the City or any officer or employee thereof for any flood damages that from reliance on these flood plain regulations or any administrative decision lawfully made hereunder.

**165.71 AREA DESIGNATED FLOOD PLAIN.** The areas within the jurisdiction of the City having special flood hazards are hereby designated as a Flood Plain (Overlay) District and shall be subject to the standards of the Flood Plain (Overlay) District (as well as those for the underlying zoning district). The Flood Plain (Overlay) District boundaries shall be as shown on the Flood Insurance Rate Map (FIRM) for the City of Panora, dated August 6, 1976.

**165.72 STANDARDS FOR FLOOD PLAIN (OVERLAY) DISTRICT.** All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. All development within the Flood Plain (Overlay) District shall:
  - A. Be consistent with the need to minimize flood damage.
  - B. Use construction methods and practices that will minimize flood damage.
  - C. Use construction materials and utility equipment that are resistant to flood damage.
  - D. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.
2. Residential Buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed

subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

3. Nonresidential Buildings. All new or substantially improved nonresidential buildings shall have the lowest floor (including basement) elevated a minimum of one foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator.

4. All New and Substantially Improved Structures.

A. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one foot above grade.

- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-Built Homes.

A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the 100-year flood level.

B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. Utility and Sanitary Systems.

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities

(other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the 100-year flood elevation.

D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not subject to major flood damage and anchored to prevent movement due to flood waters or (ii) readily removable from the area within the time available after flood warning,

8. Flood control structural works such as levees, flood walls, etc., shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources,

10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of these flood plain regulations. Subdivision proposals intended for residential use shall provide all lots with a means of access

which will be passable by wheeled vehicles during the 100- year flood. Proposals for subdivisions greater than five acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Flood Plain (Overlay) District

11. Accessory Structures.

A. Detached garages, sheds and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

- (1) The structure shall not be used for human habitation.
- (2) The structure shall be designed to have low flood damage potential.
- (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
- (4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
- (5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles. Recreational vehicles are exempt from the requirements of this section regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

A. The recreational vehicle shall be located on the site for less than 180 consecutive days, and

B. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

Recreational vehicles that are located on the site for more than 180 consecutive days or that are not ready for highway use must satisfy requirements of this section regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

### **165.73 ADMINISTRATION.**

1. Appointment, Duties and Responsibilities of Zoning Administrator.

A. The Zoning Administrator is hereby appointed to implement and administer the provisions of these flood plain regulations and will herein be referred to as the Administrator,

B. Duties of the Administrator shall include, but not necessarily be limited to the following:

(1) Review all flood plain development permit applications to assure that the provisions of these flood plain regulations will be satisfied.

(2) Review flood plain development applications to assure that all necessary permits have been obtained from Federal, State and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.

(3) Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the Flood Plain (Overlay) District,

(4) Record and maintain a record of the elevation (in relation to National Geodetic Vertical datum) to which all new or substantially improved structures have been floodproofed.

(5) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a

watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

(6) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of these flood plain regulations.

2. Flood Plain Development Permit.

A. Permit Required, A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes,

B. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:

- (1) Description of the work to be covered by the permit for which application is to be made.
- (2) Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
- (3) Indication of the use or occupancy for which the proposed work is intended.
- (4) Elevation of the 100-year flood.
- (5) Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
- (6) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

(7) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of these flood plain regulations.

C. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of these flood plain regulations and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the City Board of Adjustment.

D. Construction and Use to be as Provided in Application and Plans. Flood Plain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of these flood plain regulations. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Code section, prior to the use or occupancy of any structure.

3. Variance.

A. The City Board of Adjustment may authorize upon request in specific cases such variances from the terms of these flood plain regulations that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these flood plain regulations will result in unnecessary hardship. Variances granted must meet the following applicable standards.

(1) Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in



increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

(2) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Code section, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and (ii) such construction increases risks to life and property.

B. Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of these flood plain regulations and:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(2) The danger that materials may be swept on to other land or downstream to the injury of others.

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(5) The importance of the services provided by the proposed facility to the City.

(6) The requirements of the facility for a flood plain location.

- (7) The availability of alternative locations not subject to flooding for the proposed use.
- (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- (10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- (12) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
- (13) Such other factors which are relevant to the purpose of these flood plain regulations.

C. Conditions Attached to Variances. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of these flood plain regulations. Such conditions may include, but not necessarily be limited to:

- (1) Modification of waste disposal and water supply facilities.
- (2) Limitation of periods of use and operation.
- (3) Imposition of operational controls, sureties, and deed restrictions.
- (4) Requirements for construction of channel modifications, dikes, levees and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of these flood plain regulations.

- (5) Floodproofing measures.

### **165.74 NONCONFORMING USES**

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of these flood plain regulations, but which is not in conformity with the provisions herein, may be continued subject to the following conditions:

- A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to these regulations.

- B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of these flood plain regulations. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

**165.75 PENALTIES FOR VIOLATION.** Violations of the provisions of these flood plain regulations or failure to comply with any of the requirements herein shall constitute a misdemeanor. Any person who violates these flood plain regulations or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 30 days. Nothing herein contained prevent the City from taking such other lawful action as is necessary to prevent or remedy violation.

**165.76 AMENDMENTS.** The regulations and standards set forth in these flood plain regulations may from time to time be amended, supplemented, changed or repealed. No amendment, supplement, change or modification shall be undertaken without prior approval of the Department of Natural Resources.

**165.77 DEFINITIONS.** Unless specifically defined below, words or phrases used in these flood plain regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations their most reasonable application.

1. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. (See 100-year flood).
2. "Basement" means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
3. "Development" means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
4. "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the community's Flood Insurance Rate Map. May also be referred to as "existing structure."
5. "Existing factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by the community.
6. "Expansion of existing factory-built home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
7. "Factory-built home" means any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of these regulations, "factory-built home" includes mobile homes, manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

8. "Factory-built home park" means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease,
9. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
10. "Flood elevation" means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood,
11. "Flood insurance rate map (FIRM)" means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
12. "Flood plain" means any land area susceptible to being inundated by water as a result of a flood.
  
13. "Flood plain management" means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.
14. "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
15. "Floodway" means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
16. "Floodway fringe" means those portions of the flood plain, other than the floodway, which can be filled, leveed or otherwise obstructed without causing substantially higher flood levels or flow velocities.

17. "Historic structure" means any structure that is:
- A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
  - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved State program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.
18. "Lowest floor" means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
- A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 165.72(4)(A) of these flood plain regulations; and
  - B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
  - C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level; and
  - D. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

19. "New construction" (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

20. "New factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of flood plain management regulations adopted by the community.

21. "One hundred (100) year flood" means a flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.

22. "Recreational vehicle" means a vehicle which is:

- A. Built on a single chassis;
- B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

23. "Special flood hazard area" means the land within a community subject to the "100-year flood," This land is identified as Zone A on the community's Flood Insurance Rate Map.

24. "Start of construction" includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement,

was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

25. "Structure" means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.

26. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

27. "Substantial improvement" means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an "historic structure," provided the alteration will not preclude the structure's designation as an "historic structure."



- B. Any addition which increases the original floor area of a building by 25% or more. All additions constructed after August 6, 1976, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25%.
28. "Variance" means a grant of relief by a community from the terms of the flood plain management regulations.
29. "Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

*(Sections 165.70 through 165.77 added by Ord., 245— Oct. 07 Sapp.)*

