

Final
~~PRELIMINARY DRAFT FOR REVIEW~~
MAY 19, 2021

(RECOMMENDED FOR ADOPTION BY THE PLANNING AND ZONING COMMISSION ON MAY 18, 2021)

ORDINANCE NUMBER 383

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHELL ROCK, IOWA, BY ADDING OR AMENDING ZONING REGULATIONS, ACCORDING TO THE FOLLOWING SECTIONS, WHICH WERE ORIGINALLY ESTABLISHED IN ORDINANCE #364

BE IT ENACTED by the City Council of the City of Shell Rock Iowa:

SECTION 1.

The Code of Ordinances of the City of Shell Rock, Iowa, Ordinance #364, is hereby amended by adding or amending the following Ordinance definitions to Article I.

New Definitions:

- Section 1.05 Accessory Dwelling Unit: An accessory dwelling unit, or ADU, is an additional residential building that occupies the same lot as the principal or primary residence. ADUs are typically smaller, independent residential dwelling units located on the same lot as a standalone single-family home.
- Section 1.05 Patio: A patio is a structure or surface built at ground level from bricks, concrete, or tile.
- Section 1.05 Porch: A porch is a structure made of concrete or wood, extending from the front door that is level with the front of the house. A porch may be covered or have a roof. An attached porch, covered or not, shall be considered part of the principal building for setback measurement purposes and, if covered, shall not be allowed the exceptions outlined in Article XVI of this Ordinance.
- Section 1.05 Restaurants, mobile (Also known as a food truck) (excludes farmers markets and fresh produce stands). A temporary, mobile food service that is constructed on a trailer or within a vehicle and can be parked legally in a District that allows restaurants as a principal permitted use. This use requires a permit from the City with a copy of the vendor's state permit attached.
- Section 1.05 Shipping Container: A large, strong container, or portable compartment in which freight is placed (as on a truck, train, or ship), which is usually constructed of metal and is used to store goods during movement, transport, or shipment. A shipping container may also be known as an "intermodal freight container".
- Section 1.05 Shouse: A shouse (combining the terms 'shop' and 'house') is a personal workshop and/or storage space connected to a house or living quarters. The house/living quarters can be a primary residence or part-time residence (i.e. used for weekends or serve as vacation property) and is often located on land utilized for hunting, fishing, or other recreational purposes.
- Section 1.05 Terrace: A terrace is a relatively level paved or planted area adjoining a building that may be serving as an outdoor living area. A terrace may also be a raised, nearly level, area created by wood, masonry, or turf.
- Section 1.05 Tiny House: A tiny house is considered a dwelling that is four hundred (400) square feet in floor area or less, excluding lofts.

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Amended Existing Definitions:

33. Deck: An outdoor structure that is attached to a house or accessory building which is generally constructed of wood and used for recreational or relaxation purposes. A freestanding deck is not an accessory building unless it is a minimum of six (6) feet away from other buildings or structures. An attached deck shall be considered part of the principal building for setback measurement purposes A deck shall not include a roof that is attached to the principal building or use.
37. Lot, Corner: A lot abutting upon two (2) or more streets at their intersections (See Figure 4). For the purposes of this Ordinance, 'corner lots' shall have ~~two (2)~~ one (1) front yards, as determined by the side of the principal use from which the address is derived.

SECTION 2.

The Code of Ordinances of the City of Shell Rock, Iowa, Ordinance #364, is hereby amended by adding or amending the following Zoning Districts to address the definitions proposed in the prior Section of this Ordinance.

"A-1" ~~SUBURBAN AGRICULTURAL~~ LARGE LOT RESIDENTIAL DEVELOPMENT DISTRICT

Section 4.01 PRINCIPAL PERMITTED USES

12. Shouse, provided they meet the "Other Permitted Use" Bulk Requirements

"R-4" MOBILE HOME PARK DISTRICT

Section 8.00 GENERAL DESCRIPTION

The "R-4" Mobile Home District is intended and designed for mobile and tiny home development. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

"C-1" CENTRAL COMMERCIAL DISTRICT

Section 10.01 PRINCIPAL PERMITTED USES

58. Restaurants (permanent or mobile), taverns, and cafes.

"M-1" LIGHT INDUSTRIAL AND/OR MANUFACTURING DISTRICT

Section 12.01 PRINCIPAL PERMITTED USES

20. Shipping containers used for storage purposes

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SECTION 3.

The Code of Ordinances of the City of Shell Rock, Iowa, Ordinance #364, is hereby amended by adding an additional district to Article II, as well as adjusting the titles or labels of the two Agricultural Districts.

Section 2.00 ESTABLISHMENT OF DISTRICTS

For the purposes of this Ordinance, the City of Shell Rock is hereby organized into the following zoning districts:

Agricultural District

"A-1" Large Lot Residential Development District

"A-2" Suburban Agricultural District

Residence Districts

"R-1" Single Family Residential District

"R-2" Low Density Residential District

"R-3" Multiple Residential District

"R-4" Mobile Home Park District

"R-5" Planned Residential Development District

Commercial Districts

"C-1" Central Commercial District

"C-2" Commercial District

Manufacturing Districts

"M-1" Light Industrial and/or Manufacturing District

"M-2" Heavy Industrial and/or Manufacturing District

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SECTION 4.

The Code of Ordinances of the City of Shell Rock, Iowa, Ordinance #364, is hereby amended in the following manner regarding Accessory Buildings, under Article III.

Section 3.02 ACCESSORY BUILDINGS, STRUCTURES, AND USES (INCLUDING SWIMMING POOLS)

1. Time of Construction: No accessory building or structure shall be constructed on any lot prior to the completion of the foundation of the principal building to which it is accessory.
2. Percentage of Rear Yard Occupied Within an "R" District: No detached accessory building or buildings shall occupy more than thirty (30) percent of the area of a rear yard.
3. Height of Accessory Buildings Within an "R" District: No detached accessory building or structure shall exceed eighteen (18) feet in height, and the side walls shall not exceed twelve (12) feet in height.
4. Location on Lot: Accessory buildings are allowed in all types of yards in all districts, with the exception of in the Commercial Districts. No accessory building or structure shall be erected in any front yard of any Commercial District. Accessory buildings or structures shall be no closer than six (6) feet from any principal buildings, measured from the wall of each structure.
5. Number of Accessory Structures Allowed Within an "R" District: A maximum of ~~two (2)~~ three (3) accessory structures shall be allowed per lot.
6. Materials Used for Accessory Buildings Within an "R" District: Accessory building walls or roofs shall not be constructed of any type of fabric, plastic, vinyl, or fibrous materials, nor shall the structure be constructed or supported primarily of PVC or similar plastic tubing. Further, an accessory building shall not be constructed of any used or salvaged materials. Temporary garden awnings are exempted from this requirement.
7. Swimming Pools Requiring a Permit: Permanent swimming pools shall be considered an accessory building or structure for the purposes of this ordinance and shall require a city-issued permit. Fencing of a permanent swimming pool shall be the responsibility of the owner and will not be inspected by the city.
8. Swimming Pools Not Requiring a Permit: Temporary swimming pools that are removed seasonally shall not be considered an accessory building or structure for the purposes of this ordinance and are not regulated by the city.

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SECTION 5.

The Code of Ordinances of the City of Shell Rock, Iowa, Ordinance #364, is hereby amended in the following manner to allow more than one principal structure per lot in certain zoning districts, as described in Article III.

Section 3.03 ONE-PRINCIPAL STRUCTURE(S) ON A LOT

Unless otherwise allowed, only one principal use or structure will be allowed on a lot. However, in any District the "A-1", "A-2", and "R-2" Districts, two (2) one principal structures, each containing the same principal permitted use, may be erected on a single lot provided that the area, yard, and other requirements are met for each. This shall include Accessory Dwelling Units.

SECTION 6.

The Code of Ordinances of the City of Shell Rock, Iowa, Ordinance #364, is hereby amended in the following manner regarding fence requirements within Article III.

Section 3.12 FENCES

1. Fences in an "R" District: Residential fences or landscape features such as sculpture or walls may be erected or constructed. No portion of the fence shall extend onto adjacent property or right-of-way, however it may be built on a property line provided the location of which is known. ~~Fences are allowed in~~ must follow setback areas. No such fence in any side, or rear yard having street frontage shall exceed four (4) feet in height and eight (8) feet in height in the case of side and rear yards not having street frontage. Fences are ~~not~~ allowed in a front yard, ~~unless including~~ on a corner lot. For corner lots, there shall be ~~two (2)~~ one (1) recognized front yards for the purposes of this Ordinance, and a fence, which may not exceed four (4) feet in height, may be allowed in the front or side yard; front yard is defined as the side of the principal use from where the property in question's address is derived. ~~However, said fence shall not extend into the front yard from which the address is derived.~~ Fences shall not be constructed of used or salvaged materials, nor shall they have barbed wire. Fences shall have the finished side facing out, or away from the owner's property, with the support poles on the inside, or facing the owner's property.
2. Fences in Other Districts or Where the Use is Other than a Residential Use: Nonresidential fences located in a district other than an "R" District shall not ~~be less than four (4) feet nor~~ exceed eight (8) feet in height. No portion of the fence shall extend onto adjacent property or right-of-way, however it may be built on a property line provided the location of which is known. Fences are allowed in setback areas. ~~Fences in any front or side yard of a corner lot shall not exceed four (4) feet in height.~~ Fences shall not be constructed of used or salvaged materials. Fences shall have the finished side facing out, or away from the owner's property, with the support poles on the inside, or facing the owner's property.

SECTION 7.

The Code of Ordinances of the City of Shell Rock, Iowa, Ordinance #364, is hereby amended in the following manner, as Bulk Requirements are regulated in Article III.

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Table 1: Bulk Requirements⁵

District Use	Maximum Building Height ⁴	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Side Street, Corner Lot	Minimum Rear Yard
A-1							
Single Family	40 Ft. or 3 Stories	1 Acres	200 Ft.	25 Ft.	20 Ft.	25 Ft.	30 Ft.
Other Permitted Uses	---	3 Acres	200 Ft.	50 Ft.	50 Ft.	50 Ft.	50 Ft.
R-1							
Single Family	40 Ft. or 3 Stories	8,000 Sq. Ft.	65 Ft.	25 Ft.	7 Ft.	25 Ft.	30 Ft.
Other Permitted Uses	---	10,000 Sq. Ft.	80 Ft.	25 Ft.	7 Ft.	25 Ft.	30 Ft.
R-2							
Single Family	40 Ft. or 3 Stories	8,000 Sq. Ft.	65 Ft.	25 Ft.	7 Ft.	25 Ft.	30 Ft.
Multi-Family (Up to 2 dwelling units)	40 Ft. or 3 Stories	8,400 Sq. Ft.	90 Ft.	25 Ft.	7 Ft.	25 Ft.	30 Ft.
Other Permitted Uses	---	30,000 Sq. Ft.	90 Ft.	25 Ft.	7 Ft.	25 Ft.	30 Ft.
R-3							
Single Family	40 Ft. or 3 Stories	8,000 Sq. Ft.	65 Ft.	25 Ft.	7 Ft.	25 Ft.	30 Ft.
Multi-Family (Up to 2 dwelling units)	40 Ft. or 3 Stories	8,400 Sq. Ft.	90 Ft.	25 Ft.	7 Ft.	25 Ft.	30 Ft.
Multi-Family (3 or more dwelling units)	45 Ft. or 3 Stories	10,000 Sq. Ft.	90 Ft.	25 Ft.	7 Ft.	25 Ft.	30 Ft.
Other Permitted Uses	---	1 Acre	180 Ft.	30 Ft.	16 Ft.	30 Ft.	30 Ft.
R-4							
Mobile Home Park	25 Ft.	5 Acres	360 Ft.	40 Ft.	40 Ft.	40 Ft.	40 Ft.
Mobile Home Site	25 Ft.	4,000 Sq. Ft.	40 Ft.	20 Ft.	7 Ft.	20 Ft.	10 Ft.
R-5	45 Ft.	10 Acres	---	---	¹	---	---
C-1	50 Ft. or 4 Stories	---	---	---	¹	---	¹
C-2	50 Ft. or 4 Stories	---	---	15 Ft.	¹	15 Ft.	¹
M-1	50 Ft. or 4 Stories	---	---	25 Ft.	10 Ft.	25 Ft.	15 Ft.
M-2	50 Ft. or 4 Stories	---	---	25 Ft.	15 Ft.	25 Ft.	40 Ft.
Accessory Buildings for R-1, R-2, & R-3 Districts ³	18 Ft. or 1 story, whichever is lower.	---	---	---	²	Same as permitted uses	²

NOTES:

¹
²

None required except adjoining any "R" District, in which case not less than fifteen (15) feet.

Accessory building to be placed in the rear or side yards may reduce minimum side and rear yard requirements to four (4) feet. (See Section 3.02)

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- 3 Maximum Coverage of Lot for Accessory Buildings shall be thirty (30) percent of rear yard. Maximum number of accessory
buildings shall be ~~two (2)~~ three (3). (See Section 3.02)
- 4 Maximum Height shall be measured by either the designated footage or by stories, whichever is lower.
- 5 The more restrictive requirements of the actual use or the zoning district, in which a use, building, or structure is located, shall
apply.
- 6 Fence regulations are found in Section 3.12.

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SECTION 8.

The Code of Ordinances of the City of Shell Rock, Iowa, Ordinance #364, is hereby amended to include a new Article, and renumber all the succeeding Articles, to accommodate for large lot development in the City.

ARTICLE

"A-2" SUBURBAN AGRICULTURAL DISTRICT

Section 7.00 GENERAL DESCRIPTION

The "A-2" Suburban Agricultural District is intended to provide regulations for agricultural land that is being used for larger lot, single family dwellings, where municipal services may or may not be available. Because of availability, water and sewer services for properties in this District are usually provided through individual wells or rural water service and individual septic systems or municipal sewer systems, provided they meet County Board of Health standards. Tracts or parcels of land that are included in this District must be equal to, or greater than, five (5) acres in area. It is intended that this District shall combine certain advantages of both urban and rural locations by allowing low concentration of residential development while permitting a limited number of animals to be kept on each parcel or lot.

Section 7.01 PRINCIPAL PERMITTED USES

Property and buildings in an "A-2" Multiple Residential District shall be used only for the following purposes:

1. Any use permitted in the R-1 District. However, the Bulk Requirements for that District must be met.
2. Bed and Breakfast facilities.
3. Boarding and lodging houses.
4. Hospitals (except animal hospitals) day nurseries or care facilities, nursing and convalescent home and medical clinics.
5. Private clubs, lodges, and similar uses.
6. Funeral Homes and Mortuaries.
7. City buildings and facilities, including essential service buildings.
8. Specialized animal and/or livestock farms that are limited to the following maximum density requirements and are a minimum of one hundred (100) feet from an "R-1" District:

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Size and Type of Mature Animals	Maximum Density Per Lot
<i>Large Animals</i> (horses, cattle, elk, deer, swine, and other similar animals)	2 Animals Per Lot
<i>Medium Animals</i> (sheep, goats, emus, ostriches, and other similar animals)	5 Animals Per Lot
<i>Small Animals</i> (poultry, fowl, rabbits, mink, chinchilla, and other similar animals)	10 Animals Per Lot

9. Accessory uses and buildings which are customarily incidental to any of the above uses.
10. Other uses similar to the foregoing designated uses after review and approval per Section 17.10(1).

Section 7.02 SPECIAL EXCEPTIONS

The following special exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions contained herein:

1. Any special exception allowed in a more restrictive District, unless said use is specifically listed as a principally permitted use in this District.
2. Any other uses deemed appropriate on review by the Board of Adjustment to be the same general character as the foregoing special exceptions.

Section 7.03 HEIGHT REGULATIONS, LOT, AREA, FRONTAGE AND YARD REQUIREMENTS

Shall be those regulations as specified in below:

District Use	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Side Street, Corner Lot	Minimum Rear Yard
A-2							
Single Family	40 Feet or 3 stories	5 Acres	200 Feet	25 Feet	20 Feet	25 Feet	30 Feet
Other Permitted Uses	40 Feet or 3 stories	5 Acres	200 Feet	50 Feet	50 Feet	50 Feet	50 Feet

Section 7.04 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 14.00.

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Section 7.05 SIGN REGULATIONS

The following signs are permitted. No sign permit is required.

1. Name plates attached flat against the wall of the principal building not to exceed three (3) square feet in area.
2. Church or public bulletin boards not to exceed twelve (12) square feet in area.
3. Temporary signs advertising the lease or sale of the premises not to exceed six (6) square feet in area.
4. Illumination of signs, bulletin boards, and nameplates shall not exceed sixty (60) watts and shall be lighted only with indirect, non-intermittent lighting.
5. Signs and bulletin boards shall be at least twenty (20) feet from the front line or not more than five (5) feet in front of the principal building(s).
6. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.
7. Portable signs, provided they stay no longer than ninety (90) days per calendar year.

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SECTION 9.

The Code of Ordinances of the City of Shell Rock, Iowa, Ordinance #364, is hereby amended in the following manner to address decks, patios, porches, and terraces, including those that are covered, within Article XVI.

Section 16.03 SIDE YARD EXCEPTIONS AND MODIFICATIONS

- e. Terraces, steps, uncovered porches (not including decks), stoops or similar features, not higher than the elevation of the ground story of the building and distant ~~three (3)~~ two (2) feet from the side lot line.

Section 16.04 REAR YARD EXCEPTIONS AND MODIFICATIONS

5. Terraces, steps, decks, uncovered porches, or similar features not more than ~~ten (10)~~ twenty (20) feet into a required rear yard, provided other bulk requirements including setbacks can be met. ~~nor~~ Said features shall not be closer than six (6) feet of an alley or within ten (10) feet of a rear lot line.

SECTION 10.

The Code of Ordinances of the City of Shell Rock, Iowa, _____, Ordinance #364, is hereby amended in the following manner to address penalties for building without a permit, under Article XVIII.

Section 18.00 BUILDING CONSTRUCTION

No building or structure shall hereafter be erected, constructed, reconstructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the Zoning Administrator. Said permit and the application for the permit shall contain a plot plan showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building or structure to be erected or affected, the name and address of the owner or owners of the involved lot, and such other information as may be necessary to provide for the enforcement of this Ordinance. The application and permit shall be on forms prepared by the Zoning Administrator and approved by the Council. No permit shall be issued for any construction not in compliance with this Chapter. Any construction started without a permit shall be stopped immediately and shall be subject to the remedies of Section 19.02. ~~No permit shall be issued on construction begun without a permit until the applicant pays a penalty of twenty five (\$25) dollars.~~

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SECTION 11.

The Code of Ordinances of the City of Shell Rock, Iowa, Ordinance #364, is hereby amended in the following manner to address violations as enforced under Article XIX.

Section 19.02 CITY REMEDIES

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the City may, in addition to other remedies, institute injunction, mandamus, or other appropriate lawful action necessary to prevent, correct, or abate such violation. A violation of this Ordinance shall be deemed a municipal infraction under the City of Shell Rock City Code ~~and a violation of the City of Shell Rock Nuisance Ordinance~~. Any construction started without a permit or which does not comply with the requirements of the Code of Ordinances shall be removed immediately. The City Council may, without limitation, provide for abatement of such nuisance, pursue civil action in court, or prosecute such violation, such action to be prosecuted in the name of the City, or may pursue any combination of remedies. The violation of this chapter shall be a simple misdemeanor. Each day that said violation is continued shall constitute a separate violation. Nothing in this section shall limit the remedies and enforcement powers of the City, which shall include injunctive relief.

SECTION 12. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 13. SEVERABILITY CLAUSE.

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 14. WHEN EFFECTIVE.

This Ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Recommended for adoption by the Planning and Zoning Commission on the 18th day of May 2021, after a public hearing was held.

The City Council held a public hearing and approved the readings of this Ordinance on:

First Reading and Public Hearing: June 22, 2021

Second Reading: July 6, 2021

Third Reading: July 20, 2021

Published as Ordinance No. 383 on August 5, 2021.

Marilyn Harder, City Clerk

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Passed and approved by the City Council this 20th day of July, 2021.



Mayor



City Clerk

**CITY OF SHELL ROCK, IOWA
ZONING ORDINANCE**

ORDINANCE NUMBER 364

AN ORDINANCE REPEALING ORDINANCE 240, SHELL ROCK ZONING ORDINANCE, OR CHAPTER 165, ZONING REGULATIONS IN THE CITY CODE OF SHELL ROCK, INCLUDING THE OFFICIAL ZONING MAP AND ALL AMENDMENTS THERETO; AND

ENACTING THE FOLLOWING ZONING ORDINANCE IN LIEU THEREOF AS NEW ORDINANCE NUMBER 364, THE CITY OF SHELL ROCK, IOWA ZONING ORDINANCE, CHAPTER 165 OF THE CITY CODE. NEW ORDINANCE NUMBER 364 IS AN ORDINANCE CREATING UPDATED ZONING REGULATIONS FOR THE PURPOSE OF PROTECTING HEALTH, WELFARE, AND PUBLIC SAFETY WITHIN THE CITY OF SHELL ROCK, IOWA.

Recommended for Adoption by the
Shell Rock Planning and Zoning Commission,
after a Public Hearing, on: March 29th, 2018

Approved and Adopted by the
Shell Rock City Council
A Public Hearing was held and the First Reading was approved on: May 8th, 2018
The Second Reading was approved on: June 5th, 2018
The Third and Final Reading was approved on: July 10th, 2018

Effective Date: August 14th, 2018

Prepared by the
Iowa Northland Regional Council of Governments

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**CITY OF SHELL ROCK, IOWA
ZONING ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL, OF THE CITY OF SHELL ROCK, BUTLER COUNTY, IOWA: AN ORDINANCE REPEALING: ORDINANCE 240, SHELL ROCK ZONING ORDINANCE, OR CHAPTER 165, ZONING REGULATIONS IN THE CITY CODE OF SHELL ROCK, INCLUDING THE OFFICIAL ZONING MAP, AND ALL AMENDMENTS THERETO; AND

ENACTING THE FOLLOWING ZONING ORDINANCE IS ENACTED IN LIEU THEREOF AS NEW ORDINANCE NUMBER 364, THE CITY OF SHELL ROCK, IOWA ZONING ORDINANCE, CHAPTER 165 OF THE CITY CODE. ORDINANCE NUMBER 364 IS AN ORDINANCE CREATING UPDATED ZONING REGULATIONS FOR THE PURPOSE OF PROTECTING HEALTH, WELFARE, AND PUBLIC SAFETY WITHIN THE CITY OF SHELL ROCK, IOWA.

ARTICLE I

TITLE, PURPOSE, NATURE, AUTHORITY, IOWA OPEN MEETINGS LAW, AND DEFINITIONS

Section 1.00 TITLE

This Ordinance shall be known as and may be referred to and cited as Ordinance Number 364, "The City of Shell Rock, Iowa Zoning Ordinance". It is adopted in accordance with the Shell Rock Comprehensive Plan.

Section 1.01 PURPOSE

The various use districts which are created by this Ordinance and the various articles and sections of this Ordinance are adopted for the purpose, among others, of:

1. Implementing the Comprehensive Plan for the City of Shell Rock, Iowa;
2. Promoting the public health, safety, morals, comfort, general welfare, and preserving the natural, scenic and historically significant areas of the City;
3. Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities which have similar needs and are compatible;
4. Encouraging such distribution of population, classification of land use, and distribution of land development throughout the City that will tend to facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;
5. Lessening or avoiding congestion in the public streets and highways;
6. Seeking to protect against fire, explosion, noxious fumes, flood, panic, and other dangers in the interest of public health, safety, comfort, and general welfare;
7. Helping to ensure that all residential, commercial, and manufacturing structures as well as other types of structures will be accessible to fire fighting and other emergency equipment;
8. Prohibit the formation or expansion of nonconforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district;
9. Promoting the development of residential neighborhoods which are free of noise, dust, fumes, and heavy traffic volumes in which each dwelling unit is assured of light, air, and open spaces;
10. Helping to prevent land development activities which lead to roadside blight, and to minimize the effects of nuisance producing activities;

11. To prevent, whenever possible, land boundary disputes or real estate title problems;
12. To provide for a balance between the land use rights of individual landowners and the economic, social, and environmental concerns of the public when a city is developing or enforcing land use regulations;
13. Promoting and guiding the continued growth and expansion of the City while protecting the natural, economic, historic and scenic resources of the City;
14. Conserving the taxable value of land and buildings throughout the City; and
15. Defining the powers and duties of the Zoning Administrator and other bodies, as provided herein.

Section 1.02 NATURE

This Ordinance classifies and regulates the use of land, buildings, and structures within the corporate limits of the City of Shell Rock, Iowa, and hereinafter set forth. The regulations contained herein are necessary to promote the health, safety, convenience, morals and welfare of the inhabitants, and to preserve the natural, scenic and historically significant areas of the City by dividing the City into zoning districts and regulating therein the use of the land and the use and size of the buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population.

Section 1.03 AUTHORITY

The authority for this Ordinance is granted by the Code of the State of Iowa, Chapter 414.

Section 1.04 IOWA OPEN MEETINGS LAW

The Shell Rock Planning and Zoning Commission and Board of Adjustment, which are public bodies, are subject to the terms, regulations, and restrictions of the Iowa Open Meeting Law, Chapter 21 of the Code of Iowa as amended. Wherever in this Ordinance a conflict appears between the Ordinance and the open meeting law, the open meeting law shall control.

Section 1.05 DEFINITIONS

For the purpose of the Ordinance and in order to carry out the provisions contained herein, certain words, terms, phrases, and illustrations are to be interpreted and defined herein.

Words used in the present tense shall include the future tense; the singular number includes the plural, and the plural number includes the singular. The word "lot" includes the word "plot" or "parcel" and the word "building" includes "structure." The word "shall" is mandatory; the word "may" is permissive. The following words, terms, and phrases are hereby defined and shall be interpreted as such throughout these regulations. As such, these definitions contain enforceable standards that apply to all uses. Terms not herein defined shall have the meaning customarily assigned to them.

1. Accessory Building or Use: A detached building or permanent use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use. An accessory building shall be a minimum of six (6) feet away from other buildings or structures and shall be a minimum of nine (9) square feet in area. For the purposes of this Ordinance, an external wood burning furnace, built to industry requirements, shall be considered an 'accessory building'. See Section 3.02 for accessory building standards.

2. Alley: A public way, other than a street, twenty (20) feet in width affording secondary means of access to abutting property.
3. Apartment: A room or suite of rooms used as the dwelling of a household, including bath and culinary accommodations, located in a building in which there are three (3) or more such rooms or suites.
4. Appeal: A request for review of the Zoning Administrator's interpretation of any provision of this Ordinance.
5. Auto Body Repair Shop: Any building, structure or land used for automobile body repair, restoration, and painting.
6. Basement/Cellar: A basement shall be a portion of a building having two (2) or more of its sides below grade. A basement or cellar is not included in computing the number of stories for the purpose of height measurement.
7. Bed and Breakfast: An owner-occupied dwelling unit that contains no more than three (3) guest rooms where lodging, with or without meals, is provided for compensation.
8. Block: An area of land within a subdivision that is entirely bounded by streets, railroad rights-of way, rivers, tracts of public land, or the boundary of the subdivision.
9. Billboard: A type of sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.
10. Board of Adjustment: "Board of Adjustment" shall mean the Zoning Board of Adjustment of the City of Shell Rock, Iowa.
11. Boarding, Rooming, and Lodging House: A building other than a hotel where, for compensation and by arrangement, meals, lodging are capable of being provided for three (3) or more persons on a weekly or monthly basis.
12. Building: Any structure designed or built for supporting, enclosing, or sheltering of any use or occupancy. This definition does not include signs of any type.
13. Building Code: The Uniform Building Code (U.B.C.) promulgated by the International Conference of Building Officials.
14. Building Height: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the highest point of the building or roof line for gable, hip and gambrel roofs. The only exceptions to the building height requirements set forth in this Ordinance appear in Section 16.01.
15. Building Line: A line on a plat between which line and a street, alley, or private place no building or structure may be erected.
16. Building Official: The officer(s) or other designated authority (ies) charged with the administration and enforcement of the Building Code in the City of Shell Rock.
17. Car Wash: A building, or portion thereof, containing facilities for washing motor vehicles; using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices, or providing space, water, equipment, or soap for the complete or partial

- hand-washing of such automobiles, whether by operator or by a customer.
18. Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides. A carport attached to a principal building shall be considered a part of the principal building and subject to all yard requirements therein.
 19. Channel: A natural or human-made open watercourse with definite bed and banks which periodically or continuously contains moving water; or which forms a connecting link between two (2) bodies of water.
 20. Child Care Center (Institutional): Any establishment or institution, such as a church or non-profit organization, which receives children under the age of sixteen (16) years for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation, and that meets the general standards established by the Iowa Department of Human Services requirements. An institutional child care center shall not be conducted in a dwelling unit or private home.
 21. Child Care Center (Home): An organization located in a dwelling unit, or private home, which provides care services for children under the age of sixteen (16) years for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation. For the purposes of this Ordinance, a child care center in the home shall be considered a "home occupation" and shall follow the provisions outlined in this Ordinance.
 22. City Engineer: "City Engineer" shall mean the professional engineer registered in the State of Iowa designated as City Engineer by the City Council or other hiring authority.
 23. Clinic: A building or buildings used by physicians, dentists, veterinarians, osteopaths, chiropractors, and allied professions for out-patient care of persons requiring such professional service.
 24. Common Sewer System: A central sewer collecting system, if available, to each platted lot and discharging into a treatment plant, the construction and location of which is approved by the City and County or State Boards of Health.
 25. Common Water System: A central water supply system, if available, to each platted lot from one single source approved by the City and County or State Boards of Health.
 26. Comprehensive Plan: The general plan for the development of the community, which may be titled master plan, comprehensive plan or some other title, which has been adopted by the City Council. Said Comprehensive Plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
 27. Consignment and Auction Sales Operations: A business which, on an ongoing basis, stores and sells personal property as well as others to the public either indoors or outdoors.
 28. Contiguous: Adjoining or lying next to.
 29. Convenience Store: A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items. It is designed to attract and depends on a large volume of stop-and-go traffic.
 30. Court: An open, unobstructed, and unoccupied space other than a yard which is bounded on two (2) or more sides by a building on the same lot.

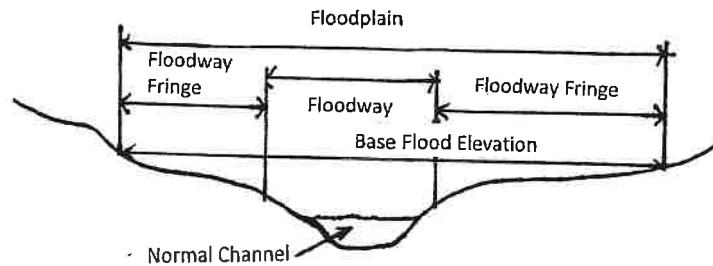
31. Cul-de-sac: A street having one end connecting to another street, and the other end terminated by a vehicular turn around.
32. Curbline: The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curbline shall be established by the jurisdiction's engineer.
33. Deck: An outdoor structure that is attached to a house or accessory building which is generally constructed of wood and used for recreational or relaxation purposes. A deck is not an accessory building unless it is a minimum of six (6) feet away from other buildings or structures. An attached deck shall be considered part of the principal building for setback measurement purposes.
34. Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.
35. Development: Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.
36. Developmentally Disabled: For the purpose of the 'family home' provisions of this Ordinance, a disability of a person which has continued or can be expected to continue indefinitely and which is one of the following.
 - a. Attributable to mental retardation, cerebral palsy, epilepsy, or autism.
 - b. Attributable to any other condition found to be closely related to mental retardation.
 - c. Attributable to dyslexia resulting from a disability.
 - d. Attributable to a mental or nervous disorder.
37. District: A section or sections of the City within which certain uniform regulations and requirements governing the use of buildings and premises or the height and areas of buildings and premises are uniform.
38. Drive-in Restaurant or Refreshment Stand: Any place or premises principally used for the sale, dispensing, or serving of food, refreshment, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on or off the premises.
39. Driveway: A private roadway, providing access for vehicles to a parking space, garage, dwelling or other structure. Driveway aprons or approaches must be constructed of a hard surface, specifically poured Portland Cement Concrete (PCC) or Asphaltic Cement Concrete (ACC), and be at least six (6) inches in thickness.
40. Dump / Landfill: A premises used for the disposal of "clean" type of fill material or refuse, such as dirt, rocks, bricks, concrete, rubble, tree branches, and similar materials, but not including organic matter of any type, such as garbage or dead animals or portions thereof.
41. Dwelling: Any building or portion thereof which is designed for, or used for, residential purposes and is a minimum of twenty-four (24) feet in width. A dwelling does not include a tent, cabin, trailer, or mobile home. A dwelling is constructed of conventional materials such as brick, block, and wood. A dwelling shall not be constructed with discarded or salvaged materials.

42. Dwelling, Attached: A dwelling that is physically attached by a common roof, wall, or floor to another dwelling or accessory building.
43. Dwelling, Condominium: A multiple-family dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each owner having an undivided interest in the common real estate.
44. Dwelling, Detached: A dwelling which is not attached to any other dwelling or accessory building by any means. The detached dwelling does not have any roof, wall, or floor in common with any other dwelling unit or accessory building and is a minimum of six (6) feet away from other buildings or structures.
45. Dwelling, Multiple-Family: A residential building designed for occupancy by three (3) or more families, with separate housekeeping and cooking facilities for each.
46. Dwelling, Row: Any one of three (3) or more attached dwellings in a continuous row, each dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls. Also referred to as a "townhouse."
47. Dwelling, Single-Family: A detached residential dwelling unit, other than a mobile home, designed for occupancy by one (1) family only. Single-family dwelling shall include a "manufactured home", as herein defined.
48. Dwelling, Two-Family / Duplex: A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families with separate housekeeping and cooking facilities for each.
49. Dwelling, Unit: A dwelling which consists of one (1) or more rooms which are arranged, designed, or used as living quarters for one (1) family only.
50. Earth Home: An earth home is a structure that is built for habitation below the finished or natural grade on two (2) or more sides and is constructed with passive solar energy generation in mind. An earth home is to be considered a single-family dwelling for the purposes of this Ordinance. This definition is not to be confused with the definition of a basement or cellar.
51. Easement: A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.
52. Economic Base: The production, distribution and consumption of goods and services within a planning area.
53. Egress: An exit.
54. Elder Home: A home for elderly residents that conforms to the definition of 'family home' in this Ordinance.
55. Eminent Domain: The authority of a government to take, or to authorize the taking of, private property for public use for just compensation.
56. Environmental Impact Statement (EIS): A statement on the effect of development proposals and other major activities which significantly affect the environment.

57. Essential Services: The erection, alteration, or maintenance, by public utilities, or the city of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, lift stations, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare of the City of Shell Rock. (See Section 3.08).
58. Exotic Animals: Domesticated animals kept for commercial or personal purposes that are not common domesticated animals including, but not limited to: emus, ostriches, llamas, monkeys, snakes, spiders, chinchillas, and mink.
59. Factory-Built Home / Mobile Home: A structure, transportable in one or more sections, which is at least eight (8) feet in width and thirty-two (32) feet in length, built on a permanent chassis and which is designed to be used as a dwelling unit. A factory-built home or mobile home may be used with or without a permanent foundation when connected to utilities. The term factory-built home or mobile home does not include "recreational vehicle."
60. Factory-Built Home Park or Subdivision / Mobile Home Park: A parcel (or contiguous parcels) of land divided into two (2) or more factory-built home lots for rent or sale.
61. Family: One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over four (4) adults, or two adults and their dependents.
62. Family Home: A community-based residential home which is licensed as a residential care facility licensed under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa 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. A "family home" does not mean an individual foster care family as licensed under Chapter 237 of the Code of Iowa.
63. Farm or Farmland: A parcel of land used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of livestock. For the purposes of this Ordinance a "farm" shall consist of thirty-five (35) or more contiguous acres, exclusive of streets and roads.
64. Feasibility Study: An analysis of a specific project or program to determine if it can be successfully carried out.
65. Fence, Residential: A barrier and/or structure erected in an "R" District intended to provide security, mark a boundary, or as a means of landscaping. Such fence shall be constructed of materials commonly used for landscape fencing such as masonry block, lumber, chain link, but shall not include corrugated sheet metal, barbed wire, used, or salvage material.
66. Fence, Non-Residential: A barrier and/or structure erected in a district other than an "R" District intended to provide security, mark a boundary or a means of landscaping. No such fence is constructed of used or salvaged material, nor shall any such fence uses barbed wire closer than six (6) feet to the ground except a fence used purely for agricultural purposes.

67. Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters; (2) The unusual and rapid accumulation or runoff of surface waters from any source.
68. Floodplain: Any land area susceptible to being inundated by water from any source (see Figure 1).

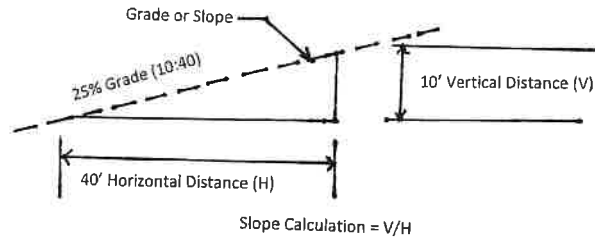
Figure 1: Floodplain Definitions



69. Floor Area: In the case of merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to public or customers, patrons or clients, but shall not include areas used principally for non-public purposes, such as toilet or rest room, utilities, or dressing rooms.
70. Floor Area Ratio: The gross floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.
71. Frontage: That side of a lot abutting on a street; the front lot line. The 'front' of a building shall be considered that portion of the building fronting on the street from which the building's address is derived.
72. Garage, Private: An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the primary building.
73. Garage, Public: A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.
74. Garage, Storage: A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired, or sold.
75. Gas Station: Any building, structure or land used for the dispensing, sale, or offering for sale at retail of any vehicular fuels, oils, or accessories and in connection with which is performed general vehicular servicing as distinguished from automotive repairs.

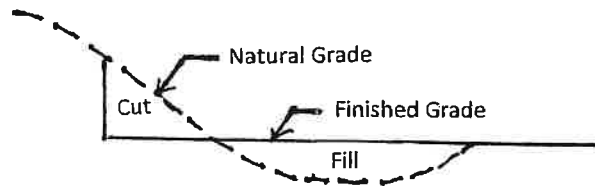
76. Governing Body: The City Council of the City of Shell Rock, Iowa.
77. Grade: The degree of rise or descent of a sloping surface (see Figure 2).

Figure 2: Grade or Slope



78. Grade, Finished: The final elevation of the ground surface after development (see Figure 3).
79. Grade, Natural: The elevation of the ground surface in its natural state before human-made alterations (see Figure 3).

Figure 3: Grade or Slope; Cut and Fill Cross Section



80. Group Care Facility: A facility which provides resident services to nine (9) or more individuals of whom one or more are unrelated. These individuals are aged, disabled, or are undergoing rehabilitation, and are provided services to meet their needs. This category includes any licensed or supervised federal, state or county health/welfare agencies, such as group homes, halfway houses, resident schools, resident facilities, and foster or boarding homes.
81. Historic Preservation: The protection, rehabilitation, and restorations of districts, sites, buildings, structures, and artifacts significant in American history, architecture, archaeology, or culture.
82. Historic Structure: Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on 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 either: (i) By 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.
83. Home Occupation: An occupation or profession conducted entirely within an enclosed dwelling

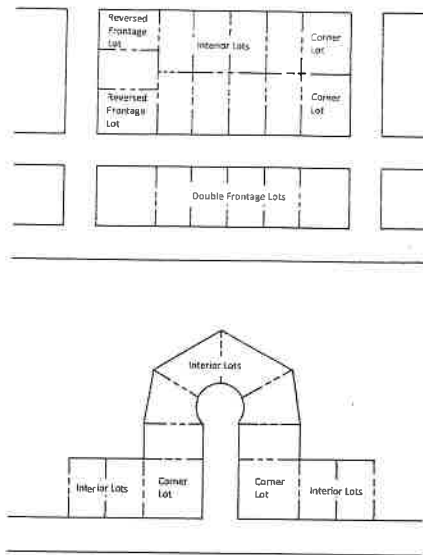
unit which is clearly incidental and secondary to residential occupancy and does not change the character thereof.

84. Home Industry: An occupation or profession conducted entirely within an enclosed accessory building(s) and/or dwelling unit which is clearly incidental and secondary to the residential occupancy and does not change the character thereof.
85. Hotel: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or rooming house.
86. Household: A group of persons living together in a single "dwelling unit", with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.
87. Improvements: Changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, storm sewers, sanitary sewers, drainageways, and other public works and appurtenances.
88. Ingress: Access or entry.
89. Institution: A nonprofit or quasi-public use or institution such as church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.
90. Junk or Salvage: Scrap or used copper, brass, rope, rags, batteries, paper trash, tires and rubber debris, waste, appliances, furniture, equipment, building demolitions materials, structural steel materials, or similar materials. This definition shall also include junked, dismantled, or wrecked used motor vehicles, or parts of motor vehicles, and iron, steel, or other scrap ferrous or nonferrous material.
91. Junk or Salvage Yard: Any area where junk or salvage is bought, sold, exchanged, baled or packed, disassembled, kept, stored, or handled. This definition shall also include auto or other vehicle or machinery wrecking or the processing of used, discarded, or salvaged materials as part of a manufacturing operation located on the same property, and contractor's storage yards. The presence on any lot, parcel, or tract of land of two (2) or more unlicensed, wrecked, scrapped, ruined, dismantled, or inoperative vehicles, including implements of husbandry, shall constitute prima facie evidence of a junk or salvage yard. This shall not include motor vehicles licensed for the current year as provided by law, or motor vehicles legally placed in storage, if kept completely enclosed within a building.
92. kennel, Dog (Commercial): Any parcel of land on which three (3) or more dogs, six (6) months old or older are kept for the purposes of breeding, grooming, boarding or other activities associated with the care of dogs for commercial purposes.
93. Laundromat: An establishment providing washing, drying and/or dry cleaning machines on the premises for rental use to the general public for family laundering and/or dry cleaning purposes.
94. Loading Space: An off-street space or berth used for the loading or unloading of vehicles.
95. Lot: A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area to provide such yards and other open space as are herein required. Such lot shall have frontage on a public street or 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; of complete lots of record and portions of lots of record; or of portions of lots of record; and (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 Ordinance.

96. Lot Area: The total area within the lot lines of a lot, excluding any street rights-of-way.
97. Lot, Corner: A lot abutting upon two (2) or more streets at their intersections (See Figure 4). For the purposes of this Ordinance, 'corner lots' shall have two (2) front yards.
98. Lot Depth: The mean horizontal distance between the front and rear lot lines.
99. Lot, Double Frontage: A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot (See Figure 4).
100. Lot, Flag: A lot not fronting on or abutting a public road and where access to the public road is by a narrow, private or public right-of-way.
101. Lot Frontage: The length of the front line measured at the street right-of-way line.
102. Lot, Interior: "Interior lot" means a lot other than a corner lot (See Figure 4).
103. Lot Line: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
104. Lot Line, Rear: The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
105. Lot Line, Side: Any lot line other than a front or rear lot line.
106. Lot, Minimum Area of: The smallest lot area established by the Zoning Ordinance on which a use or structure may be located in a particular district.
107. Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder of the County in which it is located.
108. Lot Width: Lot width is measured at the building line at right angles to its depth.

Figure 4: Examples of Lot Definitions



109. Lumber Yard: A premises on which primarily new lumber and related building materials are sold.
110. Massage Establishment: Any place of business wherein massage (as the practice of a profession, scientifically applied to the patient by massage therapist's hands) is administered or used.
111. Manufactured Home: "Manufactured home" means a factory built, single-family structure which is manufactured or constructed under the authority of 42 U.S.C. Section 5403, National Manufactured Home Construction and Safety Standards Act of 1974, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. For the purpose of these regulations, a manufactured home shall be subject to the same standards as a site-built dwelling. If located outside a mobile home park, a manufactured home shall be constructed with a permanent foundation system that is visually compatible with surrounding residential structures. For purposes of this section, foundation systems constructed and with the appearance of concrete, concrete block, or mortared stone that encompass the entire perimeter foundation area shall be deemed to be visually compatible with surrounding residential structures. Metal, plastic, or other sheeting skirting systems shall not be visually compatible for the purposes of this section. The home shall also be converted to real estate as required by Iowa Code 435.26.
112. Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.
113. Mobile Home: See "Factory-Built / Mobile Home," (Section 1.05.59).
114. Motor Court or Motel: A building or groups of buildings used primarily for the temporary residence of motorists or travelers with parking facilities conveniently located to each unit, and may include a swimming pool, restaurant, meeting rooms, and other related accessory facilities.
115. Nonconforming Use: A use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or

amendment, to conform to the present requirements of the zoning district in which it is situated.

116. Nursing, Rest, or Convalescent Home: A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food, shelter and care, for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.
117. Overhang: The part of a roof or wall which extends beyond the facade of a lower wall.
118. Overlay District: A district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.
119. Owner: The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
120. Parcel: A part of a tract of land.
121. Parking Lot: A parcel of land devoted to unenclosed parking spaces.
122. Parking Space: A surfaced area, enclosed in the principal building, an accessory building, or an unenclosed area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.
123. Planning and Zoning Commission: "Planning and Zoning Commission" shall mean the Planning and Zoning Commission of the City of Shell Rock, Iowa.
124. Place: An open unoccupied space, or a public or private thoroughfare other than a street or alley, permanently reserved as the principal means of access to abutting property.
125. Principal Use: The main use of land or structures as distinguished from an accessory use.
126. Ramp, Accessibility: A structure used for accessing a residential use. See Section 16.02 for the standards associated with temporary accessory ramps.
127. Recreational Vehicle: 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 and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.
128. Restaurant: An establishment that prepares and retails food for consumption on the premises or for carry-out.
129. Right-of-Way: The land area, which is secured or reserved by the contracting authority, that is to be used for road, rail, or other transportation purposes.
130. Screening: Either: (a) a strip of land at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting of a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation, unless in

accordance with this Ordinance.

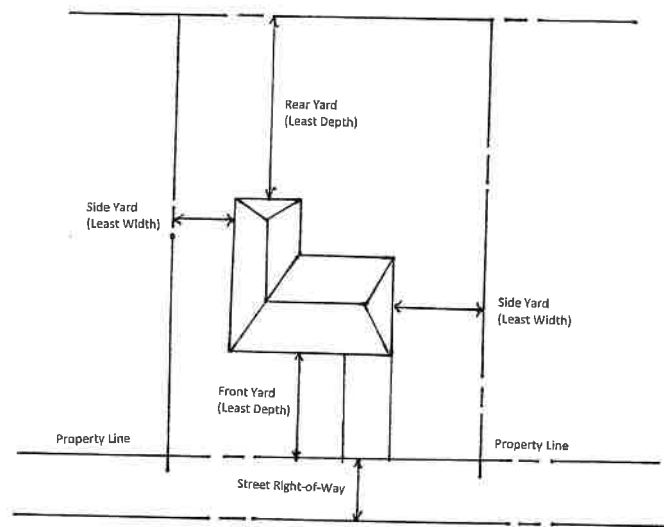
131. Sidewalk: A paved, or surfaced area, paralleling and usually separated from the street, used as a pedestrian walkway.
136. Sign: An identification, description, illustration, or device that is affixed to, or represented on a building, structure, or parcel of land and that directs attention to a product, place, activity, person, profession, service, institution, or business. No sign permit is required. For an unattached new sign, a zoning permit is required.
137. Site Plan: A plan (to scale) showing uses and structures proposed for a parcel of land as required by the regulations involved.
138. Stable, Private: A building, incidental to an existing residential, principal use, that shelters horses for the exclusive use of the occupants of the premises.
139. Stable, Public: An accessory building in which horses are kept for commercial use including boarding, hire, and sale.
140. Storage, including Mini-Storage: An area or building where property is stored for a fee.
141. Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.
142. Story, First: The lowest story in a building, excluding the basement, which qualifies as a story, as defined herein, except that a floor level in a building having only one (1) floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade for more than fifty (50) percent of the total perimeter, or not more than eight (8) feet below grade at any point.
143. Story, Half: A space under a sloping roof which has the line of intersection of roof decking and exterior wall face not more than four (4) feet above the top floor level.
144. Street or Road: Any thoroughway having a public right-of-way which is designed to channel or circulate vehicular and pedestrian traffic. The term "street" may refer to any right-of-way bounded by adjacent property lines or to the paving installed within such right-of-way.
145. Street, Arterial: A major street in the City's street system that serves as an avenue for the circulation of traffic into, out of, or around the city and carries high volumes of traffic.
146. Street, Collector: A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than one hundred (100) dwelling units and is designed to be used or is used to carry more than eight hundred (800) trips per day.
147. Street, County: Any road or street owned, operated, and maintained by Butler County.
148. Street, Local: A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten (10) but not more than twenty-five (25) dwelling units and is expected to or does handle between seventy-five (75) and two hundred (200) trips per day.
149. Street, Private: Any privately-owned road, street, or driveway.

150. Street Width: Street width is defined as the horizontal distance, paved or unpaved, that is located within rights-of-way.
151. Structure: A structure shall be anything constructed or built with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings (principal and accessory) and signs.
152. Structural Alteration: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
153. Structural Member: A component part of a structural system required to carry the primary supportive stresses of the building to the ground, as opposed to members carrying little or no supportive stress other than their own weight, and functioning as an in-fill or nonstructural enclosure.
154. Surveyor: A licensed land surveyor who engages in the practice of land surveying pursuant to the Code of Iowa.
155. Swimming Pool: A tank of water either above or below grade level that is designed and constructed for human occupancy (See Section 3.02).
156. Towers: Any radio, television, telephone, short-wave, cellular telephone, or microwave antenna or tower.
157. Trailer Camp or Tourist Camp: An area providing spaces for two (2) or more recreational vehicles, or tent sites for temporary occupancy, with necessary incidental services, sanitation and recreation facilities to serve the traveling public.
158. Utilities: Systems for the distribution or collection of water, gas, electricity, wastewater, stormwater, telephone and cablevision (see 'essential services').
159. Variance: A grant of relief to a person from the terms of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.
160. Violation: The failure of a structure or other development to be fully compliant with the provisions of this Ordinance.
161. Wetlands: That classification of land subject to protection measures as indicated by the U.S. Army Corps of Engineers and/or the Iowa Department of Natural Resources.
162. Yard: An open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot lines and the main building shall be used (See Figure 5).
163. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the building (See Figure 5). This area is to be considered clear area and is not to be used for storage or obstruction. 'Corner lots', as defined herein, shall be considered to have two (2) front yards.
164. Yard, Rear: A yard extending across the rear of a lot and being the required minimum horizontal

distance between the rear lot line and rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots, the rear yard shall be in the rear of the front yard (See Figure 5).

165. Yard, Side: A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto (See Figure 5).
166. Zoning Administrator: The administrative officer designated or appointed by the City Council to administer and enforce the regulations contained in this Ordinance.

Figure 5: Yard Definitions



ARTICLE II
ESTABLISHMENT OF DISTRICTS, ZONING MAP, BOUNDARY
INTERPRETATIONS, ANNEXED TERRITORY

Section 2.00 ESTABLISHMENT OF DISTRICTS

For the purposes of this Ordinance, the City of Shell Rock is hereby organized into the following zoning districts:

Agricultural District

"A-1" Suburban Agricultural District

Residence Districts

"R-1" Single Family Residential District

"R-2" Low Density Residential District

"R-3" Multiple Residential District

"R-4" Mobile Home Park District

"R-5" Planned Residential Development District

Commercial Districts

"C-1" Central Commercial District

"C-2" Commercial District

Manufacturing Districts

"M-1" Light Industrial and/or Manufacturing District

"M-2" Heavy Industrial and/or Manufacturing District

Section 2.01 ZONING MAP

The location and boundaries of the zoning districts established by this Ordinance are set forth on the map entitled "Zoning Map" which is located in the Shell Rock City Hall and hereby made a part of this Ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

Section 2.02 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the Zoning Map, the following rules shall apply:

1. Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the center lines of such streets highways, or alleys;
2. Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to follow said boundary lines;
3. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines;
4. Boundaries shown as following or approximately following the courses of streams, rivers, or other continuously flowing waters shall be construed as following either the channel center line or the mean high-water mark of such water courses;
5. Boundaries shown as following or closely following the City limits of Shell Rock shall be construed as following such city limit lines;

6. Boundaries indicated as parallel to or extensions of features indicated in subsections 2.02.01 through 2.02.06 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, the Board of Adjustment shall interpret the district boundaries;
8. Whenever any street, alley, or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classifications of the vacated land.

Section 2.03 ANNEXED TERRITORY

All territory which may hereafter be annexed to the City of Shell Rock shall be classed automatically as being in an "A-1" Suburban Agricultural District until such classification shall have been changed by amendment of this Ordinance as provided hereafter, or unless a rezoning or change in zoning was part of the annexation review and approval process.

ARTICLE III
GENERAL PROVISIONS

Section 3.00 ZONING AFFECTS EVERY STRUCTURE

Except as hereinafter provided, no new building, structure or land shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired, except in conformity with the regulations herein specified for the class of District in which it is located. The more restrictive requirements of the actual use or the zoning district, in which a use, building, or structure is located, shall apply.

Section 3.01 MINIMUM STREET FRONTAGE, LOT OF RECORD, NUMBER OF BUILDINGS ON LOT, AND LOTS UNSERVED BY SEWER OR WATER

1. Minimum Street Frontage: No lot shall be created after the adoption of this Ordinance unless it abuts at least thirty (30) feet on a public street right-of-way, or is accessible to a public street by an easement.
2. Lot of Record: In any Residence District on a lot of record at the time of enactment of this Ordinance, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this Ordinance are complied with. However, where two (2) or more vacant and contiguous substandard recorded lots are held in common ownership, they shall be combined into zoning lots and shall thereafter be maintained in common ownership and shall be so joined and developed for implementing this section. The razing of a building on a substandard lot shall constitute the formation of a vacant lot.
3. Lots Unserved by Sewer and Water: In any residential district where neither public water supply nor public sanitary sewer are reasonably available, one (1) single-dwelling may be constructed provided the otherwise specified lot area and width requirements are met. In no case, shall the lot area be less than one (1) acre.

Section 3.02 ACCESSORY BUILDINGS, STRUCTURES, AND USES (INCLUDING SWIMMING POOLS)

1. Time of Construction: No accessory building or structure shall be constructed on any lot prior to the completion of the foundation of the principal building to which it is accessory.
2. Percentage of Rear Yard Occupied Within an "R" District: No detached accessory building or buildings shall occupy more than thirty (30) percent of the area of a rear yard.
3. Height of Accessory Buildings Within an "R" District: No detached accessory building or structure shall exceed eighteen (18) feet in height, and the side walls shall not exceed twelve (12) feet in height.
4. Location on Lot: No accessory building or structure shall be erected in any front yard. Accessory buildings or structures shall be no closer than six (6) feet from any principal buildings, measured from the wall of each structure.
5. Number of Accessory Structures Allowed Within an "R" District: A maximum of two (2) accessory structures shall be allowed per lot.
6. Materials Used for Accessory Buildings Within and "R" District: Accessory building walls or roofs shall not be constructed of any type of fabric, plastic, vinyl, or fibrous materials, nor shall the structure be constructed or supported primarily of PVC or similar plastic tubing. Further, an accessory building shall not be constructed of any used or salvaged materials. Temporary garden

awnings are exempted from this requirement.

7. Swimming Pools Requiring a Permit: Permanent swimming pools shall be considered an accessory building or structure for the purposes of this ordinance and shall require a city-issued permit. Fencing of a permanent swimming pool shall be the responsibility of the owner and will not be inspected by the city.
8. Swimming Pools Not Requiring a Permit: Temporary swimming pools that are removed seasonally shall not be considered an accessory building or structure for the purposes of this ordinance and are not regulated by the city.

Section 3.03 ONE PRINCIPAL STRUCTURE ON LOT

In any District, one principal structure, housing a principal permitted use, may be erected on a single lot provided that the area, yard and other requirements are met.

Section 3.04 REQUIRED YARD CANNOT BE REDUCED OR USED BY ANOTHER BUILDING

No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by this Ordinance, and if already less than the minimum required it shall not be further reduced. No required open space provided around any building or structure shall be included as part of any open space required for another building or structure.

Section 3.05 CONVERSION OF DWELLINGS

The conversion of any principal building or structure into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the article applying to such district.

Section 3.06 YARD AND PARKING SPACE RESTRICTION

No part of yard, or other open space, or off-street parking or loading space required by this title, shall be included as part of yard, open space, off-street parking, or loading space similarly required for any other building.

Section 3.07 TRAFFIC VISIBILITY ACROSS CORNER LOTS

In a Residential or Agricultural District on any corner lot, no fence, wall, hedge, or other planting will be allowed to obstruct vision between a height of two and one-half (2 ½) feet and ten (10) feet above the centerline grades of the intersecting streets. Nor shall the above be erected, placed, or maintained within the triangular area formed by the right-of-way lines at such corner and a straight line joining the right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way line.

Section 3.08 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other ordinances of the community. With the exception of buildings and telecommunication towers, it is the intent of this Ordinance to exempt essential services from the application of this Ordinance. Said buildings and telecommunication towers must be located in the appropriate Zoning District, and must abide by the

corresponding requirements thereof.

Section 3.09 VALIDITY OF EXISTING PERMITS

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated uses of any development, structure or part thereof, for which the official approvals and required permits have been granted before the enactment of this Ordinance, the construction of which, conforming with such plans, shall have been started prior to the effective date of the Ordinance and the completion thereof carried on in a normal manner within the subsequent one (1) year period, and not discontinued until completion, except for reasons beyond the builder's control.

Section 3.10 HEIGHT EXCEPTIONS

The height limitations contained in Articles IV through XII do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above roof level and not intended for human occupancy.

Section 3.11 PUBLIC RIGHT-OF-WAY USE

No portion of the public street or alley right-of-way shall be used, or occupied by an abutting use of land or structures for storage or display purposes, or to provide any parking or loading space required by this Title, or for any other purpose that would obstruct the use or maintenance of the public right-of-way without an encroachment agreement being approved, executed and recorded.

Section 3.12 FENCES

1. Fences in an "R" District: Residential fences or landscape features such as sculpture or walls may be erected or constructed. No portion of the fence shall extend onto adjacent property or right-of-way, however it may be built on a property line provided the location of which is known. Fences are allowed in setback areas. No such fence in any side, or rear yard having street frontage shall exceed four (4) feet in height and eight (8) feet in height in the case of side and rear yards not having street frontage. Fences are not allowed in a front yard, unless on a corner lot. For corner lots, there shall be two (2) recognized front yards for the purposes of this Ordinance, and a fence, which may not exceed four (4) feet in height, may be allowed in the front yard from where the property in question's address is not derived. However, said fence shall not extend into the front yard from which the address is derived. Fences shall not be constructed of used or salvaged materials, nor shall they have barbed wire. Fences shall have the finished side facing out, or away from the owner's property, with the support poles on the inside, or facing the owner's property.
2. Fences in Other Districts or Where the Use is Other than a Residential Use: Nonresidential fences located in a district other than an "R" District shall not be less than four (4) feet nor exceed eight (8) feet in height. No portion of the fence shall extend onto adjacent property or right-of-way, however it may be built on a property line provided the location of which is known. Fences are allowed in setback areas. Fences in any front or side yard of a corner lot shall not exceed four (4) feet in height. Fences shall not be constructed of used or salvaged materials. Fences shall have the finished side facing out, or away from the owner's property, with the support poles on the inside, or facing the owner's property.

Section 3.13 PROPOSED USE NOT COVERED BY TITLE

Any proposed use not covered in this title as a permitted use or special exception shall be referred to the Planning and Zoning Commission for a recommendation as to the proper District in which such use should be permitted and the title amended as provided in Article XVII, Section 17.09, before a permit is issued

for such proposed use.

Section 3.14 ACCESS REQUIRED

Every building hereinafter erected or structurally altered shall be accessible from a public right-of-way.

Section 3.15 APPLICATION OF REGULATIONS

The regulations set by this title within each district shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

Section 3.16 PERMITTED USES

Use is permitted in all zoning districts for the purposes of the distribution of essential services. However, the design and placement of said equipment and devices shall be reviewed by the Planning and Zoning Commission and approved by the City Council.

All other uses are permitted only as listed under each specific Zoning District. A use will not be considered incidental to a permitted use if the use is on real estate that is not contiguous to the real estate on which the permitted use is located.

Section 3.17 BULK REQUIREMENTS

All new buildings, structures, and uses shall conform to the building regulations established herein for the district in which each shall be located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict or to further conflict with the bulk requirements of this Ordinance for the district in which such shall be located. These bulk requirements are intended to apply to all uses, structures, and buildings constructed in the city.

The bulk requirements are established in Table 1 on the following page.

Table 1: Bulk Requirements⁵.

District Use	Maximum Building Height ⁴	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Side Street, Corner Lot	Minimum Rear Yard
A-1							
Single Family	40 Ft. or 3 Stories	1 Acres	200 Ft.	25 Ft.	20 Ft.	25 Ft.	30 Ft.
Other Permitted Uses	---	3 Acres	200 Ft.	50 Ft.	50 Ft.	50 Ft.	50 Ft.
R-1							
Single Family	40 Ft. or 3 Stories	8,000 Sq. Ft.	65 Ft.	25 Ft.	7 Ft.	25 Ft.	30 Ft.
Other Permitted Uses	---	10,000 Sq. Ft.	80 Ft.	25 Ft.	7 Ft.	25 Ft.	30 Ft.
R-2							
Single Family	40 Ft. or 3 Stories	8,000 Sq. Ft.	65 Ft.	25 Ft.	7 Ft.	25 Ft.	30 Ft.
Multi-Family (Up to 2 dwelling units)	40 Ft. or 3 Stories	8,400 Sq. Ft.	90 Ft.	25 Ft.	7 Ft.	25 Ft.	30 Ft.
Other Permitted Uses	---	30,000 Sq. Ft.	90 Ft.	25 Ft.	7 Ft.	25-Ft.	30 Ft.
R-3							
Single Family	40 Ft. or 3 Stories	8,000 Sq. Ft.	65 Ft.	25 Ft.	7 Ft.	25 Ft.	30 Ft.
Multi-Family (Up to 2 dwelling units)	40 Ft. or 3 Stories	8,400 Sq. Ft.	90 Ft.	25 Ft.	7 Ft.	25 Ft.	30 Ft.
Multi-Family (3 or more dwelling units)	45 Ft. or 3 Stories	10,000 Sq. Ft.	90 Ft.	25 Ft.	7 Ft.	25 Ft.	30 Ft.
Other Permitted Uses	---	1 Acre	180 Ft.	30 Ft.	16 Ft.	30 Ft.	30 Ft.
R-4							
Mobile Home Park	25 Ft.	5 Acres	360 Ft.	40 Ft.	40 Ft.	40 Ft.	40 Ft.
Mobile Home Site	25 Ft.	4,000 Sq. Ft.	40 Ft.	20 Ft.	7 Ft.	20 Ft.	10 Ft.
R-5	45 Ft.	10 Acres	---	---	¹	---	---
C-1	50 Ft. or 4 Stories	---	---	---	¹	---	¹
C-2	50 Ft. or 4 Stories	---	---	15 Ft.	¹	15 Ft.	¹
M-1	50 Ft. or 4 Stories	---	---	25 Ft.	10 Ft.	25 Ft.	15 Ft.
M-2	50 Ft. or 4 Stories	---	---	25 Ft.	15 Ft.	25 Ft.	40 Ft.
Accessory Buildings for R-1, R-2, & R-3 Districts ³	18 Ft. or 1 story, whichever is lower.	---	---	---	²	Same as permitted uses	²

NOTES:

- ¹ None required except adjoining any "R" District, in which case not less than fifteen (15) feet.
- ² Accessory building to be placed in the rear or side yards may reduce minimum side and rear yard requirements to four (4) feet. (See Section 3.02)
- ³ Maximum Coverage of Lot for Accessory Buildings shall be thirty (30) percent of rear yard. Maximum number of accessory buildings shall be two (2). (See Section 3.02)
- ⁴ Maximum Height shall be measured by either the designated footage or by stories, whichever is lower.
- ⁵ The more restrictive requirements of the actual use or the zoning district, in which a use, building, or structure is located, shall apply.
- ⁶ Fence regulations are found in Section 3.12.

Section 3.18 HOME OCCUPATION STANDARDS

The following standards and criteria shall apply to home occupations.

1. Clearly incidental and secondary to the use of the dwelling unit as a residence.
2. Conducted entirely within an existing dwelling unit.
3. Conducted by a member(s) of the family residing within the dwelling unit and no more than two (2) non-resident employees.
4. There shall be no evidence of such occupation being conducted within the dwelling unit, which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation.
5. Water, sewer, and waste disposal systems shall be subject to approval of the Public Works Director.
6. Customer parking shall be provided and be as inconspicuous as possible on the premises.

Section 3.19 HOME INDUSTRY STANDARDS

The following standards and criteria shall apply to home industries.

1. Clearly incidental and secondary to the residential occupancy of a dwelling unit located upon the property.
2. Conducted entirely and confined within an accessory building(s) located upon the property.
3. Conducted by a member(s) of the family residing within the dwelling unit located on the property and no more than two (2) non-resident employees.
4. There shall be no evidence of such industry being conducted within the accessory building(s) which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation.
5. Water, sewer, and waste disposal systems shall be subject to approval of the Public Works Director.
6. Customer parking shall be provided and be as inconspicuous as possible on the premises.

Section 3.20 HOME OCCUPATION AND HOME INDUSTRY SIGN REGULATIONS

Only one (1) identification sign may be displayed upon the lot, subject to the following requirements.

1. Contains only the name of the occupant and the nature of the occupation.
2. Shall not contain more than three (3) square feet and shall be attached to the principal building.
3. Shall not be illuminated.
4. If located along a state or federal highway, an Iowa Department of Transportation permit must be obtained.

HOME OCCUPATION AND HOME INDUSTRY PERMIT PROCESS

1. An application for a home occupation or home industry permit shall be made to the Zoning Administrator who shall consider the application for approval. When reviewing the application, the Zoning Administrator shall each consider the effect of the proposed home occupation or home industry upon the character of the neighborhood, traffic conditions, public utility infrastructure, and other matters pertaining to the general welfare of the City.
2. If approved by the Zoning Administrator, a home occupation or home industry permit will be valid until the business ceases or the property in question changes ownership. Because operating a home occupation or home industry in a Residential District is a privilege, a previously approved application may be revoked upon substantial complaint of the surrounding neighborhood or upon violation of this Ordinance or the Shell Rock Code of Ordinances.
3. Upon issuance of said permit, a non-refundable fee shall be charged for the permit (see Section 18.05). Said fee will be waived for unpermitted home occupations or home industries that existed prior to the adoption of this Ordinance provided an application for a permit is filed within six (6) months of the effective date of this Ordinance. Any new permit fees shall also be waived for those home occupations or home industries, which are holding valid permits, that have previously paid their fee.

ARTICLE V
"R-1" SINGLE FAMILY RESIDENTIAL DISTRICT

Section 5.00 GENERAL DESCRIPTION

The "R-1" is the most restrictive Residential District. The principal use of land is for single family residential uses and related recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from encroachment of uses which are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

Section 5.01 PRINCIPAL PERMITTED USES

Property and buildings in an "R-1" Single Family Residential District shall be used only for the following purposes:

1. Single family dwellings.
2. Manufactured housing.
3. Religious Institutions.
4. Public schools, elementary, junior high and high schools.
5. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes.
6. Public, semi-public parks, and playgrounds.
7. Family Homes.
8. City buildings, structures, and facilities.
9. Home occupations and home industries, provided Sections 3.18-3.21 are met.
10. Accessory uses which are customarily incidental to any of the above stated uses. Accessory uses shall include private garages and carports, private swimming pools, and private greenhouses not operated for commercial purposes.

Section 5.02 SPECIAL EXCEPTIONS

The following special exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions contained herein:

1. Hospitals, nursing homes, convalescent homes, public buildings, and/or community buildings with the same off-street parking and yards as those required for other institutional uses under this ordinance.
2. Other public buildings and facilities, including essential service buildings.
3. Golf courses, cemeteries, and country clubs, except miniature courses or driving ranges

operated for a profit.

4. The taking of boarders or the leasing of rooms by a resident family providing total number does not exceed two (2) per building.
5. Child care centers, institutional.
6. Two-family dwellings.

Section 5.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.17.

Section 5.04 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 14.00.

Section 5.05 SIGN REGULATIONS

The following signs are permitted. No sign permit is required.

1. Name plates attached flat against the wall of the principal building not to exceed three (3) square feet in area.
2. Church or public bulletin boards not to exceed twelve (12) square feet in area.
3. Temporary signs advertising the lease or sale of the premises not to exceed six (6) square feet in area.
4. Illumination of signs, bulletin boards, and nameplates shall not exceed sixty (60) watts and shall be lighted only with indirect, non-intermittent lighting.
5. Signs and bulletin boards shall be at least twenty (20) feet from the front line or not more than five (5) feet in front of the principal building(s).
6. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.
7. Portable signs, provided they stay no longer than ninety (90) days per calendar year.

ARTICLE IV
"A-1" SUBURBAN AGRICULTURAL DISTRICT

Section 4.00 GENERAL DESCRIPTION

The "A-1" Suburban Agricultural District is intended to provide regulations for land situated on the fringe of the urban area that is used primarily for agricultural purposes but which may be undergoing urban development in the near future. Many tracts in this District will be in close proximity to developing residential, commercial, or industrial uses. The purpose of this district is to restrict the permitted uses to those that are compatible with both agricultural uses and the developing residential, commercial, or industrial use.

Section 4.01 PRINCIPAL PERMITTED USES

Property and buildings in an "A-1" Suburban Agricultural District shall be used only for the following purposes:

1. Agricultural uses involving row crop and conservation activities only.
2. Single family dwellings.
3. Manufactured housing.
4. Churches and temples.
5. Public schools, elementary, junior high, and high schools.
6. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes.
7. City buildings, structures, and facilities.
8. Public and semi-public parks and playgrounds.
9. Golf courses and country clubs, except miniature courses or driving ranges operated for a profit.
10. Home occupations and home industries, provided Sections 3.18-3.21 are met.
11. Accessory uses and buildings which are customarily incidental to any of the above stated uses.

Section 4.02 SPECIAL EXCEPTIONS

The following special exceptions deemed appropriate on review by the Board of Adjustment in accordance with provisions contained herein:

1. Hospitals; rest, nursing, convalescent, and family homes; homes for children and aged; off-street parking and yards comparable for other institutional uses to be provided under its Article.
2. Cemetery or mausoleum.
3. Recreational development for seasonal or temporary use, excluding race tracks.
4. Roadside stand for sale of produce raised on the premises.

5. Extraction of sand, gravel, topsoil, or other natural resources provided the land is restored to a condition suitable for the permitted uses of this district.
6. Commercial dog kennels.
7. Public riding stables, at least one hundred (100) feet from all property lines of the lot on which it is located.
8. Greenhouses and plant nurseries operated for commercial purposes.
9. Dairy farming, livestock farming, poultry farming, private stables and other agriculture activities provided that said activity occurs on a farm and is at least one thousand three hundred twenty (1,320) feet from any existing dwelling, not including the dwelling owned by the applicant.
10. Other public buildings and facilities, including essential service buildings.

Section 4.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.17.

Section 4.04 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 14.00.

Section 4.05 SIGN REGULATIONS

The following signs are permitted. No sign permit is required.

1. Name plates attached flat against the wall of the principal building not to exceed three (3) square feet in area.
2. Church or public bulletin boards not to exceed twelve (12) square feet in area.
3. Temporary signs advertising the lease or sale of the premises not to exceed six (6) square feet in area.
4. Trade, advertising, business or industry identification signs provided that: (a) free standing signs do not exceed twenty-five (25) feet in height; (b) signs attached to a building shall not project above the height of the building or more than four (4) feet from the wall of the building; (c) no sign shall exceed one hundred fifty (150) square feet in area nor shall any sign cover more than ten (10) percent of the building face which it covers.
5. Billboards provided that: (a) free standing signs do not exceed fifty (50) feet in height; (b) signs attached to a building shall not project above the height of the building or more than four (4) feet from the wall of the building; (c) no sign shall exceed three hundred (300) square feet in area; (d) they are not within one hundred fifty (150) feet of an intersection, highway structure, residence, park, school, cemetery, public, or semi-public building; (e) they are not within one hundred fifty (150) feet of another billboard facing in the same direction.
6. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.
7. Portable signs, provided they stay no longer than ninety (90) days per calendar year.

ARTICLE VI
"R-2" LOW DENSITY RESIDENTIAL DISTRICT

Section 6.00 GENERAL DESCRIPTION

The "R-2" Mixed Residential District is to provide for single and two-family residential development. The principle use of land may range from single family to low density multiple-family dwelling units, which may permit up to a maximum of six (6) dwelling units, to rowhouses and condominiums. Certain uses are permitted which are more compatible functionally with intensive residential uses than with commercial uses. The recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area are included. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

Section 6.01 PRINCIPAL PERMITTED USES

Property and buildings in an "R-2" Mixed Residential District shall be used only for the following purposes:

1. Any use permitted in the "R-1" Single Family Residential District.
2. Two-family dwellings.
3. Rowhouses and condominiums.
4. Multiple-family dwellings up to six (6) units.
5. Accessory uses and buildings which are customarily incidental to any of the above stated uses.

Section 6.02 SPECIAL EXCEPTIONS

The following special exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions contained herein:

1. Any special exception allowed in a more restrictive Residential District, unless said use is specifically listed as a principally permitted use in this District.
2. Hospitals, nursing homes, convalescent homes, public buildings and/or community buildings with the same off-street parking and yards as those required for other institutional uses under this Ordinance.
3. Child care centers, institutional.
4. Medical and dental clinics.
5. Mortuary or funeral homes.
6. Public buildings and facilities, including essential service buildings.

Section 6.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.17.

Section 6.04 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 14.00.

Section 6.05 SIGN REGULATIONS

The following signs are permitted. No sign permit is required.

1. Name plates attached flat against the wall of the principal building not to exceed three (3) square feet in area.
2. Church or public bulletin boards not to exceed twelve (12) square feet in area.
3. Temporary signs advertising the lease or sale of the premises not to exceed six (6) square feet in area.
4. Illumination of signs, bulletin boards, and nameplates shall not exceed sixty (60) watts and shall be lighted only with indirect, non-intermittent lighting.
5. Signs and bulletin boards shall be at least twenty (20) feet from the front line or not more than five (5) feet in front of the principal building(s).
6. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.
7. Portable signs, provided they stay no longer than ninety (90) days per calendar year.

ARTICLE VII
"R-3" MULTIPLE RESIDENTIAL DISTRICT

Section 7.00 GENERAL DESCRIPTION

The "R-3" Multiple Residential District is to provide for dwelling structures containing multiple dwelling units and high density residential development. The principal use of land may range from single-family to high-density, multiple-family dwelling units. Certain other uses are permitted which are more compatible functionally with intensive residential uses than with commercial uses. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

Section 7.01 PRINCIPAL PERMITTED USES

Property and buildings in an "R-3" Multiple Residential District shall be used only for the following purposes:

1. Any use permitted in the R-2 District, however, the Bulk Requirements for that District must be met.
2. Dwelling structures with seven (7) or more units.
3. Bed and Breakfast facilities.
4. Boarding and lodging houses.
5. Hospitals (except animal hospitals) day nurseries or care facilities, nursing and convalescent home and medical clinics.
6. Private clubs, lodges, and similar uses.
7. Funeral Homes and Mortuaries.
8. Accessory uses and buildings which are customarily incidental to any of the above uses.
9. Other uses similar to the foregoing designated uses after review and approval per Section 17.10(1).

Section 7.02 SPECIAL EXCEPTIONS

The following special exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions contained herein:

1. Any special exception allowed in a more restrictive Residential District, unless said use is specifically listed as a principally permitted use in this District.
2. Offices such as:

Accountants	Dental Offices
Architects	Insurance
Art Schools	Lawyers
Barber Shop	Medical Office with pharmacy
Beauty Shop	Nurses Registry
Church Offices	Psychologists

Civil Engineers
Collection Agency
Credit Bureau

Public Stenographers
Real Estate

3. Public buildings and facilities, including essential service buildings.
4. Any other uses deemed appropriate on review by the Board of Adjustment to be the same general character as the foregoing special exceptions.

Section 7.03 HEIGHT REGULATIONS, LOT, AREA, FRONTAGE AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.17.

Section 7.04 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 14.00.

Section 7.05 SIGN REGULATIONS

The following signs are permitted. No sign permit is required.

1. Name plates attached flat against the wall of the principal building not to exceed three (3) square feet in area.
2. Church or public bulletin boards not to exceed twelve (12) square feet in area.
3. Temporary signs advertising the lease or sale of the premises not to exceed six (6) square feet in area.
4. Illumination of signs, bulletin boards, and nameplates shall not exceed sixty (60) watts and shall be lighted only with indirect, non-intermittent lighting.
5. Signs and bulletin boards shall be at least twenty (20) feet from the front line or not more than five (5) feet in front of the principal building(s).
6. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.
7. Portable signs, provided they stay no longer than ninety (90) days per calendar year.

ARTICLE VIII
"R-4" MOBILE HOME PARK DISTRICT

Section 8.00 GENERAL DESCRIPTION

The "R-4" Mobile Home District is intended and designed for mobile home development. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

No commercial business shall be carried on in a mobile home or trailer constructed as a mobile home except when used as a temporary office upon obtaining a permit from the Zoning Administrator.

Section 8.01 PRINCIPAL PERMITTED USES

Property and buildings in an "R-4" Mobile Home District shall be used only for the following purposes:

1. Mobile home parks.
2. Accessory uses and buildings which are customarily incidental to the above stated uses but not involving the conduct of business.

Section 8.02 SPECIAL EXCEPTIONS

Any other uses similar to the foregoing permitted uses after review and approval of the Board of Adjustment.

Section 8.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE AND YARD REQUIREMENTS

Such regulations as specified in Section 3.17.

Section 8.04 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 14.00.

Section 8.05 SIGN REGULATIONS

The following signs are permitted. No sign permit is required.

1. Name plates attached flat against the wall of the principal building not to exceed three (3) square feet in area.
2. Church or public bulletin boards not to exceed twelve (12) square feet in area.
3. Temporary signs advertising the lease or sale of the premises not to exceed six (6) square feet in area.

ARTICLE IX
"R-5" PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

Section 9.00 GENERAL DESCRIPTION

Any such planned residential development (may also be known as a planned unit development) shall promote the following tenets to the extent possible and without adversely affecting adjacent property:

1. A maximum choice in the types of environment available to the public by allowing a development which would not be possible under the strict application of the provisions of the "R-2" Low Density Residential District;
2. The permanent preservation of open areas and recreational facilities;
3. A creative approach to the use of land and related physical facilities which results in better development, design and construction;
4. A development which is consistent with the spirit and intent of the City's Comprehensive Plan;
5. The efficient use of land resulting in more economic networks of utilities, streets and other facilities;
6. A use of land which promotes the health, safety, comfort, morals, and welfare of the public;
7. The foregoing shall not be interpreted to permit the reduction of the other standards set forth in this Ordinance.

Section 9.01 PRINCIPAL PERMITTED USES

The permitted uses within any planned residential development shall be limited to the following:

1. Single-family, two-family, townhouse, row house, condominium, and multiple-family residential uses;
2. Parks and playgrounds;
3. Customary accessory or associated uses, such as private garages, storage spaces, solar energy equipment, and recreational and community facilities.

Section 9.02 DENSITY

The maximum residential density within any planned residential development shall be as follows:

Type of Development and Maximum Density

1. Single-family dwellings: seven (7) units or eighteen (18) bedrooms per acre
2. Two-family dwellings: eight (8) units or twenty (20) bedrooms per acre
3. Townhouse dwellings: nine (9) units or twenty-two (22) bedrooms per acre
4. Row house and condominium dwellings eleven (11) units or twenty-five (25) bedrooms per acre

5. Multi-family dwellings twelve (12) units or thirty (30) bedrooms per acre

Section 9.03 YARD REQUIREMENTS

The minimum lot size for this district shall be ten (10) acres.

Section 9.04 HEIGHT REQUIREMENTS

The maximum height of any structure within any planned unit development shall not exceed forty-five (45) feet.

Section 9.05 FLOOR AREA REQUIREMENTS

The minimum floor area of any dwelling unit within any planned unit development shall be those established in the Bulk Requirements Table of this Ordinance.

Section 9.06 PARKING

The off-street parking within any planned residential development shall not be less than five hundred (500) square feet nor more than eight hundred (800) square feet for each dwelling unit, exclusive of access drive or aisles.

Section 9.07 SIGNS

Shall be those regulations specified in the "R-1" Single Family Residential District.

Section 9.08 DESIGN STANDARDS

All improvements within any planned unit development, including street pavement, the sidewalks and the electric, sewer, water and gas lines and mains, shall be built to the design standards of the City.

Section 9.09 SUBDIVISION

If any planned residential development is to be subdivided into two (2) or more lots, then the development shall be subdivided in accordance with the applicable ordinance of the City, provided that the City may:

1. Reduce the width of any street right-of-way to not less than forty (40) feet.
2. Reduce the size of any lot to not less than eight thousand (8,000) square feet.

Section 9.10 SITE PLAN DEVELOPMENT, CONSIDERATION, IMPLEMENTATION, AND AMENDMENT

Development of a site plan is required in this District. The establishment, implementation, approval, and amendment of a site plan shall be according to this section.

1. Development of the Plan. A site plan shall be prepared by the developer and/or landowner and submitted along with the request for appropriate zoning. The Plan shall show the location and property boundaries for the area to be zoned and provide details as may be available. The site plan shall include the following information:

- a. The relation of the portion to be developed to the overall zoning district. Internal street location and right-of-way lines, railroad tracks and right-of-way lines, proposed sanitary and stormwater sewer lines, and water and utility lines shall also be shown.
 - b. Front building setback lines shall not be less than twenty (20) feet. Said yards created by these setback requirements shall be landscaped with trees shrubs or grass in such a manner as to reflect an industrial park. Off-street parking lots may be permitted in these yards provided they extend no closer than forty (40) feet from property lines. No outdoor storage shall be permitted in the front yard areas. All yards on the perimeter of the site plan abutting an Agricultural or Residential District shall maintain a landscaped strip of trees, shrubs or grass that is free of buildings, storage area, or parking.
 - c. If applicable, the site plan must conform to the regulations and requirements of the Iowa Department of Natural Resources.
 - d. In reviewing a site plan, the Planning and Zoning Commission and City Council shall review restrictive covenants or deeds of dedication and landowner agreements, as may be appropriate.
2. Consideration of the Plan. Prior to development of all or a portion of the District, the site plan shall be submitted to the Planning and Zoning Commission and the City Council for review and consideration. The Commission shall make a recommendation on the site plan prior to Council consideration. The Council, upon receipt from the Commission, may approve, deny, or table a site plan. The Council shall provide reasons to the applicant for denying or tabling a site plan.
 3. Implementation of the Plan. A copy of the site plan required under this Section, upon approval by the Planning and Zoning Commission and City Council, shall be filed with the Zoning Administrator and maintained as a part of the permanent municipal records. The site plan shall also be recorded along with the approved zoning ordinance amendment. No permit shall be issued for any building or structure unless the location and use are in conformance with the approved site plan.
 4. Amendment of the Plan. In order to amend or change an approved site plan, the Zoning Administrator shall classify the change as either "major" or "minor". Changes shall then be made according to the following requirements:
 - a. Major Amendment. All major amendments, changes, or modifications to an approved site plan shall be resubmitted and considered in the same manner as originally required. A major amendment shall include, but not be limited to, changes such as street realignment, reconfiguration of lots, and revisions to the design of water, sanitary, and/or storm water systems.
 - b. Minor Amendment. All amendments, not classified as major, that involve changes, or modifications to an approved site plan shall be reviewed by the Zoning Administrator. Other technical staff, such as the City Engineer, Street Superintendent, and municipal utility staff members may also review minor amendments. If the change is deemed insignificant by this administrative review process, the Zoning Administrator may recommend approval of the change to the City Council without prior approval of the Planning and Zoning Commission. The City Council may approve the change or may determine that the change is significant and require that the amended site plan be resubmitted and considered in the same manner as originally required.

ARTICLE X
"C-1" CENTRAL COMMERCIAL DISTRICT

Section 10.00 GENERAL DESCRIPTION

The "C-1" Central Commercial District is intended and designed for business professions and occupations which are located in the Central Business District.

Section 10.01 PRINCIPAL PERMITTED USES

Property and buildings in a "C-1" Central Commercial District shall be used only for the following purposes:

1. Any use permitted in the R-3 district if the property and buildings were actually used for that purpose as of July 1, 1998.
2. Antique shops.
3. Apartments above first story level of a store or shop.
4. Apparel shops.
5. Art shops.
6. Automobile accessory and parts stores.
7. Bakeries, bakery outlets, or catering businesses.
8. Banks, savings and loan associations, and similar financial institutions.
9. Barbershops and beauty parlors.
10. Bicycle shops sales and repair.
11. Bowling alleys.
12. Business offices, professional offices, and studios.
13. Camera stores.
14. Carpenter and cabinet making shops.
15. Churches and temples.
16. City buildings, structures, and facilities.
17. Clothes cleaning and laundry pick-up stations, excluding dry-cleaning establishments.
18. Clothing stores.
19. Collection office of public utility.
20. Confectionery stores, including ice cream or snack bars.

21. Custom embroidery shop.
22. Dairy stores retail only.
23. Dance studio.
24. Day Care (Institutional)
25. Delicatessens.
26. Dental and medical clinics.
27. Department stores.
28. Drive-in restaurants.
29. Drug stores, including pharmacies.
30. Dry-cleaning establishments.
31. Dry goods stores, including pharmacies.
32. Florist shops.
33. Furniture stores.
34. Funeral homes and mortuaries.
35. Gift shops.
36. Grocery stores, including supermarkets.
37. Hardware stores.
38. Hobby shops.
39. Hotels and motels.
40. Household appliances, sale and repair.
41. Jewelry stores and watch repair shops.
42. Launderette or coin-operated laundry establishments.
43. Lawn mower repair shops.
44. Locker plant for storage and retail sales only.
45. Leather goods store.
46. Music stores and music studios.
47. Music and recording equipment sales, assembly and repair shops.

48. Office supply store or shop.
49. Paint and wallpaper stores.
50. Pet shops, including kennels.
51. Photographic studios, printing and developing establishments.
52. Plumbing and heating shops.
53. Post offices.
54. Printing and lithographing shops.
55. Playgrounds and public parks.
56. Publishing and engraving establishments.
57. Radio and television sales and repair shops.
58. Restaurants, taverns, and cafes.
59. Shoe and hat repair shops.
60. Sporting goods stores, excluding external boat storage or display.
61. Tailor and dressmaking shops.
62. Theaters.
63. Toy stores.
64. Upholstering shops.
65. Variety stores.
66. Accessory uses and buildings which are customarily incidental to the above stated uses.
67. Other uses similar to the foregoing designated uses after review and approval per Section 17.10(1).

Section 10.02 SPECIAL EXCEPTIONS

The following special exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions stated herein:

1. Animal hospitals, veterinary clinics, pet shops, and commercial kennels.
2. Apartments on the first story level of a store or shop with adequate consideration for screening from the street and with parking off the street and on the site.
3. Billiard parlors and pool halls.
4. Book stores.

5. Dance halls.
6. Liquor stores and lounges.
7. Other public buildings and facilities, including essential service buildings.
8. Private clubs and lodges.
9. Public buildings and facilities, including essential service buildings.
10. Roadside stands for the sale of fresh fruits, vegetables, nursery stock, and plant food.
11. Gas or service stations, including convenience stores.
12. Nightclubs.
13. Video equipment rental and sales.
14. Wholesale display and sales rooms and offices.
15. Any other special exceptions deemed appropriate on review by the Board of Adjustment to be of the same general character as the foregoing special exceptions.

Section 10.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.17.

Section 10.04 OFF STREET PARKING AREAS AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 14.00.

Section 10.05 SIGN REGULATIONS

The following signs are permitted. No sign permit is required.

1. Advertising signs, billboards, trade, business or industry identification signs provided that: (a) free standing signs do not exceed twenty-five (25) feet in height; (b) signs attached to a building shall not project above the height of the building or more than four (4) feet from the wall of the building; (c) no sign shall exceed one hundred fifty (150) square feet in area nor shall any sign cover more than ten (10) percent of the building face which it covers.
2. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.
3. Portable signs, provided they stay no longer than ninety (90) days per calendar year.

ARTICLE XI
"C-2" COMMERCIAL DISTRICT

Section 11.00 GENERAL DESCRIPTION

The "C-2" Commercial District is designed to accommodate the needs of areas other than the Central Business District, allowing a wide range of services and goods permitted for consumer daily and occasional shopping and service needs. Typically, uses classified under the "C-2" District require larger parking areas or accommodations.

Section 11.01 PRINCIPAL PERMITTED USES

Property and buildings in a "C-2" Commercial District shall be used only for the following purposes:

1. Any use permitted in the C-1 District.
2. Agricultural feed and seed sales, but excluding grinding, mixing, and blending.
3. Automobiles, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales (including new and used sales lots). This paragraph shall not be construed to include automobile, tractor or machinery wrecking and rebuilding and used parts yards.
4. Business and vocational schools.
5. Car wash, including truck bays.
6. Commercial parking lots and garages.
7. Lumber yards
8. Accessory uses and buildings which are customarily incidental to the above stated uses and including temporary buildings used in conjunction with construction work provided such buildings are removed promptly upon completion of the construction work.
9. Other uses similar to the foregoing designated uses after review and approval per Section 17.10(1).

Section 11.02 SPECIAL EXCEPTIONS

The following special exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions stated herein:

1. Any special exception allowed in a more restrictive Commercial District, unless said use is specifically listed as a principally permitted use in this District.
2. Commercial amusements.
3. Multi-family dwelling with parking off the street and on the site.
4. Public buildings and facilities, including essential service buildings.
5. Private clubs and lodges.

6. Video/movie film and equipment rental.
7. Any other uses deemed appropriate on review by the Board of Adjustment to be of the same general character as the foregoing special exceptions, but not including any use that may become obnoxious or offensive in a "C-2" District.

Section 11.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.17.

Section 11.04 OFF STREET PARKING AREAS AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 14.00.

Section 11.05 SIGN REGULATIONS

The following signs are permitted. No sign permit is required.

1. Trade, advertising, business or industry identification signs provided that: (a) free standing signs do not exceed twenty-five (25) feet in height; (b) signs attached to a building shall not project above the height of the building or more than four (4) feet from the wall of the building; (c) no sign shall exceed one hundred fifty (150) square feet in area nor shall any sign cover more than ten (10) percent of the building face which it covers.
2. Billboards provided that: (a) free standing signs do not exceed fifty (50) feet in height; (b) signs attached to a building shall not project above the height of the building or more than four (4) feet from the wall of the building; (c) no sign shall exceed three hundred (300) square feet in area; (d) they are not within one hundred fifty (150) feet of an intersection, highway structure, residence, park, school, cemetery, public, or semi-public building; (e) they are not within one hundred fifty (150) feet of another billboard facing in the same direction.
3. No sign or billboard shall be located in, overhang, or project into a required front or side yard.
4. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.
5. Portable signs, provided they stay no longer than ninety (90) days per calendar year.

ARTICLE XII
"M-1" LIGHT INDUSTRIAL AND/OR MANUFACTURING DISTRICT

Section 12.00 GENERAL DESCRIPTION

The "M-1" Light Industrial and/or Manufacturing District is intended primarily for the conduct of manufacturing, assembling, and fabrication. It is designed to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards. The uses permitted in this District make it most desirable that they be separated from residential uses.

Section 12.01 PRINCIPAL PERMITTED USES

Property and buildings in an "M-1" Light Industrial and/or Manufacturing District shall be used only for the following purposes:

1. Automobile body repair and paint shop.
2. Automobile restoration and rebuilding shops.
3. Automobile, trailer, motorcycle, boat, and farm implement service or repair establishments.
4. Bottling works.
5. Building material sales and storage.
6. Clothing manufacture.
7. Consignment and auction sales operations having no more than four (4) public sales per month, but excluding the sale of livestock, fish, fowl, or animals of any kind.
8. Construction businesses, contractor's shops, and storage yards enclosed by a solid, opaque fence eight (8) feet high.
9. Creamery and/or dairy processing plant.
10. Farm implement sales, service, repair and assembly.
11. Freight terminal and grain elevator.
12. Light manufacturing and assembly plants.
13. Public buildings and facilities, including essential service buildings.
14. Rental storage buildings.
15. Truck or bus garage and repair shop.
16. Welding and machine shops.
17. Wholesaling and warehousing, but not including the bulk storage of hazardous chemicals.
18. Uses and buildings which are accessories and customarily incidental to the above stated permitted uses and including temporary buildings used in conjunction with construction work

provided such buildings are removed promptly upon completion of the construction work.

19. Other uses similar to the foregoing designated uses after review and approval per Section 17.10(1).

Section 12.02 SPECIAL EXCEPTIONS

The following special exceptions deemed appropriate on review by the Board of Adjustment in accordance with provisions contained herein:

1. Junk yards, including automobile wrecking and/or salvage enclosed by a solid, opaque fence that is a minimum of eight (8) feet in height.
2. Telecommunication towers, stations, or associated buildings.
3. Sheet metal products manufacture.

Section 12.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.17.

Section 12.04 OFF STREET PARKING AREAS AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 14.00.

Section 12.05 SIGN REGULATIONS

The following signs are permitted. No sign permit is required.

1. Trade, advertising, business or industry identification signs provided that: (a) free standing signs do not exceed twenty-five (25) feet in height; (b) signs attached to a building shall not project above the height of the building or more than four (4) feet from the wall of the building; (c) no sign shall exceed one hundred fifty (150) square feet in area nor shall any sign cover more than ten (10) percent of the building face which it covers.
2. Billboards provided that: (a) free standing signs do not exceed fifty (50) feet in height; (b) signs attached to a building shall not project above the height of the building or more than four (4) feet from the wall of the building; (c) no sign shall exceed three hundred (300) square feet in area; (d) they are not within one hundred fifty (150) feet of an intersection, highway structure, residence, park, school, cemetery, public, or semi-public building; (e) they are not within one hundred fifty (150) feet of another billboard facing in the same direction.
3. No sign or billboard shall be located in, overhang, or project into a required front or side yard.
4. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.
5. Portable signs, provided they stay no longer than ninety (90) days per calendar year.

ARTICLE XIII
"M-2" HEAVY INDUSTRIAL AND/OR MANUFACTURING DISTRICT

Section 13.00 GENERAL DESCRIPTION

The "M-2" Heavy Industrial and/or Manufacturing District is intended to provide for heavy manufacturing, industrial uses and other uses not otherwise provided for in the Districts established by this Ordinance. The intensity of uses permitted in this District makes it most desirable that they be separated from residential and commercial uses.

Section 13.01 PRINCIPAL PERMITTED USES

Property and buildings in an "M-2" Heavy Industrial and/or Manufacturing District shall be used only for the following purposes:

1. Any use permitted in an "M-1" District.
2. Brick and clay products and central mixing and proportioning plant.
3. Cleaning and dyeing plants.
4. Concrete products and central mixing and proportioning plant.
5. Flour, feed, and grain milling and storage.
6. Machinery manufacture.
7. Mini-steel plants.
8. Plastic products manufacturing.
9. Sheet metal products manufacture.
10. Structural iron and steel fabrication.
11. Tool and die shops and machine shops.
12. Wholesaling and warehousing.
13. Uses and buildings which are accessories and customarily incidental to the above stated permitted uses and including temporary buildings used in conjunction with construction work provided such buildings are removed promptly upon completion of the construction work.
14. Other uses similar to the foregoing designated uses after review and approval per Section 17.10(1).

Section 13.02 SPECIAL EXCEPTIONS

The following special exceptions deemed appropriate on review by the Board of Adjustment in accordance with provisions contained herein:

1. Any special exception allowed in a more restrictive Industrial and/or Manufacturing District, unless said use is specifically listed as a principally permitted use in this District.

2. Acid manufacture.
3. Animal pound.
4. Bulk storage of petroleum products and liquid fertilizers.
5. Electroplating, etching, polishing, zinc plating, and related functions.
6. Explosive manufacture or storage.
7. Fertilizer manufacture.
8. Telecommunication towers, stations, or associated buildings.
9. Paint and varnish manufacture.
10. Stock yards, livestock transfer stations, slaughterhouses, and/or sale barns and yards.
11. Wholesaling and warehousing of hazardous chemicals.

Section 13.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.17.

Section 13.04 OFF STREET PARKING AREAS AND LOADING REGULATIONS

Shall be those regulations as specified in Section 14.00.

Section 13.05 SIGN REGULATIONS

The following signs are permitted. No sign permit is required.

1. Trade, advertising, business or industry identification signs provided that: (a) free standing signs do not exceed twenty-five (25) feet in height; (b) signs attached to a building shall not project above the height of the building or more than four (4) feet from the wall of the building; (c) no sign shall exceed one hundred fifty (150) square feet in area nor shall any sign cover more than ten (10) percent of the building face which it covers.
2. Billboards provided that: (a) free standing signs do not exceed fifty (50) feet in height; (b) signs attached to a building shall not project above the height of the building or more than four (4) feet from the wall of the building; (c) no sign shall exceed three hundred (300) square feet in area; (d) they are not within one hundred fifty (150) feet of an intersection, highway structure, residence, park, school, cemetery, public, or semi-public building; (e) they are not within one hundred fifty (150) feet of another billboard facing in the same direction.
3. No sign or billboard shall be located in, overhang, or project into a required front or side yard.
4. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.
5. Portable signs, provided they stay no longer than ninety (90) days per calendar year.

ARTICLE XIV
SPECIAL PROVISIONS

Section 14.00 OFF-STREET PARKING AREAS AND LOADING SPACES

1. Off-Street Loading Spaces: In all Districts, other than the "C-1" District, in connection with every building or part thereof hereafter erected which is to be occupied by uses requiring receipt or distribution by vehicles of materials or merchandise there shall be provided and maintained on the same premises with such building the following off-street loading spaces:

<u>Gross Floor Areas (Square Feet)</u>	<u>Spaces Required</u>
0 to 19,999	1
20,000 to 29,999	2
30,000 to 39,999	3
40,000 to 49,999	4

For each additional ten thousand (10,000) square feet in excess of fifty thousand (50,000) square feet one additional off-street loading space shall be required.

Such spaces may occupy all or any part of a required rear yard or with authorization of the Board of Adjustment part of any other yard or court space on the same premises.

2. Provisions of Off-Street Parking: In all Districts, off-street accessory parking areas in the open or in a garage shall be provided in connection with the uses set forth hereinafter, and to the extent indicated therewith, in addition to the above required loading and unloading spaces.
 - a. In "A" and "R" Districts, parking areas may be on the premises intended to be served or on adjoining property within one hundred (100) feet of any part of said premises. Off premise parking shall be in the same or less restricted district, as per Table 2.
 - b. In "C-2" and "M" Districts, parking areas shall be on the premises intended to be served, as per Table 2.
 - c. In the "C-1" District, there shall be no off-street parking requirements other than those for first floor residential uses.
3. Number of Parking Spaces Required: Table 2 indicates the required number of spaces by use. In "C-2" District employee parking shall be provided at the rate of one (1) space per employee plus the customer spaces as listed in Table 2 on the following page.

Table 2: Parking Requirements.

USE	PARKING REQUIREMENT
Animal Hospital and Veterinary Clinic	1 for each 500 square feet of floor area.
Automobile or Farm Implement Sales and Service Garages	1 for each 2 employees.
Barber Shops and Beauty Parlors	1 for each chair plus one.
Bowling Alleys	3 for each lane.
Clothing Stores, Grocery Stores, Hardware Stores, Jewelry Stores, Pharmacies	1 for each 300 square feet of floor area.
Church or Temple	1 for each 6 seats.
Community Center, Library, and Museum	11 plus 1 for each 500 square feet in excess of 2,000 square feet of floor area.
Dental and Medical Clinics	1 for each 500 square feet of floor area.
Drive-In Restaurant	3 for each employee on maximum shift.
Dwelling (including multiple family and mobile homes)	2 for each dwelling unit.
Financial Institutions, Business Offices, Professional Offices, and Studios	1 for each 500 square feet of floor area.
Frozen Food Lockers, Laundries, and Dry-Cleaning	1 for each 500 square feet of floor area.
Furniture and Household Appliance Sale and Service Establishments	1 for each 500 square feet of floor area.
Hospitals	1 for each 4 beds.
Indoor Theaters	1 for each 4 seats.
Mortuary or Funeral Home	1 for each 5 seats.
Motel and Hotel	1 for each unit or suite plus 1 for each 100 square feet of commercial floor area.
Printing, Publishing, and Engraving Establishments	1 for each 500 square feet of floor area.
Private Club or Lodge	1 for each 200 square feet of floor area.
Restaurants, Cafes, Nightclubs	1 for each 100 square feet of floor area.
Sanitarium, Nursing, Rest, or Convalescent Home	1 for each 6 beds.
Schools and Public Buildings	1 for each classroom or office room plus 1 for each 6 seats in main auditorium, stadium, or place of public assembly.
Sports Arena or Auditorium, other than in a School	1 for each 3 seats.
Warehouse, Storage, and Manufacturing Operations	1 for each 2 employees plus 1 for each vehicle used by the industry
Wholesale Display and Sales Rooms and Offices	1 for each 300 square feet of floor area
In the case of any use which is not specifically mentioned herein, the provisions for a similar use mentioned shall apply or see Section 14.00.06	

4. Definition and Interpretation.

- a. Parking Space: Each parking space rectangular in shape shall be not less than nine (9) feet wide and twenty (20) feet long or not less than one hundred and eighty (180) square feet in area exclusive of access drives or aisles.
- b. Loading Space: Each loading space shall not be less than ten (10) feet wide, sixty-five (65) feet in length and fourteen (14) feet in height, exclusive of access and turning areas.
- c. Floor Area: In the case of merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to public or customers, patrons or clients, but shall not include areas used principally for non-public purposes, such as toilet or rest room, utilities, or dressing rooms.

5. Development Standards: Off-street accessory parking areas shall be of usable shape, and shall be improved with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation within the area.

- a. Where a parking lot does not abut on a public or private alley or easement of access, there shall be provide an access drive not less than eight (8) feet in width in the case of a one (1) or two (2) family dwelling, and not less than sixteen (16) feet in width in all other cases leading to the loading or unloading spaces and parking or storage areas required herein.
- b. No part of any parking space shall be closer than five (5) feet to any established street right-of-way or alley line. In case the parking lot adjoins an "R" District, it shall be set back at least five (5) from the "R" District boundary and shall be effectively screen-planted.
- c. Any off-street parking area, including any commercial parking lot, for more than five (5) vehicles shall be surfaced with poured Asphaltic Cement Concrete or Portland Cement Concrete binder pavement or such other surfaces so as to provide a durable and dustless surface. The parking area shall be so graded and drained to dispose of surface water accumulation within the area, and shall be so arranged and marked as to provide for orderly and safe loading, unloading, parking, and storage of self-propelled vehicles.
- d. Any lighting used to illuminate such parking areas shall be arranged as to reflect light away from adjoining premises in any "R" District.

6. Exceptions: The Board of Adjustment may authorize on appeal a modification, reduction or waiver of the foregoing requirements, if it should find that in the particular case the peculiar nature of the use, or other exceptional situation or condition would justify such modification, reduction, time extension, or waiver.

Section 14.01 FACTORY-BUILT/MOBILE HOMES, RECREATIONAL VEHICLES, AND EMERGENCY USE

Mobile homes shall not be parked or stored on any lot occupied by a dwelling or any lot in any Residential District except in accordance with the following provisions:

- 1. Factory-built/Mobile Home: A "factory-built/mobile home" shall be parked or stored only in a mobile home park or mobile home sales area. A factory-built/mobile home shall not be occupied, whether temporarily or permanently, unless it is parked or stored in a mobile home park, as authorized under the ordinances of the City of Shell Rock.

2. Recreational Vehicle: A "recreational vehicle" shall only be used as living quarters for a maximum of two (2) weeks per year, other than in County-owned parks.
3. Emergency Use and Disaster Recovery Permit: In the event of an emergency, a Factory built/Mobile Home may be used temporarily as living quarters in any Residential District or as a business in a Commercial District under the following conditions:
 - a. The primary dwelling or building on the lot is unlivable or unusable due to substantial damage as the result of a recent disaster or catastrophe;
 - b. The unit will be occupied only by the persons or business residing in or owning the lot at the time of the disaster;
 - c. This exception is for the purpose of allowing the owner to rebuild or repair the residence or business building;
 - d. The owner has made arrangements satisfactory to the Zoning Administrator for water and electrical service and disposal of sewage, and for location of the unit on the lot; and
 - e. The owner has applied to and been granted a permit under this section by the Zoning Administrator for a period of up to six (6) months for the use and placement of the temporary structure or trailer. The time shall not exceed the time necessary for repair and re-occupancy of the primary structure. The permit may be extended for additional periods not to exceed three (3) months. Each grant and extension is reviewable by City Council at the request of the applicant or the City Council.

ARTICLE XV
NONCONFORMING BUILDINGS, STRUCTURES, AND USES OF LAND

Section 15.00 NONCONFORMING BUILDINGS AND STRUCTURES

1. General: A lawful, or authorized, nonconforming building or structure existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section even though said building or structure may not conform with the regulations of this Ordinance for the District in which it is located. Any nonconforming building or structure in existence at the adoption hereof that was not a lawful, or authorized, building or structure under previous zoning ordinances shall not be authorized to continue as a nonconforming building or structure pursuant to this Ordinance, or amendments thereto. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe.
2. Alteration or Enlargement of Building and Structures: A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure including additions and enlargements, is made to conform to all the regulations of the District in which it is located; provided, however, that if a building or structure is conforming as to its use, but nonconforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the District in which said building or structure is located. No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the District in which it is located.
3. Building Vacancy: A building or structure or portion thereof, that is nonconforming, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the District in which it is located.
4. Destruction of Nonconforming Building or Structure: If any nonconforming building or structure is destroyed by any means, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, in which case reconstruction shall be in accordance with the provisions of this Ordinance. If the damage is less than stated above, it may be restored, reconstructed or used as before provided that it be completed within one (1) year of such happening, and be built of like or similar material.
5. Change of Uses: A nonconforming use of a conforming building or structure may be expanded or extended into any other portion of the structure provided the structure was manifestly arranged or designed for such use at the time of adoption or amendment of the Ordinance, but no such use shall be extended to occupy any land outside such building.

If such a nonconforming use, or a portion thereof, is changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant conforming building or structure may be occupied by a nonconforming use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of this Ordinance, but otherwise it shall be used in conformity with the regulations of the district in which it is located.

The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of nonconforming building or structure is

changed to a use of a more restricted district classification it thereafter shall not be changed to a use of a less restricted district classification; provided, however, that a building or structure that is nonconforming at the time of adoption of this Ordinance is not in violation. For the purpose of this subsection only, the "R-1" District shall be considered the most restrictive and the "M-2" District the least restrictive District.

Section 15.01 NONCONFORMING USES OF LAND

1. General: A lawful, or authorized, nonconforming use existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section even though said use may not conform with the regulations of this Ordinance for the District in which it is located. Any nonconforming use in existence at the adoption hereof that was not a lawful, or authorized, use under previous zoning ordinances shall not be authorized to continue as a nonconforming use pursuant to this Ordinance, or amendments thereto.
2. Extension or Expansion of Use: Said nonconforming use may not be extended or expanded, nor shall it occupy more lot area than was in use on the effective date of this Ordinance.
3. Discontinuance of Use: If said nonconforming use or any portion thereof is discontinued for a period of one (1) year, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the District in which said land is located.

Section 15.02 NONCONFORMING LOTS

1. General: A lawful, or authorized, nonconforming lot existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section. Any nonconforming lot in existence at the adoption hereof that was not a lawful, or authorized use under previous zoning ordinances shall not be authorized to continue as a nonconforming lot pursuant to this Ordinance, or amendments thereto.
2. Nonconforming Lots as Lots of Record: A nonconforming lot in existence on the effective date of this Ordinance shall be considered a "lot of record", as defined and regulated within this Ordinance.

ARTICLE XVI
ADDITIONAL REQUIREMENTS, EXCEPTIONS, MODIFICATIONS AND INTERPRETATIONS

Section 16.00 GENERAL

The requirements and regulations specified elsewhere in this Ordinance shall be subject to Additional Requirements, Exceptions, Modifications, and Interpretations contained in this Section.

Section 16.01 HEIGHT AND SIZE LIMITS

Height limitations stipulated elsewhere in this Ordinance shall not apply in the following situations:

1. Barns, silos, or other farm buildings or structures on farms provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts, and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if in the opinion of the Zoning Administrator, such structure would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustment.
2. Bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height than specified, such may be authorized by the Board of Adjustment.
3. Telecommunication towers, the base of which shall be at least the height of the tower from all adjoining property lines, including public right-of-way.

Section 16.02 FRONT YARD EXCEPTIONS AND MODIFICATIONS

1. Front yard requirements do not apply to bay windows or balconies that do not project more than two (2) feet into the front yard.
2. In any District where the average depth of two (2) or more existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average depth of said existing front yards or the average depth of the two (2) lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of the front yard on a lot in any "R" District shall be at least ten (10) feet and need not exceed sixty (60) feet.
3. For the purposes of determining lot width, that portion of a flag lot used for ingress and egress shall not be included as a part of the required front yard.
4. Temporary accessibility ramps shall require a permit to be issued by the Zoning Administrator in order to be approved. Ramps shall be approved for a period of six (6) months, subject to renewals being issued by the Administrator. Ramps may extend into setback areas, but must not encroach on to City property or public right-of-way.

Section 16.03 SIDE YARD EXCEPTIONS AND MODIFICATIONS

1. Along any district boundary line, any abutting side yard on a lot in the less restricted District shall have a least width equal to that required in the more restricted district. Where a lot in an "M" District abuts a lot in an "R" District, the side yard shall be increased by three (3) feet for each

foot that the building proposed on such lot exceeds the height limit of the said "R" District.

2. On a corner lot, the width of a side yard along the side street lot line shall be equal to the depth of the required front yard. No part of any accessory building shall be nearer a side street lot line than the front yard required along such side street.
3. The following projections or structures may be permitted in side yards:
 - a. Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.
 - b. Fences or walls as regulated in Section 3.12.
 - c. Fire escapes, three (3) feet from side lot line. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall. The sum of the lengths of such projection shall not exceed one-third (1/3) of the length of the wall of the main building.
 - d. Chimneys, flues, sills, overhangs, pilasters, and lintels, ornamental features, cornices, gutters and the like into or over a required side yard not more than one and one-half (1½) feet.
 - e. Terraces, steps, uncovered porches (not including decks), stoops or similar features, not higher than the elevation of the ground story of the building and distant three (3) feet from the side lot line.
 - f. Temporary accessibility ramps shall require a permit to be issued by the Zoning Administrator in order to be approved. Ramps shall be approved for a period of six (6) months, subject to renewals being issued by the Administrator. Ramps may extend into setback areas, but must not encroach on to City property or public right-of-way.

Section 16.04 REAR YARD EXCEPTIONS AND MODIFICATIONS

The following projections or structures may be permitted in rear yards:

1. In any "C" or "R" District, a building which is non-conforming as to rear yard setbacks may be expanded or enlarged, provided the enlargement or expansion does not encroach closer to the rear property line than the already existing building. All other Bulk Requirements must be met.
2. Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.
3. Fences or walls, as regulated in Section 3.12.
4. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and the like, into or over a required rear yard not more than one and one-half (1½) feet.
5. Terraces, steps, decks, uncovered porches, or similar features not more than ten (10) feet into a required rear yard, nor closer than six (6) feet of an alley or within ten (10) feet of a rear lot line.
6. Swimming pools, as may be regulated in Section 3.02.
7. Temporary accessibility ramps shall require a permit to be issued by the Zoning Administrator in order to be approved. Ramps shall be approved for a period of six (6) months, subject to

renewals being issued by the Administrator. Ramps may extend into setback areas, but must not encroach on to City property or public right-of-way.

ARTICLE XVII
ADMINISTRATION AND ENFORCEMENT

Section 17.00 ORGANIZATION

The administration of this Ordinance is vested in the following four (4) offices of the government of the City of Shell Rock: City Council, Planning and Zoning Commission, Board of Adjustment, and Zoning Administrator((s), if the duties are shared).

Section 17.01 BASIS OF REGULATIONS

Regulations are made in accordance with the Comprehensive Plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water sewerage, schools, parks, and other public requirements.

Section 17.02 MAYOR AND CITY COUNCIL

1. Jurisdiction: The Mayor and City Council of the City of Shell Rock, Iowa, shall discharge the following duties under this Ordinance:
 - a. Appoint a Zoning Administrator whose responsibilities it will be to enforce the provisions of this Ordinance.
 - b. Appoint members of the Board of Adjustment as provided for in this Ordinance.
 - c. Appoint members to the Planning and Zoning Commission as provided for in this Ordinance.
 - d. Receive and decide upon all recommendations concerning amendments, supplements, and changes presented by the Planning and Zoning Commission.
 - e. Receive from the Planning and Zoning Commission all recommendations on the effectiveness of this Ordinance.
 - f. To decide all matters upon which it is required to pass under this Ordinance.

Section 17.03 BOARD OF ADJUSTMENT

1. Creation: The Board of Adjustment, as established under applicable provisions of the Code of Iowa, is the Board referred to in this Ordinance.
2. Appointment-Terms-Removal: The Board shall consist of five (5) members, who are residents, to be appointed by the City Council for a term of five (5) years. Appointment terms of members shall be staggered. The Board of Adjustment shall not be the Planning and Zoning Commission, and members shall not hold an elective office in municipal government nor shall a majority of the members be involved in the business of purchasing or selling real estate. Members of the Board may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by the City Council for the unexpired term of the member

affected.

3. Powers and Duties: The Board of Adjustment is hereby vested with the following powers and duties:
 - a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
 - b. To hear and decide all applications for special exceptions in the manner prescribed in this Ordinance.
 - c. To hear and decide all applications for variances from the terms provided in the Ordinance in the manner prescribed and subject to the standards herein.
4. Meetings and Rules: The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this article. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in their absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each agenda item requiring action, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Zoning Administrator and City Clerk.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to affect any variation in application of this title.
5. Finality of Decisions of the Board of Adjustment: All decisions and findings of the Board of Adjustment on appeals applications for a variance, or application for a special exception, after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as is stated in the Code of Iowa.

Section 17.04 VARIANCES

1. Purpose and Findings of Fact: The Board of Adjustment, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment makes written findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are no practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.
2. Application for Variance: An application for a variance shall be filed in writing with the Zoning Administrator. Said application shall contain such information as the Board of Adjustment may, by rules, require.
3. Hearing on Application: Upon receipt in proper form of the application and information referred to in Section 17.04(2), the Board of Adjustment shall hold at least one (1) public hearing on the proposed variance. Notice of time and place of such hearing shall be published not less than seven (7) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in the City of Shell Rock. As a courtesy, and to the best ability of the City,

property owners within three hundred (300) feet of the property for which the change is being requested, shall be notified by regular mail about the proposed action. Failure of a surrounding property owner to receive a courtesy notice shall not stay the review and consideration process. Before an appeal is filed with the Board of Adjustment, the appellant shall pay the City of Shell Rock to cover the publishing and administration costs of said appeal, per the adopted fee schedule.

4. Standards for Variance: The Board of Adjustment shall not vary the regulations of this Ordinance, as authorized in this Section, unless there is evidence presented to it in each specific case that:

- a. Special conditions and circumstances exist which are unique to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- b. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. In other words, an unnecessary hardship would result from literal enforcement of this Ordinance.
- c. Special conditions and circumstances do not result from the actions of the applicant.
- d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

5. Further Requirements

- a. The Board of Adjustment shall 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.
- b. 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 Ordinance and the Shell Rock Comprehensive Plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- c. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under Article XVIII.
- d. Under no circumstances shall the Board of Adjustment grant a variance to allow for use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the District.
- e. If property lines cannot be determined through existing surveys or property markers, the request must be accompanied by a certified survey.

Section 17.05 SPECIAL EXCEPTIONS

1. Special Exception

- a. Purpose: The development and administration of this Ordinance is based upon the division of the City into Zoning Districts, within which Districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular District or Districts, without consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular locations. Such special exceptions fall into two categories:
 - i. Uses publicly operated or traditionally affected with a public interest, and
 - ii. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- b. Initiation of Special Exceptions: Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one (1) or more of the special exceptions provided for in this Ordinance in the zoning district in which the land is located.
- c. Application for Special Exception: An application for a special exception shall be filed with the Zoning Administrator on a form as the Zoning Administrator shall prescribe. The application shall be accompanied by such plans and/or data prescribed by the Board of Adjustment and shall include a statement indicating the Section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
- d. Hearing on Application: Upon receipt in proper form of the application and statement referred to in Section 17.05.1(c), the Board of Adjustment shall hold at least one (1) public hearing on the proposed special exception. Notice of time and place of such hearing shall be published not less than seven (7) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in the City of Shell Rock. As a courtesy, and to the best ability of the City, property owners within three hundred (300) feet of the property for which the change is being requested, shall be notified by regular mail about the proposed action. Failure of a surrounding property owner to receive a courtesy notice shall not stay the review and consideration process. Before an appeal is filed with the Board of Adjustment, the appellant shall pay the City of Shell Rock to cover the publishing and administration costs of said appeal, per the adopted fee schedule.
- e. Authorization: For each application for a special exception the Zoning Administrator shall prepare and file with the Board of Adjustment finding and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.
- f. Standards: No special exception shall be granted by the Board of Adjustment unless such Board shall find:
 - i. That the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

- ii. That the special exception will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood;
 - iii. That the establishment of special exceptions will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - iv. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
 - v. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
 - vi. That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment.
 - vii. That the special exception shall conform to the Shell Rock Comprehensive Plan and the Code of Ordinances.
- g. Conditions and Guarantees: Prior to the granting of any special use, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the Standards and requirements specified in Subsection (f) above. In all cases in which special exceptions are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- h. Denial and Revocation of Special Exception
- i. Denial: No application for a special exception that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.
 - ii. Revocation: In any case where special exception has not been established within one (1) year after the date of granting thereof, then, without further action by the Board of Adjustment the use on review or authorization shall be null and void.

Section 17.06 APPEALS OF ZONING ADMINISTRATOR DECISIONS AND OTHER POWERS OF THE BOARD OF ADJUSTMENT

1. Appeals of Zoning Administrator Decisions

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by a decision of the Zoning Administrator or official in enforcement of this Ordinance. An appeal, by application, shall be taken to the Board for consideration within a reasonable period of time, but not longer than thirty (30) days, as prescribed by the Board's Rules of Procedure. The Zoning Administrator shall provide all documentation to the Board that may be relevant to the action that is being appealed. This would include the application.

An appeal stays all proceedings in furtherance of the decision being appealed, unless the Zoning Administrator certifies to the Board after notice of appeal has been filed that, by

reason of the 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 unless by a restraining order that may be granted by the Board or by a court of record.

In exercising the above-mentioned powers, the Board may in conformity with the provisions of the law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it believes proper, and to that end it will have the powers of the Zoning Administrator. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter which it is required to pass under this Ordinance, provided that the action of the Board shall not become effective until after the written decision or resolution of the Board, setting forth the full reason for its decision and the vote of each participating member has been recorded in the minutes. Said written decision or resolution shall be filed in the office of the Zoning Administrator and shall be open to public inspection.

2. The Board of Adjustment is hereby vested with the following additional authority and jurisdiction:
 - a. Interpretation of District Map: Where the application of the rules for interpretation of district boundaries contained in Section 2.02 leaves a reasonable doubt to the boundary between two (2) Zoning Districts the Board of Adjustment after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purposes of this Ordinance.

Section 17.07 APPEALS OF BOARD OF ADJUSTMENT DECISIONS

Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of said decision, in the manner provided by the laws of the state and particularly by the Code of Iowa.

Section 17.08 PLANNING AND ZONING COMMISSION

1. Creation: The Planning and Zoning Commission of the City of Shell Rock, as established under the applicable provisions of the Code of Iowa, is the Planning and Zoning Commission referred to in this Ordinance.
2. Membership: The Planning and Zoning Commission shall consist of five (5) members, who are residents, to be appointed for a term of five (5) years. Appointment terms of members shall be staggered. Said Planning and Zoning Commission shall consist of persons who are qualified by knowledge or experience to act in matters pertaining to the development of a city plan and who shall not hold any elective office in the municipal government, shall be appointed by the Mayor, subject to the approval of the City Council.

Vacancies shall be filled by appointments for unexpired terms only. All members of the Commission shall serve without compensation except for actual expenses, which shall be subject to the approval of the City Council.

Members of the Planning and Zoning Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with City Ordinances and state laws. The Commission shall keep written records of its proceedings which shall be filed with the Zoning Administrator and City Clerk and open at all times to public inspection.

3. Powers and Duties: The Planning and Zoning Commission shall hold the following powers and discharge the following duties under this Ordinance:
- a. Make such surveys, studies, maps, plans, or charts of the whole of the municipality or any land outside thereof, which in the opinion of the Commission bears relation to the Comprehensive Plan and shall bring to the attention of the Council, and may publish its studies and recommendations.
 - b. Review all capital improvement plans. No such capital improvements shall be made, site obtained, nor permit issued until the design and proposed location of any such improvement has been submitted to the Planning and Zoning Commission and its recommendations obtained. Should the Commission fail to make recommendations within thirty (30) days written notice, these requirements shall not act as a stay upon action for any improvement.
 - c. Review all plans, plats, or re-plats or subdivision or re-subdivision of land embraced in the municipality or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions intended for public dedication to the municipality.
 - d. Make careful and comprehensive studies of present conditions and future growth of the municipality with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environment which will promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.
 - e. Consider any proposed amendments or modifications of the adopted Comprehensive Plan. Where the planning and zoning commission and city council disagree on a proposed amendment, the City Council may either adopt or not adopt said Amendment after a $\frac{3}{4}$ vote of the Council members.
 - f. Recommend to the City Council changes in the zoning regulations or districts.
 - g. File recommendations, within thirty (30) days, in connection with any proposed changes in the zoning regulations or districts made by the City Council.
 - h. Expend all sums of money appropriated, and expend all gifts, donations or payments received by the City for city planning purposes.
 - i. Conduct other business, per this Ordinance.

Section 17.09 ZONING ADMINISTRATOR

1. Designation of Zoning Administrator: The Zoning Administrator shall be designated by the Mayor and the City Council. Said designation and duties may be shared by more than one (1) employee, as the Council may allow.
2. Powers and Duties of the Zoning Administrator: The Zoning Administrator shall enforce this Ordinance and in addition shall:
 - a. Issue all approved zoning permits, including those for home occupations, home industries, and temporary accessibility ramp, as well as collect any fees.
 - b. Process all applications for variances, special exceptions, and appeals or interpretations

to the Board of Adjustment.

- c. Respond to complaints of alleged violations to the Ordinance. If after response by the Zoning Administrator the complaint remains unresolved, the issue shall be referred by the Administrator to the Mayor and City Council for resolution.
- d. Provide and maintain a public information service relative to all matters arising out of this Ordinance.
- e. Provide proper applications and/or forms to the public for the zoning processes.
- f. Review site plans for conformance with this Ordinance.
- g. Carry out the administrative duties for both the Planning and Zoning Commission and the Board of Adjustment.
- h. Be the Secretary of the Planning and Zoning Commission and the Secretary of the Board of Adjustment.
 - i. The Secretary of the Planning and Zoning Commission shall attend all meetings of the Commission, take full and accurate minutes of the proceedings, prepare all necessary reports and documents for and on behalf of the Commission, and perform such duties and functions as may be necessary for the orderly recording of the business of the Commission.
 - ii. The Secretary of the Board of Adjustment shall attend all meetings of the Board, take full and necessary reports and documents for and on behalf of the Board, and perform such other duties and functions as may be necessary for the orderly recording of the business of the Board.

Section 17.10 AMENDMENTS TO THIS ORDINANCE

1. Procedure: The regulations, restrictions, and boundaries may from time to time, be amended, supplemented, changed, modified, or repealed by the City Council, but no such amendments shall be made without public hearings before the Planning and Zoning Commission and City Council and after a report has been made upon the amendment by the Planning and Zoning Commission. However, the regulation, restriction, or boundary shall not become effective until after public hearings at which parties in interest and citizens shall have an opportunity to be heard. The notice of the time and place of the hearings shall be published in a newspaper with general circulation in the City not less than seven (7) days nor more than twenty (20) days before either of the public hearings. As a courtesy, and to the best of the ability of the City, property owners within three hundred (300) feet of the property for which the exception is being requested shall be notified by regular mail about the proposed action. Failure of a surrounding property owner to receive a courtesy notice shall not stay the review and consideration process. In no case shall the City Council hearing be held earlier than the next regularly scheduled City Council meeting after the Planning and Zoning Commission hearing.

In case the Planning and Zoning Commission does not approve the change, or, in the case of a protest filed with the City Council against such change signed by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending the depth of one (1) lot or not to exceed three hundred (300) feet therefrom, or of those directly opposite thereto, extending the depth of one (1) lot or not to exceed three hundred (300) feet from the street frontage of such opposite lots, such amendment shall not be passed except by the favorable vote of three-fourths ($\frac{3}{4}$) of all members of the City Council. As part of an amendment to this Ordinance changing land from one zoning district to another zoning district, or as part of approving a site development plan,

the City 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 that hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change in zoning district.

2. Rezoning Applications: An application for rezoning shall contain the following items:
 - a. The legal description and local address, if applicable, of the property to be rezoned.
 - b. The present zoning classification and the zoning classification requested for the property.
 - c. The existing use and proposed use of the property.
 - d. The names and addresses of the owners of all property within three hundred (300) feet of the property for which the change is requested.
 - e. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
 - f. A plat showing the locations, dimensions, and use of the applicant's property and all property within three hundred (300) feet thereof, including streets, alleys, railroads, and other physical features.
 - g. The property owner's signature
3. Fee: Before any action is taken upon an application as provided in this section, the applicant shall pay the Zoning Administrator a non-refundable sum, as established by resolution of the City Council, to cover the approximate cost of the procedure and the applicant shall forthwith pay over this fee to the credit of the general revenue fund of the City. The failure to approve the change will not be construed as any reason for refunding the fee to the applicant.

ARTICLE XVIII
BUILDING CONSTRUCTION, CERTIFICATES, FEES

Section 18.00 BUILDING CONSTRUCTION

No building or structure shall hereafter be erected, constructed, reconstructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the Zoning Administrator. Said permit and the application for the permit shall contain a plot plan showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building or structure to be erected or affected, the name and address of the owner or owners of the involved lot, and such other information as may be necessary to provide for the enforcement of this Ordinance. The application and permit shall be on forms prepared by the Zoning Administrator and approved by the Council. No permit shall be issued for any construction not in compliance with this Chapter. Any construction started without a permit shall be stopped immediately, and shall be subject to the remedies of Section 19.02. No permit shall be issued on construction begun without a permit until the applicant pays a penalty of twenty-five (\$25) dollars.

Section 18.01 COMMENCEMENT AND COMPLETION OF CONSTRUCTION

An applicant who is issued a zoning permit under the provisions of this chapter is bound, by acceptance of the permit, to commence the construction for which the permit is issued within six (6) months from and after the date of issue of said permit and is bound to complete said construction within twelve (12) months from and after said date of issue. For the purposes of this Ordinance, "complete" shall mean that the project in question does not require more work, is not limited in any way, and is entirely done. This includes installation of all final exterior elements, such as painting, siding, and roofing materials.

Failure to commence construction within six (6) months shall cause the permit to expire. A zoning permit issued under the provisions of this chapter shall be valid for a period of twelve (12) months from and after the date of issue of said permit. Thereafter, it will expire. Upon expiration of a permit for whatever reason, the holder shall make a new application for a new permit under the provisions of this chapter and shall otherwise go through the same procedure as required for issuance of the original zoning permit. The fee for the second permit, as in the case of the original permit fee, shall be set by resolution by the City Council.

Section 18.02 STRUCTURES IN STREET, ALLEY, AND EASEMENT PROHIBITED

No structure except a box for the receipt of the United States Mail with a post to support same shall be erected in a "street" as that word is defined in Section 384.37(2) of the Code of Iowa. No structure shall be erected in any City alley or on any easement in favor of the City.

Section 18.03 STRUCTURE STANDARDS

The following standards shall apply to all structures and all construction for which building permits are issued on or after the effective date of the ordinance codified by this chapter:

1. All dwellings shall be affixed to a permanent foundation system in accordance with the Building Code standards.
2. All structures shall comply with all requirements of this Chapter, including all requirements contained in the definitions of Section 1.05 including without limitation the definitions of Dwelling, Fence, and Screening; all bulk requirements; and all other provisions of this Chapter.

Section 18.04 CERTIFICATE OF OCCUPANCY

No change in the use or occupancy of land, nor any change in use or occupancy in an existing building shall be made, nor shall any new building be occupied for any purpose or use until a certificate of occupancy has been issued by the Zoning Administrator. Every certificate of occupancy shall state that the new occupancy complies with the provisions of this Ordinance.

Section 18.05 APPLICATIONS, NON-REFUNDABLE FEES, AND FEE SCHEDULE

The Zoning Administrator shall utilize written application forms for all zoning actions and is instructed to issue permits upon proper, approved applications under this Ordinance, and charge a non-refundable fee as determined by the City Council and adopted by resolution as the fee schedule. Said fees shall not be prorated or refunded. If the City initiates any of the actions listed below, it shall not be required to pay the corresponding fee. Applicable fees include, but are not limited to, the following.

1. Zoning Map Amendments (Rezoning) requests and Ordinance Text Amendments.
2. Variance requests.
3. Special Exception requests.
4. Home Occupation and Home Industry initial requests.
5. Zoning permits.
6. Temporary Accessibility Ramp permits.

ARTICLE XIX
VIOLATIONS AND LEGAL STATUS PROVISIONS

Section 19.00 NOTICE TO VIOLATORS

If the Zoning Administrator finds that any provision of this Ordinance is being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance or by the City Code to insure compliance with or to prevent violation of its provisions.

Section 19.01 RESPONSIBILITY

The owners, or tenant, of any building, structure, land or part thereof and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation of this chapter may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

Section 19.02 CITY REMEDIES

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the City may, in addition to other remedies, institute injunction, mandamus, or other appropriate lawful action necessary to prevent, correct, or abate such violation. A violation of this Ordinance shall be deemed a municipal infraction under the City of Shell Rock City Code and a violation of the City of Shell Rock Nuisance Ordinance. Any construction started without a permit or which does not comply with the requirements of the Code of Ordinances shall be removed immediately. The City Council may, without limitation, provide for abatement of such nuisance, pursue civil action in court, or prosecute such violation, such action to be prosecuted in the name of the City, or may pursue any combination of remedies. The violation of this chapter shall be a simple misdemeanor. Each day that said violation is continued shall constitute a separate violation. Nothing in this section shall limit the remedies and enforcement powers of the City, which shall include injunctive relief.

Section 19.03 REPEALER

All ordinances and resolutions or any part thereof in conflict with all or any part of this Ordinance are hereby repealed. However, all approved Conditional Use Agreements executed prior to this Ordinance are to be retained and remain enforceable in their entirety.

Section 19.04 SEVERABILITY

If any section or part thereof of this Ordinance shall be held to be unconstitutional by a court of competent jurisdiction, the remainder of the provisions herein shall be deemed to continue in full force and effect.

Section 19.05 EFFECTIVE DATE

This Ordinance repeals Ordinance 240, Shell Rock Zoning Ordinance or Chapter 165, Zoning Regulations of the City Code of the City Code of Shell Rock, the Official Zoning Map, and all of the amendments thereto; and.

This Zoning Ordinance enacts in lieu thereof as new Ordinance Number 364, the City of Shell Rock, Iowa Zoning Ordinance, including zoning map, Chapter 165 of the City Code. Ordinance Number 364 is an

Ordinance creating updated zoning regulations for the purpose of protecting health, welfare, and public safety within the City of Shell Rock, Iowa, and it shall be integrated into the Shell Rock City Code of Ordinances

A recommendation for adoption of this Ordinance was made by the Shell Rock Planning and Zoning Commission on March 29th, 2018, after a public hearing was held.

This Ordinance was passed and approved by the Shell Rock City Council on the following dates:

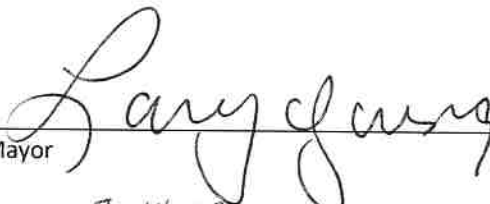
A City Council Public Hearing was held and the First Reading was approved on: May 8th, 2018

The Second Reading was approved on: June 5th, 2018

The Third and Final Reading was approved on: July 10th, 2018

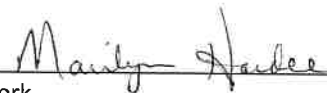
Ordinance Number 364, "The City of Shell Rock, Iowa Zoning Ordinance", as adopted, shall be in full force and effect from and after this 14th day of August, 2018.

City of Shell Rock, Iowa City Council



Mayor
Date: 8-14-18

Attest:



City Clerk
Date: 8-14-18

NOTES

Amendment Number

Description

Date

**APPENDIX I
ZONING ORDINANCE AMENDMENT (TEXT OR MAP)
GUIDANCE**

To promote a systematic review of major considerations, every proposed Zoning Amendment shall be analyzed by the Planning and Zoning Commission and City Council by answering the following question, in relation to the facts presented.

	YES	NO
1. Will the rezoning fulfill a public need for that type of land use?	_____	_____
2. Have procedural requirements been met?	_____	_____
3. Would the public interest be better served by rezoning another area of the community?	_____	_____
4. Is change contrary to the established land use patterns?	_____	_____
5. Does the rezoning conform to the future land use map in the Comprehensive Plan?	_____	_____
6. Will change contribute to dangerous traffic patterns or congestion?	_____	_____
7. Will the new land use complement the present and future traffic flows?	_____	_____
8. Can adequate off-street parking be provided if the rezoning request is granted?	_____	_____
9. Can the owner of the property realize an economic benefit from uses in accord with existing zoning?	_____	_____
10. Have the adjacent landowners been fully informed of the rezoning request?	_____	_____
11. Are the adjacent landowners in favor of the change?	_____	_____

	YES	NO
12. Are the potential hardships and nuisances (such as noise, neon lights, odors, etc.) of the rezoning request on adjacent landowners adequately considered?	_____	_____
13. Will property values in the vicinity be inflated by change?	_____	_____
14. Will property values in the vicinity be adversely affected by change?	_____	_____
15. Can you assure yourself that this is not spot zoning, a violation of precedents, or arbitrary and capricious?	_____	_____
16. Will change result in private investment which would be beneficial to the redevelopment of a deteriorated area?	_____	_____
17. Is it really needed, or is it merely for the convenience of the applicant?	_____	_____

**APPENDIX II
ZONING ORDINANCE VARIANCE
GUIDANCE**

To promote a defensible consideration of every proposed Zoning Ordinance Variance request, the Board of Adjustment shall consider following standards in relation to the facts presented.

	YES	NO
1. Do special conditions and circumstances exist that are unique to the land, structure, or buildings in the same zoning district?	_____	_____
2. Would literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance? Will an unnecessary hardship result for literal enforcement of this Ordinance?	_____	_____
3. Did the special conditions and circumstances result from the actions of the applicant?	_____	_____
4. Granting the variance will not confer on the applicant Any special privilege that is denied by this Ordinance To other lands, structures or buildings?	_____	_____
5. Can the Board of Adjustment make a finding that the reasons set forth in the application justifying 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	_____	_____
6. Can the Board of Adjustment make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and the Shell Rock Comprehensive Plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare?	_____	_____
7. Does the Board of Adjustment wish to prescribe special conditions to this request?	_____	_____
8. Is this a use variance? The Board of Adjustment is expressly or by implication prohibited by this Ordinance from approving a use not allowed in the District in which the site in question exists.	_____	_____
9. Can the property lines be clearly determined? If not a survey must accompany the request.	_____	_____

**APPENDIX III
ZONING ORDINANCE SPECIAL EXCEPTION
GUIDANCE**

To promote a defensible consideration of every proposed Zoning Ordinance Special Exception request, the Board of Adjustment shall consider following standards in relation to the facts presented.

	YES	NO
1. Will the Special Exception be detrimental or endanger public health, safety, morals, comfort, or the general welfare?	_____	_____
2. Will the Special Exception be injurious to the use and enjoyment of other property, nor substantially diminish and impair property values within the neighborhood?	_____	_____
3. Will the establishment of the Special Exception impede the normal and orderly development and improvement of the surrounding property for uses permitted in the District?	_____	_____
4. Are, or will, adequate utilities, access roads, drainage, and necessary facilities be provided?	_____	_____
5. Are adequate measures being taken to provide ingress and egress so as to minimum traffic congestion on public streets?	_____	_____
6. Will the Special Exception, in all other respects, conform to the applicable regulations of the District in which it is located, except as such regulations may, in each instance be modified by the Board of Adjustment?	_____	_____
7. Does the Special Exception conform to the Shell Rock Comprehensive Plan and Code of Ordinances?	_____	_____
8. Does the Board of Adjustment wish to prescribe special conditions to this request?	_____	_____