

CHAPTER 165

ZONING REGULATIONS

165.01 Intent and Purpose	165.21 A-1 Agricultural District Regulations
165.02 Definitions	165.22 R-1 Residence District Regulations
165.03 Interpretation of Standards	165.23 R-2 Multiple Residence District
165.04 Classification of Districts	165.24 R-MH Planned Mobile Home District Regulations
165.05 District Boundaries	165.25 C-1 Commercial District Regulations
165.06 Future Annexation of Territory	165.26 C-2 Commercial District Regulations
165.07 Conformance Required	165.27 I-L Light Industrial District Regulations
165.08 Continuing Existing Uses	165.28 I-G General Industrial District Regulations
165.09 Nonconforming Uses or Buildings	165.29 Parking, Loading Areas and Parking Lots
165.10 Replacing Damaged Buildings	165.30 Satellite Television Antennas
165.11 Locating Buildings	165.31 Street Entrances, Filling Stations and Public Garages
165.12 Street Frontage Required	165.32 Signs and Billboards
165.13 Private Detached Garages, Accessory Buildings and Other Storage Buildings	165.33 Exceptions and Modifications
165.14 Corner Lots	165.34 Board of Adjustment
165.15 Front Yard	165.35 Building Permit and Site Plan Required
165.16 Required Yard	165.36 Amendments
165.17 Continuous Linear Shrubbery, Fences or Walls	165.37 Violations Shall Constitute Municipal Infractions
165.18 Building Lines on Approved Plats	165.38 Enforcement
165.19 Vacation	165.39 Remedies for Violation of Conditions of Building Permit, Including Civil Penalties
165.20 District Regulations Generally	

165.01 INTENT AND PURPOSE. This chapter is adopted for the following reasons:

1. To provide the citizens of the City with adequate light, pure air, and safety from fire and other dangers; to conserve the value of land and buildings; to reduce traffic congestion in the public streets; and to promote the public health, safety, comfort, convenience, morals, and general welfare.
2. To promote the character and stability of residential, business, and manufacturing areas within the City; and to promote the orderly and beneficial development of such areas.
3. To preserve the aesthetic quality of the City and its historic and cultural areas.
4. To establish rules and regulations leading to the attaining of these objectives by adopting a zoning ordinance which will create districts within the City and provide for:
 - A. Limits on the intensity of the use of land and buildings.
 - B. Regulation of off-street parking facilities.
 - C. Administration and enforcement.
 - D. Penalties for violation.
 - E. The procedure, powers and duties of the Board of Adjustment, Planning and Zoning Commission and City Council.

165.02 DEFINITIONS. For the purpose of this chapter, the following terms and words are defined. The words "used" and "occupied" include the words "intended, designed, or arranged to be used or occupied."

1. "Accessory use or structure" means a use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.
2. "Adjacent property" means any parcel of land or any portion thereof which is located within 300 feet from the boundaries of the property in question, measured exclusive of public streets and alleys.
3. "Board of Adjustment" means the Board established in Section 165.34 of this chapter.
4. "Administrative officer" means the individual designated by this chapter to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by this chapter. This person is referred to as the Zoning Administrator.
5. "Agriculture" means the use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, silviculture, fish farming, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, such accessory uses shall be secondary to that of normal agricultural activities; and provided further, the enumerated uses shall not include the commercial feeding of garbage or offal to swine or other animals.
6. "Alley" or "lane" means a public or private way not more than 30 feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.
7. "Alteration, structural" means any change in the supporting members of a building, such as bearing walls, partitions, columns, beams, or girders. The enlargement of the size or height of a building shall be construed to be a structural alteration.
8. "Apartment house" – see "dwelling, multiple."
9. "Automobile salvage yard" – see "junk yard."
10. "Basement" means a story having part but not more than half its height below grade. A basement is counted as a story for the purpose of height regulations.
11. "Bed and breakfast establishment" means a dwelling containing not more than three guest rooms held for rent:
 - A. In which not more than six guests in total may be accommodated at any one time.
 - B. In which a guest may not stay more than seven consecutive days during any 30-day period.
 - C. In which no meals other than breakfast may be served to the guests.

A single, non-electric exterior wall sign having an area not to exceed four square feet may be posted identifying the name of the establishment and giving its telephone number.

12. "Billboard" includes all structures (regardless of the material used in the construction) erected, maintained, or used for public display of posters, painted signs, wall signs (whether the structure be placed on the wall or painted on the wall itself), pictures and/or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which the sign or billboard is located.

13. "Block" means the property abutting on one side of the street and lying within the two nearest intersecting streets or an unsubdivided acreage.
14. "Boarding house" means a building other than a hotel where, for compensation, meals or lodging and meals are provided for three or more persons.
15. "Building" means any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards.
16. "Building, principal" means a building in which the principal use of the lot is conducted.
17. "Building, height of" means the vertical distance from the average natural grade to the highest point of a coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
18. "Building Official" means an agent so designated by the Council.
19. "Bulk stations" means distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than 12,000 gallons.
20. "Business or commercial" refers to the engaging in the purchase, sale, or exchange of goods or services, or the operation for profit of offices or recreational or amusement enterprises.
21. "Carport" means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purpose of this chapter, a carport attached to a principal building shall be considered part of the principal building and subject to all yard requirements.
22. "Cellar" means that portion of a building having more than half its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
23. "Clinic" means a building or buildings used by physicians and/or dentists, osteopaths, chiropractors, and similar professions in the provision of out-patient care.
24. "Commission" means the Planning and Zoning Commission appointed by the Council under the authority of Section 414.6 of the *Code of Iowa*.
25. "Common sewer system" means a central sewer collecting system available to platted lots and discharging into a treatment plant.
26. "Common water system" means a central water supply system available from one single source to platted lots.
27. "Conditional use" means a use not in conformity with the provisions of this chapter but which may be allowed with proper safeguards.
28. "Confinement feeding operations" means any laying, nursing, farrowing, or finishing operation which is conducted within a building or structure with a central waste collection system.
29. "Court" means an open, unobstructed, and unoccupied space other than a yard which is bounded on two or more sides by a building on the same lot.

30. "Curb level" means the main level of the curb or the established curb grade in front of a lot.
31. "Day nursery or nursery school (private or public)" means any agency, institution, establishment or place which, for compensation, provides supplemental parental care and/or educational training for six or more unrelated children of pre-school age.
32. "District" means a section or sections of the City within which certain uniform regulations and requirements govern the use of buildings and premises or the height and areas of buildings and premises.
33. "Drinking establishment" refers to a business where the predominant activity relates to the sale of alcoholic beverages for consumption on the premises. For the purpose of this chapter, bars, beer parlors, night clubs, and taverns are considered to be drinking establishments.
34. "Dump" means a premises used for the disposal of "clean" type of fill material, such as dirt, rocks, and similar materials, but not including organic matter such as garbage or animal carcasses.
35. "Dwelling" means any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer, or mobile home.
36. "Dwelling, condominium" means a multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the others.
37. "Dwelling, multiple" means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.
38. "Dwelling, multiple elderly" means a group of residences designed for elderly occupants and having special site development considerations distinct from multiple dwellings occupied by all age groups.
39. "Dwelling, row" means any one of three or more attached dwellings in a continuous row each designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.
40. "Dwelling, single-family" means a detached residence designed for and occupied by only one family. The minimum dimension of the principal portion of such building shall not be less than 20 feet.
41. "Dwelling, two-family" means a residence designed for and occupied by only two families with separate housekeeping and cooking facilities for each.
42. "Dwelling unit" means a room or group of rooms which are arranged, designed, or used as living quarters for the occupancy of one family and containing bathroom and kitchen facilities.
43. "Family" means one or more persons occupying a single dwelling unit, but unless all members are related by blood, marriage or adoption, no single family shall contain more than four persons.
44. "Farm" means an area comprising 35 or more contiguous acres which are used for agricultural purposes.
45. "Farmstead" means the buildings and adjacent service areas of a farm.

46. "Feed lot" means any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs, or sheep. A commercial feed lot is a feed lot, as defined by the Environmental Protection Commission, or in which the livestock on feed are owned by someone other than the owner of the feed lot.
47. "Fill" means the placing, storing, or dumping of any material such as earth, clay, sand, rubble, concrete, or waste of any kind upon the surface of the ground which results in the raising of the natural surface elevation.
48. "Floodplain" or "flood prone area" means the area adjoining a river or stream which has been or may be subjected to flood water.
49. "Floodway" means the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to carry and discharge the flood water or flood flow of any river or stream as defined by the Environmental Protection Commission.
50. "Floor area" means the sum of gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings.
51. "Floor area ratio" means the aggregate floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.
52. "Foster child care" means care and education of not more than five children unrelated to the residents by blood or adoption.
53. "Frontage" means all the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
54. "Garage, private" means an enclosed structure intended for the parking of the private motor vehicles of the families residing upon the premises.
55. "Garage, public" means any building or premises, except those used as private or storage garages, used for equipping, refueling, servicing, repairing, hiring, selling, or storing motor-driven vehicles.
56. "Garage, storage" means any building or premises used only for the housing of motor-driven vehicles pursuant to advance arrangements and not to transients, and at which automobile fuels and oils are not sold, nor are motor vehicles equipped, repaired, hired, or sold.
57. "Gasoline filling station" means any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles and such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, anti-freeze, motor vehicle accessories, and other items customarily associated with the sale of such products; for the rendering of services and the making of adjustments and replacements to motor vehicles, and the washing, waxing, and polishing of motor vehicles; and for the making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined as spray painting, body, fender, clutch, transmission, differential axle, spring, and frame repairs; the major overhauling of engines requiring removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; and the complete recapping or re-treading of tires.

58. "Grade" means the average elevation of the finished surface of the ground adjacent to the exterior walls of the building.
59. "Grain elevator" means a structure or group of related structures used primarily for the receiving, processing, storage, drying, and transporting of bulk grain.
60. "Home occupation" means a secondary use carried on entirely within a residence with no evidence from outside the residence that such occupation is being conducted on the premises; with no signs or displays, or excessive noise, odors, electrical disturbances, or traffic generation; with no more than one part-time nonresident employee; and with not more than one-fourth of the floor area of any one floor devoted to such use.
61. "Home office combination" means any use, occupation, business, or profession carried on within a residence that is not a home occupation.
62. "Hotel" means a building (as distinguished from a boarding house, rooming house, or bed and breakfast establishment) in which lodging is provided and offered to the public for compensation and which is open to transient guests.
63. "Institution" means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.
64. "Junk or salvage yard" means any area where waste, discarded or salvaged material or equipment is bought, sold, exchanged, baled, packed, disassembled, kept, stored, or handled, including house wrecking yards, auto wrecking activities, used lumber yards, and places or yards for the storage of salvaged building materials and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental and necessary to manufacturing operations, and not including contractors' storage yards.
65. "Kennel, dog" means any lot on which four or more dogs, six months of age or older, are kept.
66. "Lodging house" means a building (as distinguished from hotels open to transients) or place where lodging or boarding is provided for compensation for three or more, but not exceeding 20 individuals, and which is not open to transient guests.
67. "Lot" means a parcel of land of sufficient size to meet minimum zoning requirements for use and area to provide yards and other open spaces as are herein required. Each 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 and portions of lots of record.
 - D. A parcel of land described by metes and bounds, provided in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.
68. "Lot area" means the total horizontal area within lot lines.
69. "Lot, corner" means a lot abutting upon two or more streets at their intersection.

70. "Lot, depth of" means the mean horizontal distance between the front and rear lot lines.
71. "Lot, double frontage" means a lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.
72. "Lot, interior" means a lot other than a corner lot.
73. "Lot lines" are the lines bounding a lot.
74. "Lot line, front" means the line separating the lot from the street on which it fronts.
75. "Lot line, rear" means the lot line opposite and most distant from the front lot line.
76. "Lot line, side" means any lot line other than a front or rear lot line.
77. "Lot of record" means a lot which is a part of a subdivision recorded in the office of the County Recorder or a lot or parcel described by metes and bounds the description of which has been recorded.
78. "Lot, reversed frontage" means a corner lot, the side street line of which is substantially a continuation of the front line of the first platted lot to its rear.
79. "Lot, width" means the width of a lot measured at the building line and at right angles to its depth.
80. "Lumber yard" means a premises on which primarily new lumber and related building materials are sold.
81. "Manufactured home" means a factory-built single-family structure which meets the construction and safety standards of 42 U.S.C. Section 5403, and is used as a place for human habitation, but is neither constructed nor equipped with a permanent hitch or other device allowing it to be moved other than that required to transport the home to a permanent site, and does not have wheels or axles permanently attached to its body or frame. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site built dwelling.
82. "Mobile home" means any vehicle without motive power manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons. It also includes any such vehicle with motive power not registered as a motor vehicle in Iowa.
83. "Mobile home park" means any lot or portion of a lot upon which two or more mobile homes or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.
84. "Modular home" means a factory built structure which is manufactured or constructed to be used as a place for human habitation, but which is neither constructed nor equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have wheels or axles permanently attached to its body or frame.
85. "Motel," "auto court" or "motor lodge" means a building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists with parking facilities conveniently located near each such unit, and which may include such accessory facilities as a swimming pool, restaurant, meeting rooms, etc.

86. “Nonconforming use” means the lawful use of any building or land that was established prior to or at the time of passage of the zoning ordinance codified herein or amendments thereto which does not conform after the passage of such ordinance or such amendments with the use regulations of the district in which it is situated.

87. “Nursing or convalescent home” means a building or structure having accommodations for and where care is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including those suffering from mental illness, a contagious disease, or inebriety.

88. “Obstruction” means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, junk, solid waste, refuse, fill or other analogous structure or matter in, along, across, or projecting into any floodway which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.

89. “Office” means a place in which services, clerical work and professional duties are carried out; for purposes of this chapter, an office is not a place where chattels, goods, wares, or merchandise are created, sold, or exchanged.

90. “Official flood prone area map” means the official flood prone area map on file in the office of the Clerk which delineates the floodplain within the City.

91. “Official zoning map” means the official zoning map on file in the office of the Clerk, and all references hereafter to the official map mean the map just referred to and which by this reference is made a part of this chapter.

92. “Outside storage areas” means any open land or area used for the purpose of storage of any product or part of a product, either before, during or after manufacture, servicing or repair, and not displayed for retail sale. This does not include open sales areas.

93. “Parking lot” means a parcel of land devoted to unenclosed parking spaces.

94. “Parking space” means an area of not less than 200 square feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering incidental to parking or moving out of the parking space shall not encroach upon any public right-of-way.

95. “Pavement” or “paving” means the pavement structure or the upper surface of a pavement structure or the materials of which the pavement structure is constructed.

96. “Pavement structure” means the combination of sub-base, base course and surface course placed on a sub-grade to support the traffic load and distribute it to the roadbed.

97. “Porch, unenclosed” means a roofed projection which has no more than 50 percent of its outside wall area enclosed by a building or by siding material other than meshed screens.

98. “Principal use” means the main use of land or structures as distinguished from an accessory use.

99. “Regulatory flood” means a flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be

expected to occur in a particular stream. The regulatory flood generally has a frequency of approximately 100 years determined from an analysis of floods on a particular stream and other streams in the same general region.

100. “Regulatory flood protection elevation” means the elevation to which uses regulated by this chapter are required to be elevated or flood-proofed.

101. “Retail store” means an enterprise offering goods and merchandise for sale to the ultimate consumer for direct consumption and not for resale.

102. “Right-of-way” means the land area the right to possession of which is secured or reserved by the contracting authority for road purposes.

103. “Road” means all property intended for use by vehicular traffic and which is dedicated or intended for a public or private road, street, alley, highway, freeway or roadway purposes.

104. “Roadbed” means the area of the roadway between the tops of fore-slopes.

105. “Road line” means a dividing line between a lot, tract or parcel of land and a contiguous road.

106. “Roadside” means the area within the right-of-way and outside the shoulder lines of a roadbed.

107. “Roadside stand” means a readily movable structure used seasonally for the sale of agricultural products or other products grown or produced on the premises.

108. “Rooming house” means a building (as distinguished from hotels open to transients) where lodging is provided for compensation for three or more, but not exceed 20 individuals and which is not open to transient guests.

109. “Sanitary landfill” means land utilized for the disposing of solid wastes in accordance with the rules and regulations of the Environmental Protection Commission.

110. “Shop” means a small retail store devoted primarily to the sale of a service if the service is performed on the premises or the sale of a product or products. Packaging is not to be considered preparation.

111. “Shoulder” means that portion of the roadbed contiguous with the traveled way for accommodation of stopped vehicles, emergency use, and lateral support of base and surface courses.

112. “Sign, exterior” means a sign which directs attention to a business, profession, service, product, or activity sold or offered on the premises on which the sign is located; and a sign attached flat against a building or structure, or projecting out from a building or structure, or erected upon the roof of a building or structure.

113. “Sign, free standing or post” means any sign erected or affixed in a rigid manner to any pole or post, and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located, including signs, or sign devices indicating the business transacted, services rendered, or goods sold or produced on the premises by an occupant thereof.

114. “Sign, illuminated” means a sign designed to give forth artificial light through translucent material from a source of light within such sign, including but not limited to, neon and exposed lamp signs.

115. “Sign, off-site” means a sign other than an on-site sign.

116. "Sign, on-site" means a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

117. "Stable, private" means a building or structure used or intended to be used for housing horses belonging to the owner of the property for non-commercial purposes.

118. "Stable, public" and "riding academy" means a building or structure used or intended to be used for the housing of horses on a fee basis. Riding instruction may be given in connection with a public stable or riding academy.

119. "Stable, riding club" means a building or structure used or intended to be used for the housing of horses by a group of persons for non-commercial purposes.

120. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.

121. "Story, half" means a space under a sloping roof which has the line of intersecting roof decking and wall face not more than four feet above the top floor level.

122. "Street line" means a dividing line between a lot, tract, or parcel of land and a contiguous street.

123. "Street, road, drive or entrance, private" means all property intended for use by vehicular traffic, but not dedicated to the public or controlled and maintained by a political subdivision.

124. "Street, road, drive or entrance, public" means all property intended for use by vehicular traffic which has been dedicated to the public or deeded to a political subdivision.

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

126. "Structure" means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, "structure" includes buildings, mobile homes, billboards, and poster panels.

127. "Tea room" means a dining establishment open by reservation only:

- A. In which not more than 30 guests may be accommodated at any one time, and
- B. For which dining is confined to the hours between 10:00 a.m. and 10:00 p.m.

A single, non-electric exterior wall sign having an area not to exceed four square feet may be posted identifying the name of the establishment and giving its telephone number.

128. "Travel trailer" or "motor home" means a vehicle customarily used for vacation or recreational purposes, defined and licensed in accordance with Chapter 321 of the *Code of Iowa*.

129. "Truck terminal" means a commercial facility where truck freight is stored, handled and dispatched between various locations by way of different major truck

carriers and including facilities for the storage and repair of trucks and trailers while awaiting consignment.

130. "Use" means any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or structure, or on a tract of land.

131. "Variance" means a legal modification or variation of the provisions of this chapter as applied to a specific piece of property as distinct from rezoning.

132. "Veterinary hospital or clinic" means a building or structure where diagnosis, care, and treatment is provided for animals.

133. "Yard" means an open space on the same lot with a building or structure which is unoccupied and unobstructed by any portion of a structure more than 30 inches above the general ground level of the graded lot. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.

134. "Yard, front" means a yard extending across the full width of the lot and measured between the front lot line and the nearest building and any projections of it (including roof overhangs.)

135. "Yard, rear" means a yard extending across the full width of the lot and measured between the rear lot line and the nearest building and any projections of it (including roof overhangs) other than steps, unenclosed balconies or unenclosed porches. On both corner lots and interior lots the opposite end of the lot from the front yard.

136. "Yard, side" means a yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building and any projections of it (including roof overhangs).

137. "Zoning Administrator" means the administrative officer designated or appointed by the Council to administer and enforce the regulations contained in this chapter.

138. "Zoning permit" means a permit issued by the Zoning Administrator authorizing the use of the land in the manner and for the purpose specified in the application.

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

165.04 CLASSIFICATION OF DISTRICTS. In order to classify, regulate, and restrict the location of trades and industries, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings hereafter erected or altered; to regulate and limit the intensity of the use of lot areas; and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings, the City is hereby divided into eight classes or districts. The use, height, and area regulations are uniform in each class or district. The districts shall be known as:

A-1	Agricultural District
R-1	Residence District
R-2	Multiple Residence District
R-MH	Planned-Mobile Home District
C-1	Commercial District
C-2	Commercial District
I-L	Light Industrial District
I-G	General Industrial District

165.05 DISTRICT BOUNDARIES. The boundaries of these districts are indicated upon the Zoning Map of the City. The Zoning Map and all the notations, references, and other matters shown thereon are as much a part of this chapter as if the notations, references, and other matters set forth on the Map were all fully described herein.[†] The Zoning Map is on file in the office of the Clerk at the City Hall. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Map, the following rules apply:

1. The district boundaries are either street lines or alley lines, unless otherwise shown, and where the districts designated on the Map are bounded approximately by street lines or alley lines, the street lines or alley lines shall be construed to be the boundary of the district.
2. In unsubdivided property, the district boundary lines on the Map shall be determined by use of the scale appearing on the Map.

165.06 FUTURE ANNEXATION OF TERRITORY. All territory which may hereafter be annexed to the City shall automatically be classed as lying in the A-1 Agricultural District until such classification shall have been changed by an amendment to the Zoning Ordinance.

165.07 CONFORMANCE REQUIRED. Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered; nor shall any building or land be used which does not comply with all of the district regulations established by the Zoning Ordinance codified in this chapter for the district in which the building or land is located.

165.08 CONTINUING EXISTING USES. The use of a building existing at the time of the enactment of the Zoning Ordinance may be continued even though such use may not conform with the regulations of this chapter for the district in which it is located.

165.09 NONCONFORMING USES OR BUILDINGS.

1. New Construction of Buildings. Construction of new principal or accessory buildings which will be used for or which are incidental to a use made nonconforming by this chapter is not allowed.
2. Structural Alterations and Enlargements. Any building in any district devoted to a use made nonconforming by this chapter may be structurally altered or enlarged in conformity with the lot area, the lot frontage, yard, and height requirements for the district in which it is situated under Principal Permitted Uses; provided, such construction shall be limited to buildings on land owned of record by the owner of the land devoted to the nonconforming use prior to the effective date of the Zoning

[†] See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.

Ordinance. A nonconforming use of a building may be changed to another nonconforming use of the same classification.

3. Discontinuance. In the event that a nonconforming use of any building or premises is discontinued for a period of 180 days, the use of the building or premises shall conform thereafter to the uses permitted in the district in which it is located. Change of ownership shall not be construed as discontinuance of a nonconforming use.

165.10 REPLACING DAMAGED BUILDINGS. Any nonconforming building or structure damaged by fire, flood, explosion, war, riot, act of God, or otherwise in excess of 80 percent of its replacement value inclusive of the foundations when the damage was incurred shall not be restored or reconstructed and used as before such happening; but if the damage is less extensive, the nonconforming building or structure may be restored, reconstructed, or used as before provided the restoration or reconstruction is started within one year of from the time the damage was sustained.

165.11 LOCATING BUILDINGS. Every building hereafter erected or structurally altered shall be located on a lot as defined in this chapter and there shall be no more than one main building on one lot unless otherwise provided by this chapter.

165.12 STREET FRONTAGE REQUIRED. Except as permitted in 165.33 of this chapter, no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least 40 feet on at least one street, or unless it has an exclusive unobstructed private access easement or right-of-way of at least 20 feet wide to a street. There shall be not more than one single-family dwelling for such frontage or easement, except that a common access easement at least 50 feet wide shall be provided for two or more such single-family dwellings or for one or more two-family or multiple dwellings.

165.13 PRIVATE DETACHED GARAGES, ACCESSORY BUILDINGS OR OTHER STORAGE BUILDINGS. No private detached garage, accessory building or other storage building shall be erected in any required court or front yard in any R District, nor extend into the front yard toward the street further than the front of the principal building on that lot. All such buildings shall be distant at least five feet from rear or side lot lines in any R District. On a corner lot, they shall conform to the setback regulations of the side street. Garages, accessory buildings or other storage buildings may be erected as part of the principal building to which they are attached, provided all yard requirements for a principal building are complied with. A private detached garage, accessory building or other storage building in any R District shall not occupy more than 30 percent of the rear yard, or exceed 900 square feet in size or 16 feet in height; however, this regulation shall not be interpreted to prohibit the construction of a private, detached garage of not more than 576 feet on a minimum rear yard, even though that may exceed the 30 percent limitation.

165.14 CORNER LOTS.

1. For corner lots platted after February 19, 1986, the effective date of the Zoning Ordinance, frontage may be considered on either street. Setback requirements along both streets shall conform to the front yard requirement of the district in which it is located. No accessory building on a corner lot shall project beyond the setback line of the lots to the rear.

2. For corner lots platted and of record on February 19, 1986, the effective date of the Zoning Ordinance, the side yard regulation shall apply to the longer street side of the lot, except for reverse frontage lots. For reverse frontage lots, there shall be a side

yard on the longer street side of the corner lot not less than 50 percent of the setback required on lots to the rear of such corner lot. No accessory building on a corner lot shall project beyond the setback line of the lot to the rear.

3. However, this regulation shall not be interpreted so as to reduce the buildable width of the corner lot platted and of record or as shown by an existing contract of purchase at the time of the effective date of the Zoning Ordinance to less than 28 feet or to prohibit the erection of an accessory building.

165.15 FRONT YARD. In any R District there shall be a minimum front yard required as stated in the yard requirements for that particular district; provided however, where lots comprising 30 percent or more of the frontage width within 200 feet of either side lot line are developed with buildings at a greater setback, the front yard setback shall be the average of these building setbacks and the minimum setbacks required for the undeveloped lots; provided further, the setback need not exceed 50 feet in any event.

165.16 REQUIRED YARD. No lot shall be reduced in area so as to make any yard or any other open space less than the minimum required by this chapter. Off-street parking and loading areas may occupy all or part of any required yard or open space except as otherwise specified in this chapter.

165.17 CONTINUOUS LINEAR SHRUBBERY, FENCES, OR WALLS. Hedges, fences or walls are allowed in all yards, but they shall not exceed the following height limitations in residential areas unless otherwise specified in this chapter:

1. In front yards, not to exceed four feet, except at corner lots where they shall not exceed two and one-half feet.
2. In side and rear yards, not to exceed eight feet.

165.18 BUILDING LINES ON APPROVED PLATS. Whenever the plat of a land subdivision on record in the Office of the County Recorder shows a setback building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this chapter unless specific yard requirements in this chapter require a greater setback.

165.19 VACATION. Whenever any street, road, railroad, or other public use is vacated by official action of the Council, the zoning district adjoining each side of such street, road, railroad, or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall be subject to all appropriate regulations of the extended districts.

165.20 DISTRICT REGULATIONS GENERALLY. The regulations set forth in Sections 165.07 through 165.19 of this chapter shall apply to all districts.