

CHAPTER 165

ZONING REGULATIONS

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165.01 TITLE. This chapter shall be known and cited as “The Zoning Ordinance of the City of Marquette.”

165.02 PURPOSE. The Council deems it necessary to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, panic, and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of buildings and encourage the most appropriate use of the land throughout the City; all in accordance with a comprehensive plan, and to that end to adopt this zoning ordinance setting out regulations therefor.

165.03 DEFINITIONS. For the purpose of this chapter, certain terms and words are hereby defined.

1. “Accessory use or structure” means a use or structure, including a portable building, subordinate to the principal use of a building or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal building or use of land. An accessory use shall not have the effect of establishing a use or structure

not permitted in the zoning district it is in. An accessory structure shall not be used for residential or institutional purposes and shall have a minimum size of 64 square feet and a maximum height of 9 feet. Any pre-fabricated structures shall be erected or placed in accordance with manufacturer's specifications. *(Ord. 348 – Dec. 10 Supp.)*

2. "Administrative Officer" means the individual designated by the Council to administer the Zoning Ordinance. This person may also be referred to as the "Zoning Administrator."

3. "Agriculture" means the use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for treating or storing the produce, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. "Agriculture" includes commercial animal or poultry feeding in confined lots or buildings as defined herein.

4. "Alley" means a public thoroughfare which affords only a secondary means of access to abutting property.

5. "Alterations, structural" means any change in the supporting members of building such as bearing walls, columns, beams, or girders.

6. "Apartment" means a room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are three or more such rooms or suites.

7. "Apartment house" means a building arranged, intended, or designed to be occupied by three or more families living independently of each other.

8. "Basement" means a story having part but not more than one-half its height below grade. A basement is counted as a story for the purpose of height regulations. Also see "cellar."

9. "Bed and breakfast/bath home" means a home occupation (refer to "home occupation" as defined in this section) that provides 1 to 3 rooms (limited to 2 persons or one family unit/room) for occasional paying guests on an overnight basis for periods not to exceed 14 days with breakfast or bath being available on premises at no additional cost. A bed and breakfast/bath home is allowable only in a building originally constructed as a one-family dwelling.

10. "Billboard" - See Chapter 155 of this Code of Ordinances.

11. "Board" means the Zoning Board of Adjustment of the City.

12. “Boarding house” means a building originally constructed as a single-family dwelling, and currently occupied as a permanent residence by the owner or lessee thereof, where, for compensation, lodging and meals are provided for three or more persons, but which does not qualify as a “bed and breakfast/bath home.”

13. “Building (structure)” means anything constructed, erected or built, the use of which requires more or less permanent location on ground and designed for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind. For purposes of this chapter, “building” shall include fences but does not include sidewalks, driveways, ground level patios, vegetation and customary lawn ornaments. *(Ords. 367 & 373 – Dec. 13 Supp.)*

14. “Building, height of” means 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 ridge of gable, hip and gambrel roofs.

15. “Building line” means the farthest protruding section of any side of the building, excluding uncovered porches or patios not exceeding 30 inches in height above the maximum grade. See “yard, front”; “yard, rear”; and “yard, side” (as defined in this section).

16. “Building, main” means a building containing the principal use of the lot, as distinguished from the accessory use.

17. “Building permit” means a certificate issued by the City for erecting a new structure or altering to increase the exterior dimensions, or increase the number of dwelling units, or to accommodate a change in usage of the building.

18. “Bulk station” means a distributing station commonly known as bulk or tank station used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.

19. “Business/commercial,” when used in this chapter, refers to the engaging in the purchase, sale, or exchange of goods, services, or the operation for profit of offices, recreational or amusement enterprises.

20. “Camper” – see “travel trailer” and “motor homes.”

21. “Campground” means a plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes.

22. “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 as part of the principal building and subject to all yard requirements herein.

23. “Cellar” means a story having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement. Also see “basement.”

24. “Clinic” means a building or buildings used by physicians, lawyers, dentists, osteopaths, chiropractors, and all professions for outpatient care of persons requiring such professional service; does not include veterinary clinics.

25. “Commercial animal or poultry feeding” means the feeding of livestock, poultry, or other animals in confined feed lots, dry lots, pens, cages, or buildings as a commercial enterprise:

A. When not in conjunction with a farming operation, or

B. When feeding more than one thousand head of livestock or five thousand chickens, turkeys, or laying hens.

26. “Commission” means the Zoning Commission of the City.

27. “Condominium” means a residential or commercial building consisting of multiple units, each under individual ownership of the space contained within each unit and co-ownership of the remaining real property by the individual owners as tenants in common, subject to certain joint agreements and regulations.

28. “Day nursery, nursery school, or day care (public)” means any agency (for-profit and not-for-profit), institution, establishment, or place which provides supplemental parental care and/or educational work, other than lodging overnight, for seven (7) or more children of preschool age for compensation.

29. “District” means a section of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.

30. “Drive-in restaurant” means any place or premises used for the sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

31. “Dwelling” means any building or portion thereof which is designed for and used exclusively for residential purposes.

32. “Dwelling, multiple” means a building designed for or occupied exclusively by more than two families, excluding condominiums, townhouses/rowhouses.

33. “Dwelling, single-family” means a building designed for or occupied by one family.

34. “Dwelling, two-family” means a building designed for or occupied by two families.

35. “Dwelling unit” means one room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy or for rental or lease on a weekly, monthly, or other basis, and physically separated from any other rooms or dwelling units which may be located in the same structure, and containing independent cooking and sleeping facilities.

36. “Family” means an individual, or two or more persons related by blood, marriage, adoption, foster child arrangement, or similar legal relationship and functioning as a single housekeeping entity, or such individual or persons plus not more than three individuals not having such similar legal relationship but functioning as a part of the single housekeeping entity.

37. “Farm” means an area of ten (10) acres or more which is used for the growing of the usual farm products such as vegetables, fruits, trees, and grain, and their storage on the area as well as for the raising thereon of the usual farm poultry and farm animals. The term “farming” includes the operating of such an area for one (1) or more of the above uses including the necessary accessory uses for treating or storing the produce, provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities and provided further that “farming” does not include the feeding of garbage or offal to swine or other animals.

38. “Farmstead dwelling” means a dwelling located on a farm and occupied by a person or family employed fully or partially in the agricultural pursuits of the farm on which it is located.

39. “Floor area” means the square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. “Floor area” does not include porches, garages, or space in a basement or cellar, which is used for storage or incidental use.

40. “Frontage” means all the property on one side of the 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.

41. “Garage, private” means an accessory building designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle.

42. “Garage, public” means 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.

43. “Garage, storage” means any building or premises, including a mini-storage garage, used for storing motor-driven vehicles (other than commercial vehicles), recreational vehicles and trailers, boats, furniture, or other miscellaneous personal property, excluding such things as automobile fuels and oils or other hazardous or volatile substances, pursuant to previous arrangements.

44. “Grade” means the average level of the finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade.

45. “Group home” means a “family home” as defined in Iowa Code Section 414.22, including an elder family home as provided in Iowa Code Section 414.29, a home for persons with physical disabilities as provided in Iowa Code Section 414.30, and an elder group home as provided in Iowa Code Sections 414.31.

46. “Hazardous waste” means waste designated as hazardous by the United States Environmental Protection Agency or appropriate State agency.

47. “Home occupation” means an occupation or a profession which:

- A. Is customarily carried on residential property, and
- B. Is carried on by a member of the family residing in the residence, and
- C. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and
- D. Does not employ more than one person outside the resident family, and
- E. Has no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or

variation from the residential character of the property, other than one exterior sign mounted flush with the face of the building, which sign shall conform to Chapter 155 of this Code of Ordinances, and

F. Does not occupy more than fifty percent (50%) of the area of one floor of the dwelling unit, and

G. Produces no offensive noise, vibration, smoke, dust, odors, heat or glare rendering such building or premises objectionable or detrimental to the residential character of the neighborhood.

“Home occupation” may include but is not necessarily limited to arts or crafts businesses, catering, upholstery, photography, childcare, and bicycle repair. “Home occupation” does not include auto repair, animal breeding or boarding, and paint shops.

48. “Home occupation, farmstead” means an occupation customarily engaged in on a farm, as a supplementary source of income, which:

A. Is clearly incidental and secondary to the operation of the farm, and

B. Is carried on by a member of the family residing on the farmstead dwelling, and

C. Does not employ more than one person outside the resident family, and

D. Is conducted within or adjacent to the farmstead dwelling or the customary farm outbuildings, and

E. Has no exterior displays, or storage of materials visible from the public road, or other exterior indication or variation from the agricultural character of the farm, and

F. Conforms to the requirements of Chapter 155 with regard to signs; and

G. Produces no offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference detectable within the limits of the nearest neighboring farmstead or dwelling.

49. “Hotel, motel, or tourist cabin” means any permanent dwelling, or group of permanent dwellings located on the same lot, with or without cooking facilities, offered for rent or use on a fee basis for periods of 14 days or less. A hotel or motel may contain the permanent residence of the owner or manager thereof. However, any use which qualifies as a “bed and breakfast/bath home” shall not be deemed a hotel or motel.

50. “Industrial waste” means any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from the development of any natural resource.
51. “Institution” means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.
52. “Junk or salvage yard” means any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, or packed, disassembled or handled, including the dismantling or “wrecking” of automobiles or other vehicles or machinery, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such activities are conducted entirely within a completely enclosed building. The presence on any lot of record of two (2) or more vehicles without current registration which for a period exceeding thirty (30) days, have not been capable of operating under their own power, and from which parts have been removed for reuse, salvage, or sale, constitute prima facie evidence of a junk yard.
53. “Kennel/stables” means a building or structure used or intended to be used for the housing of horses and/or small animals. Riding instruction may be given in connection with the stable or riding academy.
54. “Loading space” means a space within the main building or on the same lot providing for the standing, loading or unloading of trucks, having minimum dimensions of twelve by thirty-five feet and vertical clearance of at least fourteen feet.
55. “Lot, corner” means a lot abutting upon two or more streets at their intersections.
56. “Lot, depth of” means the mean horizontal distance between the front and rear lot lines.
57. “Lot, double frontage” means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.
58. “Lot, interior” means a lot other than a corner lot.
59. “Lot line” means the boundary of a lot. Where the actual boundary of a lot extends onto a public street easement, the lot line for zoning purposes shall be the boundary of the easement.
60. “Lot width” means the width of a lot measured at any building line and at right angles to its depth.

61. “Lot” means a single tract of land, under common ownership and/or legal control, used as a unit or designated in a building permit application to be used as one unit. A lot may be composed of one or more platted lots or parcels described by metes and bounds. It shall be large enough to meet minimum requirements of the zone.

62. “Manufactured home” means a factory built structure used or designed for the use as a place for human habitation, but which is not equipped with a permanent hitch or other features allowing it to be moved, except to a permanent site where they must be removed and the structure mounted on a permanent foundation.

63. “Mobile home” means a portable structure built, with or without motor power, used or designed for use as a place for human habitation, but which is not a “manufactured home,” “motor home,” or “travel trailer or camping trailer,” as defined in this section, or a mobile home converted to real estate.

64. “Mobile home converted to real estate” means an unencumbered mobile home which has been attached to a permanent foundation on real estate owned by the mobile home owner, which has had the vehicular frame modified or destroyed, rendering it impossible to reconvert to a mobile home and which has been inspected by the assessor, the mobile home title, registration and license plates collected from the owner and the property entered on the tax rolls of the County.

65. “Mobile home park” means any site, lot, field or tract of land upon which two or more occupied mobile homes are harbored either free of charge or for revenue purposes and includes any building, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile home park.

66. “Mobile vendor” means any retail merchant not operating from a building or structure as defined in subsection 13 of this section. However, this chapter shall not apply to a “peddler” or “solicitor,” as defined in Chapter 122 of this Code of Ordinances, who does not operate from a fixed location within the City.

67. “Motel” – Refer to “hotel.”

68. “Motor home” means a vehicle with motive power used or designed for use for conveyance upon public streets and highways and as a place for human habitation and customarily or ordinarily used for vacation or recreational purposes and not as a place of permanent habitation. If a motor home is used as a place of human habitation for more than 45 consecutive days in one location, it shall be classified as a

mobile home unless it is located on a campsite in a trailer camp/tourist campground. *(Ord. 377 – Dec. 14 Supp.)*

69. “Nonconforming use” means any building or land lawfully used at the time of the effective date of the Zoning Ordinance which does not conform after the effective date of the Zoning Ordinance with the use regulations of the District in which it is situated.

70. “Nuisance” means any noise, odor, vibration, smoke, air pollution, liquid or solid waste, glare, heat, or dust condition which creates an irritation, annoyance, or health hazard.

71. “Nursing home” means a home for the aged, chronically ill, or incurable persons in which three or more persons not of the immediate family are received, kept and provided 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 and injured, or group homes.

72. “Owner” means the person or persons who hold the fee simple title to the property and person or persons who have acquired any interest in the property by contract of purchase or otherwise.

73. “Parking space” means a surfaced area, enclosed in the main building or in any accessory building, or unenclosed, having an area of not less than one hundred eight (108) square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

74. “Place” means any 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.

74A. “Portable building – refer to “Accessory use or structure.”
(Ord. 348 – Dec. 10 Supp.)

75. “Premises” means the land together with any buildings or structure located thereon.

76. “Public housing” means public housing developments, rest, nursing, and convalescent homes; homes for orphans and aged, excluding group homes, provided that such use is compatible with surrounding development and that adequate off-street parking is provided.

77. “Recreation vehicle” includes boats and other watercraft, snowmobiles, and trailers for transporting such vehicles.

78. “Recyclable materials” includes, but is not limited to:

- A. Newspapers
 - B. Paper (brown, high quality white, computer)
 - C. Corrugated cardboard
 - D. Glass bottles
 - E. Certain types of plastics and plastic containers
 - F. Scrap metals, such as tin cans, aluminum cans, and foil
 - G. Styrofoam products
79. “Recycling” means the collection of used materials such as newspapers, cans, corrugated cardboard, etc., and the conversion thereof into new products by reprocessing or re-manufacturing.
80. “Recycling drop boxes” means containers designed for collection of recyclable materials, no processing allowed. Restrictions:
- A. Industrial and commercial zones
 - B. All collected items must be fully contained within drop box
 - C. Sign on drop box to identify purpose
81. “Recycling plant/community recycling center” means a totally enclosed building within which the receipt, separation, storage, conversion, baling, and/or processing of paper, iron, metal, glass, newspaper, and other non-biodegradable recyclable materials can occur for the purpose of reutilization of such materials.
- A. All outdoor storage of salvageable materials shall be contained within bins, or pallets located on paved area.
 - B. All storage areas shall be enclosed by view obscuring walls, fences, or buildings. No storage facilities shall be seen from a public right-of-way or from any residential land use.
 - C. All separation, sorting, processing, baling, or other activities shall occur entirely within an enclosed building.
 - D. The ambient noise level shall not be increased as measured at any property line.
 - E. The facility and signage shall be unobtrusive and compatible with the area surrounding the subject site.
 - F. No garbage or food wastes shall be permitted at the site. If any incidental amounts of biodegradable refuse material enters the site; it shall be removed by the next working day or within 48 hours of entering the site, whichever is sooner.

- G. Liquid wastes, hazardous and biodegradable materials, including but not limited to food, beverages, drugs, cosmetics, hazardous chemicals, poisons, medical wastes, syringes, needles, pesticides, and other similar materials shall not be permitted on the site.
- H. The owner/operator of the salvage site shall prevent or eliminate immediately any nuisance created by dust, odors, blowing material, litter, ponding water, noise, or other nuisance.
- I. All building and structures within the site be rodent-proofed and any rodent infestation shall be controlled immediately.
- J. Any infestation or accumulation of flies or other insects of public health significance shall be immediately controlled.
- K. In anticipation of emergency situations (breakdown of facilities, power failure, landfill closure), provisions are made to ensure non-salvageable waste materials will be properly contained and that no continuous storage be allowed.
- L. Any representative of regulatory governmental agency shall be permitted access to the recycling plant at any reasonable time for the purpose of obtaining information or inspecting operations.
- M. Burning of waste shall be prohibited.
- N. Fire protection and prevention facilities, including, but not limited to, fire sprinklers, shall be provided in a manner subject to approval of the Fire Marshal.
- O. A detailed site and operations plan, including, but not limited to, traffic routes, shall be subject to approval of the Commission.
- P. Violation of any condition or any terms set forth shall result in the immediate closing of the recycling plant until such time as the violations are corrected to the satisfaction of the applicable regulatory agency.
- Q. A recycling plant shall not be located on a property located within 400 feet of any "R" structure or any property containing a public or institutional land use (for example, a church, school, park, or library).
- R. Restrictions. Industrial zone only.
82. "Row house" – see "town house."

83. “Sign” means any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

84. “Solid waste transfer station” means an enclosed building which serves as a receiving station for solid waste or recyclables delivered by commercial garbage haulers and/or the general public. The transfer station is an interim storage and transfer point between the collection route and a disposal site. A solid waste transfer station may provide for processing and recycling of solid waste. Restrictions:

- A. Industrial Zone Only.
- B. No exposed materials.
- C. Nothing to constitute a nuisance.

85. “Special exception” means a use that would not be appropriate generally or without restriction throughout the zoning division or district but which if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning division or district as special exceptions if specific provision for such special exceptions is made in this Zoning Ordinance.

86. “Story” means 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 is no floor above it, then the space between the floor and the ceiling next above it.

87. “Story, half” means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

88. “Street” means a public or private thoroughfare which affords the principal means of access to abutting property.

89. “Street line” means the right-of-way of a street.

90. “Structure” – refer to “building.”

91. “Townhouse/rowhouse” means multiple family dwellings with each maintaining private ingress and egress, attached to its own foundation with no independent dwelling above or below each unit, and which is further attached to other single family dwellings by a common or party wall.

92. “Trailer camp or tourist campground” means any area providing spaces for two or more motor homes, travel trailers, camping trailers or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public.

(Ord. 377 – Dec. 14 Supp.)

93. “Travel trailer or camping trailer” means a vehicle without motive power used or designed for the use as a conveyance on public streets or highways and as a place for human habitation and customarily or ordinarily used for vacation or recreational purposes and not as a place of permanent habitation. If used as a place of human habitation for more than 45 consecutive days in one location it shall be classified as a mobile home unless it is located on a campsite in a trailer camp/tourist campground.

(Ord. 377 – Dec. 14 Supp.)

94. “Variance” means a relaxation of the terms of this Zoning Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

95. “Yard” means an open space between a building line and the adjoining lot lines unoccupied except for accessory structures unless specifically prohibited. 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 a rear yard, the minimum horizontal distance between the lot line and the building line.

96. “Yard, front” means a yard extending, in width, between the side lot lines and extending, in depth, between the front lot line and the nearest side or point of the building line.

97. “Yard, rear” means a yard extending across the full width of the lot and measured between the rear lot line and the nearest side of the building line.

98. “Yard, side” means 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 between a side lot line and the nearest side of the building line.

165.04 ESTABLISHMENT OF DISTRICTS. The City is hereby divided into districts, which shall be designated as follows:

- A-1 Limited Agricultural
- R-1 Single-Family Residential
- R-2 Single-Family Residential
- R-3 Mixed Residential
- R-4 Mobile Home Park
- C-1 Highway Commercial
- C-2 General Retail and Office
- M-1 Industrial

The location and boundaries of these districts are shown on the Official Zoning Map.

165.05 ADOPTION OF OFFICIAL ZONING MAP. The Official Zoning Map and the explanatory material thereon are hereby adopted by reference and declared to be part of this chapter.

165.06 IDENTIFICATION OF OFFICIAL ZONING MAP. The Official Zoning Map shall be identified by the signature of the Mayor and attested to by the Clerk under the following statement:

This is to certify that this is the Official Zoning Map referred to in Section 165.05 of the Zoning Ordinance of Marquette, Iowa, as adopted the ____ day of _____, _____."

The Official Zoning Map shall be on file in the City office and shall be the final authority as to the current zoning status of land, buildings and other structures in the City.

165.07 CHANGES IN OFFICIAL ZONING MAP. No changes in the Official Zoning Map shall be made except as may be required by amendments to this chapter under Section 165.43 herein. If required, such changes shall be promptly made and the ordinance number, nature of change, and date of change shall be noted on the map, approving such change in the Official Zoning map. Any unauthorized change of any kind whatsoever in the Official Zoning Map by any person or persons shall constitute a violation of this ordinance and be punishable as provided in Section 165.25 of this chapter.

165.08 AMENDING THE ZONING MAP. Amendments to the official zoning map shall be in the form of an ordinance giving a legal description of the land involved and the name of the district into which it is to be placed and if removed from a district, the name of such district. A copy of such amending

ordinance shall be attached to the official map and noted on the map. At not more than five-year intervals such amendments shall be incorporated into the map and, if necessary for clarity, the map may be redrawn, correcting errors or omissions and the new map certified as the new official zoning map of the date of certification by the Mayor and Clerk, but no correction or addition shall cause a change in the original map except as amended by the Council. (*See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.*)

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

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following township lines or section lines shall be construed as following said township lines or section lines.
4. Boundaries indicated as following shore lines of streams or other bodies of water shall be construed to follow such shore lines, and in the event of change in the shore lines shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines, and in the event of change in the center line shall be construed as moving with the actual centerlines.
5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections 1 through 5 above, the Board of Adjustment shall interpret the district boundaries.
7. Where a district boundary divides a lot which was in single ownership at the time of the effective date of the Zoning Ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot into the remaining portion of

the lot, so long as such extension does not extend more than fifty feet beyond the district boundary.

165.10 SCHEDULES OF DISTRICT REGULATIONS. The following schedules of district regulations are hereby adopted and declared to be a part of this chapter:

- A-1 Limited Agricultural
- R-1 Single-Family Residential
- R-2 Single-Family Residential
- R-3 Mixed Residential
- R-4 Mobile Home Park
- C-1 Highway Commercial
- C-2 General Retail and Office
- M-1 Industrial

**LIMITED AGRICULTURAL
A-1**

PRINCIPAL USES AND STRUCTURES	MINIMUM OFF-STREET PARKING
1. Agriculture, horticulture, dairy farming, livestock farming, poultry farming, general farming and other agricultural	None
2. Single-family dwellings (Refer to Special Requirements Section)	2 spaces per unit
3. Parks, playgrounds or playfields	5 spaces for each acre developed for active usage
4. Fairgrounds	25 spaces plus 1 space for every 4 seats in the main stadium or auditorium
5. Cemetery or mausoleum	None
6. Elementary or secondary school	1 space per classroom and office plus 1 space for every 6 seats in the main auditorium or stadium
7. Churches and temples	1 space for every 4 seats in the main auditorium
8. Golf courses and country clubs except miniature courses or driving ranges operated for a profit	3 spaces per green or 1 space for every 100sq. ft. of floor area whichever is greater
9. Community meeting or recreation building	1 space for every 50 sq. ft of area

PERMITTED ACCESSORY USES AND STRUCTURES

1. Farm buildings incidental to agricultural uses.
2. Private garages.
3. Private swimming pools and tennis courts.
4. Private greenhouses.
5. Uses and structures clearly incidental and necessary to the permitted uses or structures of this district, and farmstead home occupations, but not involving the conducting of business on the premises, except home occupations located on the same lot or a contiguous lot under the same ownership.
6. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon the completion of the construction work.
7. Seasonal vegetable stands no larger than 500 sq. ft. with no customer parking on public highways or streets.
8. Fences - As necessary for livestock confinement. House yard fences not to exceed 4 foot front or 6 foot side or rear yards.

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 165.38(2) and the other requirements contained herein, the Board of Adjustment may permit the following:

1. Stables and kennels provided the facility is at least 1,000 ft. from any dwelling unit other than that of the owner.
2. Railroads and public utilities but not including equipment storage or maintenance yards and buildings or general administrative and sales offices, provided that any substation or

building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than twenty five (25) feet, and that two (2) parking spaces per substation or one (1) per employee at the site be provided.

3. Communications station and tower provided that they shall not be closer to a dwelling or place of public assembly than a distance equal to their full height, that the height and location shall not interfere with the operation of any airport or landing strip, and that one (1) parking space per employee and one (1) space for each vehicle used by the facility be provided.
4. Livestock sales barns, parking same as fairgrounds.
5. Rock quarries and/or gravel storage.
6. Bed & Breakfast/Bath Homes.

MINIMUM LOT AREA AND WIDTH	MINIMUM REQUIRED FRONT, SIDE AND REAR YARD	MAXIMUM HEIGHT
<p>Area – 20,000 sq. ft. Width – 125 feet</p> <p>The lot area shall be increased by such amount as determined necessary by the County Board of Health to provide an adequate absorption field for a septic tank installation.</p> <p>Where a lot is served by a public or community water system and sanitary sewer system, the minimum lot area may be reduced to 15,000 sq. ft. and the width to 100 ft.</p>	<p>Dwellings and other non-institutional uses:</p> <p>Front: 10 feet Rear:..... 6 feet Side 10 feet</p> <p>Schools, Churches or Other Public or Institutional Buildings:</p> <p>Front: 10 feet Rear:..... 6 feet Side: 10 feet</p>	<p>35 Feet</p>

PERMITTED SIGNS

Refer to Chapter 155 of this Code of Ordinances.

SPECIAL REQUIREMENTS

1. No building permit shall be issued for a dwelling in the A-1 Limited Agricultural District for any parcel of land that is designated for commercial or industrial uses on the Future Land Use Plan of the City.
2. Single-family dwellings are permitted only if one or more of the occupants are engaged on a full-time or part-time basis in farming activities either on the same property or elsewhere in the A-1 district.
3. Refer to Section 165.11.

**SINGLE-FAMILY RESIDENTIAL DISTRICT
R-1**

PRINCIPAL USES AND STRUCTURES	MINIMUM OFF-STREET PARKING
1. Single-family dwelling	2 spaces per unit
2. Park, playground or playfield	5 spaces for each acre developed for active usage
3. Group homes	1 space per employee and 1 per each 2 residents

PERMITTED ACCESSORY USES AND STRUCTURES

1. Private garage.
2. Private swimming pools and tennis courts.
3. Private greenhouses not operated for commercial purposes.
4. Accessory uses and structures as defined in subsection 165.03(1), not involving the conduct of business on the premises, except home occupations located on the same lot or a contiguous lot under the same ownership. *(Ord. 348 – Dec. 10 Supp.)*
5. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
6. Solar collectors.
7. Satellite dishes.
8. Fuel tanks 1,000 gallons or less for home heating.
9. Fences, except barbed wire, electric, or any other potentially hazardous types, not exceeding a height of 4 feet in front yard or 6 feet in rear or side yards.

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 165.38(2) and other requirements contained herein, the Board of Adjustment may permit the following:

1. Public utilities, but not including equipment storage or maintenance yards and buildings or general administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than twenty-five (25) feet, and that two (2) parking spaces per substation or one (1) per employee at the site be provided.
2. Two family dwellings.
3. Bed & Breakfast/Bath Homes.
4. Zero lot line development as provided in Section 165.46. *(Ord. 346 – Dec. 10 Supp.)*

MINIMUM LOT AREA AND WIDTH	MINIMUM REQUIRED FRONT, SIDE AND REAR YARD	MAXIMUM HEIGHT
Area - 5,000 sq. ft. Width - 50 ft. The lot area shall be increased by such amount as determined by the County Board of Health to provide an adequate absorption field for a septic tank installation.	Dwellings and other non-institutional uses: Front:..... 10 feet Rear:..... 10 feet Side: 6 feet	35 ft.

PERMITTED SIGNS

Refer to Chapter 155 of this Code of Ordinances.

SPECIAL REQUIREMENTS

1. All new structures constructed or placed in R-1 Districts shall have a minimum main floor of 600 square feet, per dwelling unit, excluding porches, garages and accessory buildings.
2. A detached building shall be located a minimum of five (5) feet from the principal structure, and twenty (20) feet from the front property line.
3. Structure attached to the principal building shall be considered part of the principal building and shall conform to the same front, side and rear setback regulations.
5. Garages opening onto the alley shall have a rear yard of eighteen (18) feet.
6. The minimum length and width of principal and all residential structures shall be twenty-four (24) feet, measured at the narrowest points, excluding attached garages, porches and breezeways.

**SINGLE-FAMILY RESIDENTIAL DISTRICT
R-2**

PRINCIPAL USES AND STRUCTURES	MINIMUM OFF-STREET PARKING
1. Single-family dwelling	2 spaces per unit
2. Two-family dwelling	4 spaces
3. Park, playground or playfield	5 spaces for each acre developed for active usage
4. Elementary or secondary school	1 space per classroom and office plus one space for every 6 seats in the main auditorium or stadium
5. Group homes	1 space per employee and 1 per each 2 residents

PERMITTED ACCESSORY USES AND STRUCTURES

1. Private garage.
2. Private swimming pools and tennis courts.
3. Private greenhouses not operated for commercial purposes.
4. Accessory uses and structures as defined in subsection 165.03(1), not involving the conduct of business on the premises, except home occupations located on the same lot or a contiguous lot under the same ownership. *(Ord. 348 – Dec. 10 Supp.)*
5. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
6. Solar collectors.
7. Fuel tanks for home heating.
8. Fences, except barbed wire, electric, or any other potentially hazardous types, not exceeding a height of 4 feet in front yard or 6 feet in rear and side yards.

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 165.38(2) and other requirements contained herein, the Board of Adjustment may permit the following:

1. Public utilities, but not including equipment storage or maintenance yards and buildings or general administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than twenty-five (25) feet, and that two (2) parking spaces per substation or one (1) per employee at the site be provided.
2. Bed and Breakfast/Bath Home with adequate parking.
3. Satellite dishes.
4. Parks or playgrounds.
5. Zero lot line development as provided in Section 165.46. *(Ord. 346 – Dec. 10 Supp.)*

MINIMUM LOT AREA AND WIDTH	MINIMUM REQUIRED FRONT, SIDE AND REAR YARD	MAXIMUM HEIGHT
(Special yard requirements for the original town lots) Single-Family dwellings: Area - 2,500 sq. ft Width - 25 feet Two-family dwelling: Area - 2,500 sq. ft Width - 25 feet	Dwellings and other non-institutional uses: Front: 10 feet Rear:..... 10 feet Side: 6 feet	35 ft.

PERMITTED SIGNS

Refer to Chapter 155 of this Code of Ordinances.

SPECIAL REQUIREMENTS

1. All new structures constructed or placed in R-2 Districts shall have a minimum main floor of 600 square feet, per dwelling unit, excluding porches, garages and accessory buildings.
2. Refer to Section 165.11 rules.
3. Structures attached to the principal building shall be considered part of the principal building and shall conform to the same front, side and rear setback regulations.

**MIXED RESIDENTIAL DISTRICT
R-3**

PRINCIPAL USES AND STRUCTURES	MINIMUM OFF-STREET PARKING
1. Single-family dwelling	2 spaces per unit
2. Two-family dwelling	2 spaces per unit; 4 space minimum
3. Condominiums, Townhouses/Rowhouses	2 spaces per unit
4. Multiple family dwelling	2 spaces per unit; 4 space minimum
5. Community meeting or recreation building	1 space for every 100 sq. ft. of floor area
6. Park, playground or playfield	5 spaces for each acre developed for active usage
7. Elementary or secondary school	1 space per classroom and office plus one space for every 6 seats in the main auditorium or stadium
8. Day Nurseries/Centers	1 space plus space for each employee
9. Churches and Temples	1 space for every 4 seats in the auditorium
10. Funeral parlor	1 space for every 4 seats in the main chapel
11. Public housing	1 space per unit
12. Boardinghouse	1 space for every 2 beds
13. Bed and Breakfast/Bath Homes	1 space per bedroom
14. Hospital and Medical clinics	1 space per 150 sq. ft.
15. Group homes	1 space per employee and 1 per each 2 residents
16. Hotel, Motels, or Tourist Cabins	1 space per unit

PERMITTED ACCESSORY USES AND STRUCTURES

1. Private garages.
2. Private swimming pools and tennis courts.
3. Private greenhouses not operated for commercial purpose.
4. Accessory uses and structures as defined in subsection 165.03(1), not involving the conduct of business on the premises, except home occupations located on the same lot or a contiguous lot under the same ownership. *(Ord. 348 – Dec. 10 Supp.)*
5. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
6. Solar collectors.
7. Fuel tanks for home heating.
8. Fences, except barbed wire, electric, or other potentially hazardous type.
9. Satellite dishes.

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 165.38 and the other requirements contained herein, the Board of Adjustment may permit the following:

1. Sanitariums, rest, nursing and convalescent homes; homes for orphans and aged on sites of one (1) acre or more; off-street parking and yards comparable for other institutional uses of this chapter shall be provided.
2. Public utilities, but not including equipment storage or maintenance yards and buildings or general administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and that two (2) parking spaces per substation or one (1) per employee at the site be provided.
3. Swimming pools, golf courses and country clubs, except miniature courses or driving ranges operated for a profit.
4. Greenhouses.
5. Zero lot line development as provided in Section 165.46. *(Ord. 346 – Dec. 10 Supp.)*

MINIMUM LOT AREA AND WIDTH	MINIMUM REQUIRED FRONT, SIDE AND REAR YARD	MAXIMUM HEIGHT
Single-family dwellings: Area - 5,000 sq. ft Width - 50 feet Two-family dwelling: Area - 5,000 sq. ft Width - 50 feet Multiple dwelling, Condominiums, Townhouses/Rowhouses Area - 7,500 sq. ft. for 3 units plus 1,000 sq. ft for each additional unit. Width - 75 feet	Dwellings and other non-institutional uses: Front: 10 feet Rear:..... 10 feet Side: 6 feet Schools, Churches or other Public or Institutional Buildings: Front: 10 feet Rear:..... 10 feet Side: 6 feet	35 ft.

PERMITTED SIGNS

Refer to Chapter 155 of this Code of Ordinances.

SPECIAL REQUIREMENTS

1. All new structures constructed or placed in R-3 Districts shall have a minimum main floor of 600 square feet per dwelling unit, excluding porches, garages, and accessory buildings.
2. A detached building shall be located a minimum of five (5) feet from the principal structure, and fifteen (15) feet from the front property line.
3. Structures attached to the principal building shall be considered part of the principal building and shall conform to the same front, side, and rear setback regulations.
4. Garages opening onto the alley shall have a rear yard of eighteen (18) feet.

**MOBILE HOME PARK DISTRICT
R-4**

STATEMENT OF INTENT

The R-4 Mobile Home Park District is established to accommodate mobile home parks where their use will be compatible with existing and indicated future development.

PRINCIPAL USES AND STRUCTURES	MINIMUM OFF-STREET PARKING
1. Single-family dwelling	2 spaces per unit
2. Two-family mobile homes	2 spaces per family unit
3. Parks and recreation area not operated for profit	5 spaces for each acre developed for active usage
4. Community meeting or recreation building not operated for profit	1 space for every 100 sq. ft. of floor area
5. Nursery schools and day care centers	3 spaces plus 1 for each employee
6. Laundromat	1 space per 100 sq. ft. of floor area

PERMITTED ACCESSORY USES AND STRUCTURES

1. Private garages.
2. Private swimming pools and tennis courts.
3. Private greenhouses not operated for commercial purpose.
4. Accessory uses and structures as defined in subsection 165.03(1), not involving the conduct of business on the premises, except home occupations located on the same lot or a contiguous lot under the same ownership. *(Ord. 348 – Dec. 10 Supp.)*
5. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
6. Solar collectors.

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 165.38 and the other requirements contained herein, the Board of Adjustment may permit the following:

1. Public utilities, but not including equipment storage or maintenance yards and buildings or general administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than ten (10) feet, and that two (2) parking spaces per substation or one (1) per employee at the site be provided.
2. Satellite dishes.
3. Fuel tanks for home heating.
4. Fences, except barbed wire, electric, or other hazardous types.
5. The home of the mobile home park owner and/or manager.

MINIMUM LOT AREA AND WIDTH	MINIMUM YARD FRONT, SIDE AND REAR YARD	MAXIMUM HEIGHT
Mobile Home Rental Lot Area 3,500 sq. ft. Width 35 feet Minimum Mobile Home Park Size – 10 Units	Perimeter of mobile home park set back 15 ft. Refer to Section 165.11(1)	20 feet
Permanent single-family residence for park owner or manager Area – 5,000 sq. ft. Width – 50 feet	Front: 10 feet Rear:..... 5 feet Side: One story 5 feet Refer to 165.11(1)	35 feet

PERMITTED SIGNS

Refer to Chapter 155 of this Code of Ordinances.

SPECIAL REQUIREMENTS

Each mobile home park owner shall provide the City with a copy of a scaled map of the mobile home park showing lot locations and boundaries, roads and drives, the location of all sewer and water service lines, wells, septic systems, the property boundaries, and location of public street access.

**HIGHWAY COMMERCIAL
C-1**

PRINCIPAL USES AND STRUCTURES	MINIMUM OFF-STREET PARKING
1. Automotive display, sales, services, and repair	1 space for every 300 sq. ft. of sales, service or office floor area
2. Dry cleaners or laundry	
3. Monument and marker display and sales	
4. Greenhouse and plant nursery	1 space for every 100 sq. ft. of floor area
5. Restaurant, night club, café or tavern	
6. Dance hall and skating rink	1 space per 100 sq. ft. of floor area
7. Drive-in eating and drinking establishment	1 space per 100 sq. ft. of floor area
8. Bowling alley	5 spaces per lane or alley
9. Drive-in bank	4 spaces per teller window
10. Motel, hotel or tourist cabins	1 space per unit
11. Dwelling unit above a store or shop	1 space per unit
12. Bus terminal	6 spaces plus one off-street loading space for each bus serving the terminal
13. Funeral parlor	1 space per every 4seats in the main auditorium
14. Farm implement display, sales, service and repair	1 space for each employee plus 1 space for each vehicle used by the industry
15. Public utilities but not including storage or maintenance yards and building	1 space for every 100 sq. ft. of sales, services, and office and office floor area
16. Boat, motors, travel trailers and mobile home display, sales, service and repair	
17. Retail businesses	
18. Personal service and repair shops	
19. Business and professional offices and studios	
20. Laboratories or research establishments	
21. General administrative offices	
22. Community meeting or recreation building	
23. Animal hospital or kennel	

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Storage warehouses used in conjunction with the permitted principal uses or structures of this district.
3. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
4. Fuel tanks for heating.
5. Satellite dishes.
6. Fences, except barbed wire, electric, or other potentially hazardous types. In side or rear yards “security fences” may be permitted. Barbed wire may be permitted on “security fences” but must be at least 8 ft. from grade.

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 165.38 and the other requirements contained herein, the Board of Adjustment may permit the following:

1. Mobile Vendors. Applications will be submitted to the Board of Adjustment. The following items must be considered: parking, permission of adjacent land owner, not on City property, accessibility to utilities, lot size, required side and front yards, maximum height of structure, permitted signs, exterior storage, traffic control, such not to impair an adequate supply of light and air to surrounding property, not to unduly increase congestion in the streets or public danger of fire and safety, not to diminish or impair established surrounding property values, shall be in accord with the intent, purpose, and spirit of this chapter and the land use policies of the City, that the best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed, required State permits, and size of mobile unit.
2. Communication towers up to eighty (80) feet in height and flag poles up to one hundred (100) feet in height provided that they shall not be closer to a dwelling or place of public assembly than a distance equal to the full height and that the height and location shall not interfere with the operation of any airport or landing strip.
3. Trailer camp and/or tourist campground as provided in Section 165.48.

(Ord. 377 – Dec. 14 Supp.)

MINIMUM LOT AREA AND WIDTH	MINIMUM REQUIRED FRONT & SIDE YARDS	MAXIMUM HEIGHT
Commercial Uses: 50 ft. Wide 50 ft. Deep	Front:..... 10 feet Street side, corner lot6 feet No side or rear yard required except where apartments are above a store or shop, a rear yard of 10 feet shall be provided and where adjacent to an “A” or “R” District, a side yard of 10 feet and a rear yard of 10 ft. shall be provided.	35 feet

PERMITTED SIGNS

Refer to Chapter 155 of this Code of Ordinances.

SPECIAL REQUIREMENTS

1. All required yards shall be open landscaped area and not utilized for parking, storage or other structures other than trade, business or industry identification sign for the firm located on the site.
2. Exterior storage other than the display of finished products for retail sale shall be enclosed by a six (6) foot high fence or suitable landscape planting, the design or type of which shall be approved by the Board of Adjustment, and which will screen the stored materials from the view of adjacent public streets, places of public assembly, parks, recreation areas, and residential properties. No raw material, finished product which may cause dust

or odor which would adversely affect adjoining properties shall be stored outside a building nor shall any other junk, debris or waste product be permitted to accumulate on the site.

3. Refer to Section 165.11(1)
4. No outside storage shall be permitted for rental storage facilities.

GENERAL OFFICE AND RETAIL

C-2

PRINCIPAL USES AND STRUCTURES	MINIMUM OFF-STREET PARKING
1. Dry cleaners or laundry	No off-street parking required in this district unless otherwise stated within specific line items for principal and special exception uses and structures.
2. Clubs and lodges	
3. Retail businesses	
4. Personal service and repair shops (does not include auto, farm implement or truck repair)	
5. Business and professional offices and studios	
6. Medical, dental, chiropractic clinics	
7. Restaurants, night club, café or tavern	
8. Public buildings and utilities but not including storage or maintenance yards or buildings	
9. Hotels, motels and bed and breakfast/bath home. Off-street parking requirement: one (1) parking space for each rental unit.	
10. Printing, publishing and engraving	
11. Dance or music schools	
12. Commercial amusements	
13. Wholesale display and salesroom	
14. Community meeting or recreation building	
15. Dwelling unit above a store or shop. Off-street parking requirement: one (1) parking space for each dwelling unit.	
16. State licensed gambling facilities	
17. Banks	
18. Food preparation, including catering	
19. Candy making	
20. Bakeries	
21. Wineries	
22. Brew Pubs	
23. Quilt making	
24. Production of items from natural materials (such as wood, shells, cloth, string, plant material and leather)	

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, including public and private parking lots and garages other than parking lots and garages located below dwelling units. *(Ord. 373 – Dec. 13 Supp.)*
2. Storage warehouses used in conjunction with the permitted principal uses or structures of this district.
3. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
4. Fuel tanks for heating.

5. Fences, except barbed wire, electric, or other potentially hazardous types. In side or rear yards, “security fences” may be permitted. Barbed wire may be permitted on “security fences,” but must be at least 8 ft. from grade.

(Ord. 327 – Oct. 06 Supp.)

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 165.38 and the other requirements contained herein, the Board of Adjustment may permit the following:

1. No outside storage shall be permitted, except as specified in special requirements.
2. Private residences in existence at the effective date of adoption of the Zoning Ordinance. A special exception use permit shall be required to expand or enlarge such a residence or to rebuild or replace in the event of destruction to the extent of more than fifty percent of its replacement cost.
3. Satellite dishes.
4. Mobile Vendors. Applications will be submitted to the Board of Adjustment. The following items must be considered: parking, permission of adjacent land owner, not on City property, accessibility to utilities, lot size, required side and front yards, maximum height of structure, permitted signs, exterior storage, traffic control, such not to impair an adequate supply of light and air to surrounding property, not to unduly increase congestion in the streets or public danger of fire and safety, not to diminish or impair established surrounding property values, shall be in accord with the intent, purpose, and spirit of this chapter and the land use policies of the City, that the best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed, required State permits, and size of mobile unit.
5. Structures exceeding 35 feet in height but not exceeding 50 feet in height.
6. Communication towers up to eighty (80) feet in height and flag poles up to one hundred (100) feet in height provided that they shall not be closer to a dwelling or place of public assembly than a distance equal to the full height and that the height and location shall not interfere with the operation of any airport or landing strip.

MINIMUM LOT AREA AND WIDTH	MINIMUM REQUIRED FRONT & SIDE YARDS	MAXIMUM HEIGHT
1,875 sq. ft	None except where adjacent to an “R” district, a front, side or rear yard of 10 feet.	35 feet

PERMITTED SIGNS

Refer to Chapter 155 of this Code of Ordinances.

SPECIAL REQUIREMENTS

1. All required yards shall be open landscaped area and not utilized for parking, storage or other structures other than a trade, business or industry identification sign for the firm located on site. (See “Permitted Signs”.)
2. Exterior storage other than the display of finished products for retail sale shall be enclosed by a six (6) foot high fence or suitable landscape planting, the design or type of which shall be approved by the Board of Adjustment, and which will screen the stored materials

from the view of adjacent public streets, places of public assembly, parks, recreation areas, and residential properties. No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building nor shall any other junk, debris or waste product be permitted to accumulate on the site.

3. Any projecting balcony constructed into the public right-of-way in the C-2 District must have at least a 10-foot clearance from the sidewalk to the bottom of the balcony and be cantilevered from the wall. No support post resting on the right-of-way will be permitted.
4. If an entire structure is devoted to a nonresidential use, no part of it shall be converted to residential use except for dwelling units above stores or shops.

**INDUSTRIAL
M-1**

PRINCIPAL USES AND STRUCTURES	MINIMUM OFF-STREET PARKING
1. Manufacturing and processing uses	1 space for each employee plus 1 space for each vehicle used by the company plus 1 space for every 200 square foot of sales, service, or office space.
2. Animal hospital or kennel	
3. Wholesaling and warehousing not including the bulk storage of liquid fertilizer or petroleum products under pressure	
4. Farm implement display, sales, service and repair	
5. Lumber yard and building material sale and storage	
6. Truck and freight terminal	
7. Truck display, sales, repair and storage	
8. Grain storage bins	
9. Grain elevator and feed mill	
10. Welding and repair shop	
11. Tool, die, gauge and machine shops	
12. Public utilities including storage and maintenance yards	
13. Automobile paint and body shops	
14. Plumbing, heating, air conditioning and sheet metal shops	
15. Processing and handling of cheese, butter and other milk products	
16. Lab and Research establishments	
17. Rental storage facilities	
18. Recycling drop boxes	
19. Recycling Plant/Community Recycling Center	
20. General administrative offices	
21. Satellite Dishes	
All uses shall provide at least one (1) loading space for each 10,000 sq. ft. of floor area.	

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.
3. Dwelling units for owner operators or watchmen/caretaker employed on the premises provided that an open yard of at least 2,400 sq. ft. is reserved and maintained by the occupants.
4. Fences, except barbed wire, electric, or other potentially hazardous types. In side or rear yards “security fences” may be permitted. Barbed wire may be permitted on “security fences” but must be at least 8 ft. from grade.

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 165.38 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Stockyards, rendering works, loading pens, buying stations and/or sale barns and yards, commercial feedlots, and commercial poultry raising, provided that it is not closer than one-fourth mile to any dwelling unit other than that of the owner or operator, or any park, school, church or place of public assemblies, that the provisions of drainage, sanitation, waste disposal, and fly control are approved by the Local Health Officer, that it is located so that prevailing winds will not cause dust or odors to create a nuisance for developed properties in the vicinity; and that one (1) parking space for each vehicle used by the industry be provided.
2. Auto wrecking and junkyards provided that the front yard be maintained as an open space free of weeds and debris; that the site be enclosed with at least a six (6) ft. high fence or a suitable landscape planting that will screen the operation from the view of adjacent public streets and places of public assembly, parks, recreation areas and residential properties; and that a minimum of one (1) space for each vehicle used by the facility be provided.
3. Concrete products manufacture and central mixing and proportioning plant; fertilizer manufacture or blending; iron and steel fabrication; provided that such use is located not closer than 500 ft. to any existing dwelling unit or any park, school, church or place of public assembly; that it is located so that prevailing winds will not cause dust, smoke or odors to create a nuisance for developed properties in the vicinity; that one (1) parking space for each employee and one (1) space for each vehicle used by the industry be provided and at least one (1) loading space shall be provided for each 10,000sq. ft. of floor area.
4. Communications station and tower provided that they shall not be closer to a dwelling or place of public assembly than a distance equal to the full height, that the height and location shall not interfere with the operation of any airport or landing strip, and that one (1) parking space per employee and one (1) space for each vehicle used by the facility be provided.
5. Mobile Vendors. Applications will be submitted to the Board of Adjustment. The following items must be considered: parking, permission of adjacent land owner, not on City property, accessibility to utilities, lot size, required side and front yards, maximum height of structure, permitted signs, exterior storage, traffic control, such not to impair an adequate supply of light and air to surrounding property, not to unduly increase congestion in the streets or public danger of fire and safety, not to diminish or impair established surrounding property values, shall be in accord with the intent, purpose and spirit of this chapter and the land use policies of the City, that best practical means known for the disposal of refuse matter or water-carried waste the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed, required State permits and size of mobile unit.

MINIMUM LOT AREA AND WIDTH	MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS	MAXIMUM HEIGHT
None	Front:..... 10 feet Rear:..... 10 feet Side: 6 feet Where adjacent to an “R” district. A side yard of 10 feet shall be provided	None

PERMITTED SIGNS

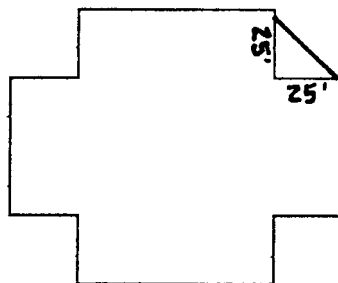
Refer to Chapter 155 of this Code of Ordinances.

SPECIAL REQUIREMENTS

1. No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building, nor shall any junk, debris or waste material be permitted to accumulate on the site, except as provided in special exceptions.
2. No outside storage shall be permitted for rental storage facilities.

165.11 SUPPLEMENTARY DISTRICT REGULATIONS. Notwithstanding Section 165.10, the following provisions, regulations or exceptions shall apply equally to all districts except as hereinafter provided.

1. **Visibility at Intersection.** On a corner lot in any district, no fence, wall, hedge or other planting or structure that will obstruct vision between a height of two feet and ten feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by connecting the right-of-way lines at points which are twenty-five feet distant from the intersecting of the right-of-way lines, and measured along the right-of way lines.



2. **Accessory Buildings.** No accessory building/structure shall be erected in any required front yard and no separate accessory buildings shall be erected within five feet of any main building or within five feet of a lot line.
3. **More Than One Principal Structure on a Lot.** In any district, more than one principal structure housing a permitted principal use may be erected on a single lot provided that the area, yard and other requirements of this chapter are met for each structure as though it were on an individual lot.
4. **Height Regulation Exception.** The height limitations contained in the schedules of district regulations do not apply to grain storage bins, grain elevators, feed mills, or to spires, belfries, chimneys, antennas, water tanks, ventilators, elevator housings or other structures placed above the roof level and not intended for human occupancy.
5. **Use of Public Right-of Way.** No portion of the public road, street or alley rights-of-way shall be used or occupied by any abutting use of land or structures for storage or display purposes or to provide any parking or loading space required by this chapter, or for any other purpose that would obstruct the use or maintenance of the public right-of-way.
6. **Proposed Use Not Covered in Ordinance.** Any proposed use not covered in this chapter as a permitted use or special exception shall be

referred to the Commission for a recommendation as to the proper district in which such use should be permitted and the Zoning Ordinance amended as provided in Section 165.43 before a permit is issued for such proposed use.

7. Buildings to Have Access. Every building hereafter erected or structurally altered shall be on a lot or parcel having a frontage on a public street or road.

8. Mobile Homes or Trailers. Mobile homes occupied as a permanent or temporary place of residence shall be located only in an R-4 district. But nothing in this chapter shall prohibit the storage or parking of privately owned motor homes or camper trailers on private property at the owners' residence.

9. Agricultural Uses. Any vacant parcel of land regardless of size in any district may be used for agricultural purposes, the raising of feed and grain crops, fruit or vegetables, provided that no livestock, poultry or other animals other than customary household pets shall be kept on land or in confinement within three hundred feet of any dwelling unit other than that of the owner.

10. Zoning Lot. If two or more lots or combinations of lots or portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the land involved shall be considered an undivided parcel and no portion of said parcel shall be sold which does not meet lot width and area requirements of the district, nor shall any division be made which leaves remaining any lot width or area below the requirement of the district.

11. All provisions contained in the definitions set forth in Section 165.03 of this chapter which are regulatory in nature are substantive and enforceable regulations under this chapter.

12. All fences must be setback a minimum of three (3) feet from any permanent structure located on an adjacent lot. (*Ord. 367 – Dec. 13 Supp.*)

165.12 APPLICATION OF DISTRICT REGULATIONS. The regulations and restrictions of this chapter shall apply as follows:

1. Regulations To Be Uniformly Applied. The regulations set by this chapter shall apply uniformly to each class or kind of structure or land, and particularly within each district, except as hereinafter provided.

2. All Uses and Structures to Conform. No building, structure or land or part thereof shall be used, erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

(Ord. 373 – Dec. 13 Supp.)

3. Height, Density or Yards Shall Not Be Violated. No building or other structure shall be erected or altered to exceed the height, to accommodate or house a greater number of families, or to have narrower or smaller rear yards, front yards, side yards or other open spaces that herein required or in any other manner contrary to the provisions of this chapter.

4. Separate Yards, Open Space and Off-Street Parking Required. No part of a yard, other than open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

5. Minimum Yards and Lot Areas May Not Be Reduced. No yard or lot existing at the time of passage of the Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the Zoning Ordinance shall meet at least the minimum requirements established by this chapter.

6. New Areas. All territory which may become a part of the incorporated area of the City through annexation shall be classified in the A-1 Limited Agricultural District until otherwise classified, provided that the Commission may recommend the appropriate district classification prior to such territory becoming a part of the City and upon holding of a public hearing and approval by the Council the territory upon becoming part of the community may immediately be so classified.

165.13 NONCONFORMITIES. Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this ordinance was passed

or amended but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment thereto.

165.14 NONCONFORMITIES MAY CONTINUE. Notwithstanding Section 165.10, it is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Nothing in this chapter shall be construed to restrict or prohibit the sale of a nonconforming use or land containing nonconforming uses or structures. However, no purchaser may claim unnecessary hardship as a basis for a variance.

165.15 NONCONFORMITIES MAY NOT BE ENLARGED. A nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after the date of adoption or amendment of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

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

165.17 NONCONFORMING USES OF LAND. Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
3. If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

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

1. No such structure may be enlarged or altered in a way which increases its nonconformity.
2. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

165.19 NONCONFORMING USES OF STRUCTURES. If a lawful use of a structure or of structure and premises in combination exists at the effective date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter, the use may be continued so long as it remains otherwise lawful, subject to the following provisions.

1. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure or structures and premises in combination may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall

find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accord with the provisions of this chapter.

4. Any structure or structure and land in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

5. (Repealed by Ordinance No. 387 – Sep. 17 Supp.)

6. Where nonconforming use status applies to a structure and premises in combination, removal of destruction or the structure shall eliminate the nonconforming status of the land.

165.20 REPAIRS AND MAINTENANCE. Nothing in this chapter shall prohibit the maintenance and repair of nonconforming structures to keep such a structure in sound and safe condition, provided that no structural enlargement, extension, alteration or change shall be made to increase the degree of nonconformity. Nothing in this chapter shall be deemed to prevent the strengthening of or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

165.21 USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING. Any use for which a special exception is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

165.22 ADMINISTRATION AND ENFORCEMENT. An administrative officer designated by the Council shall administer and enforce this chapter. The person may be provided with the assistance of such other persons as the Council may direct. If the administrative officer shall find that any of the provisions of this chapter are being violated, said officer 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 administrative officer 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 chapter to insure compliance with or to prevent violation of its provisions.

165.23 APPEALS FROM DECISION OF ADMINISTRATIVE OFFICER. Appeals from any decision of the administrative officer may be made to the Board of Adjustment as provided in section 165.34.

165.24 INTERPRETATION OF PROVISIONS. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion and protection of the public health, safety and general welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinance, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

165.25 VIOLATION AND PENALTIES. Any person who violates or fails to comply with the provisions of this chapter shall be guilty of a simple misdemeanor and a municipal infraction. Each day such violation continues shall constitute a separate offense.

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

165.27 OTHER REMEDIES. Nothing herein contained shall prevent the Council or its agents from taking other lawful action as is necessary to prevent or remedy any violation.

165.28 BUILDING PERMIT. Subsequent to the adoption of the Zoning Ordinance, a building permit shall be obtained from the administrative officer before any building or structure shall be erected, reconstructed or structurally altered to increase the exterior dimensions, height or floor areas, or remodeled to increase the number of dwelling units or accommodate a change in use of the building and/or premises or part thereof. The building permit shall state that the proposed construction complies with all provisions of this chapter, and no subsequent modification shall be made to plans or to actual construction that would be in violation of this chapter. Any maintenance item such as a new roof, window, siding, doors, and other repair items, which do not enlarge the structure, shall not require a building permit.

A building permit shall not be issued unless the application and the investigation thereof indicate compliance by the applicant with all of the provisions of this chapter and all other applicable laws of the City and state, including those pertaining to the protection of burial mounds and other burial sites.
(Ord. 307 – Oct. 04 Supp.)

165.29 APPLICATION FOR BUILDING PERMIT. Applications for a building permit shall be made prior to beginning construction on fully completed application forms obtained from the administrative officer, and

accompanied by such plans and information necessary to determine that the proposed construction complies with all applicable provisions of this chapter. The signature of the applicant on the application shall certify that the new occupancy complies with all provisions of this chapter, and no subsequent modifications shall be made to the occupancy, use, method or operation that would be in violation of this chapter.

165.30 FEES. The administrative officer is directed to issue a building permit as required by this chapter for proposed construction, reconstruction or alteration which complies with all provisions contained herein and to charge a fee of \$25.00. There shall be no fees charged to the United States Government, the State of Iowa, or any political subdivision thereof. All fees as are required shall be paid to the administrative officer, who shall keep a complete and accurate record of fees received and shall forthwith deposit them to the credit of the General Fund of the City. *(Ord. 373 – Dec. 13 Supp.)*

165.30A PERMIT EXPIRATION. Any building permit, under which no construction work has been commenced within six (6) months after the date of issue of said permit or under which the proposed construction, reconstruction or alteration has not been completed within two (2) years of the date of issue, shall expire by limitation; and no work or operation shall take place under such permit after such expiration. A building permit may be extended once for a period not exceeding six (6) months by the Administrator. If construction is not substantially completed prior to building permit expiration, the property shall be returned to its condition prior to the commencement of construction. A building is substantially completed when it is fully functional for all intended purposes, the exterior is complete and, all interior floors, walls, ceilings, and plumbing, heating and electrical systems are in place. *(Ord. 373 – Dec. 13 Supp.)*

165.30B CERTIFICATE OF COMPLIANCE.

1. No structure, lot or other premises for which a building permit has been issued shall be occupied or used after the expiration of the building permit unless a certificate of compliance shall have been issued by the Administrative Officer. Such certificate shall show that the structure or premises or part thereof and the use thereof are in compliance with the relevant provisions of this chapter and in compliance with all permits issued therefor. Such certificate shall be deemed applied for when application is made for a building permit.
2. Upon written request from the owner or tenant, the Administrative Officer shall also issue a certificate of compliance for any existing structure, premises or use certifying, after inspection, the extent and kind of use made of the structure or premises and whether or not such structure or use conforms to the provisions of this chapter,

including provisions relating to non-conforming structures and uses existing on the effective date of this chapter.

3. No additional fee shall be required for the issuance of the certificate of compliance required under the provisions of subsection 1 of this section. A fee of \$25 shall be required for certificates of compliance issued under subsection 2 of this section.

(Ord. 373 – Dec. 13 Supp.)

165.31 BOARD OF ADJUSTMENT CREATED. A Board of Adjustment is hereby established. The board shall consist of five (5) members to be appointed by the Council for staggered terms of five (5) years. Members of the Board of Adjustment may be removed from office by the Council for cause upon written charges and after public hearing. Vacancies shall be filled by the Council for the unexpired term of the member. The board shall not carry out any business without a majority (3 members) present. A majority of the members of the board shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate.

165.32 ELECTION OF CHAIRPERSON. The Board shall annually elect its own Chairperson at the first meeting on or after January 1 of each year. Such Chairperson, or in the absence of the Chairperson, the acting chairperson, may administer oaths and compel the attendance of witnesses. There shall be a fixed place of meeting and all meetings shall be open to the public. The presence of three (3) members shall be necessary to constitute a quorum. The concurring vote of three (3) members shall be necessary on all matters upon which it is required to pass under the provisions of this chapter.

165.33 PROCEEDINGS OF THE BOARD OF ADJUSTMENT. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson or in the absence of the Chairperson, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Clerk. The City shall provide a clerk for clerical assistance.

165.34 HEARINGS, APPEALS AND NOTICE. Appeals to the Board of Adjustment concerning interpretation or administration of this chapter may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by a decision of the administrative officer. Such

appeals shall be taken within a reasonable time not to exceed thirty (30) days by filing with the administrative officer and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

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

165.36 APPEAL FEE. A fee of fifty dollars (\$50.00) shall be paid to the administrative officer at the time the notice of appeal is filed, which the administrative officer shall forthwith pay over to the credit of the General Fund of the City.

165.37 STAY OF PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative officer from whom the appeal is taken certifies to the board after the notice of appeal is filed, that by reason of facts stated in the certificate a stay would, in the opinion of the administrative officer, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the board or by a court of record on application, on notice to the administrative officer from whom the appeal is taken and on due cause shown.

165.38 BOARD OF ADJUSTMENT – POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties.

1. Administrative Review. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the administrative officer in the enforcement of this chapter.

2. Special Exceptions. Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, and to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the board unless and until:

A. A written application for a special exception has been submitted indicating:

(1) The section of this chapter under which the special exception is sought and the grounds upon which it is requested; and

(2) The names and addresses of the property owners adjacent to the lot for which the special exception is requested indicating their approval or objection; and

B. The applicant has paid a non-refundable \$50.00 application fee; and

C. Notice shall have been given at least four (4) days in advance of the public hearing on said application for the special exception by publication in a newspaper of general circulation in the City, and a notice on a public bulletin board; and

D. The public hearing shall have been held at which time any party shall have been permitted to appear in person, or by agent or attorney, and

E. The board shall have made a finding that it is empowered under the section of this chapter described in the application to grant the special exception, and the board shall have determined that the granting of the special exception will not adversely affect the public interest. In granting any special exception, the board may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter. The board shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

3. Variances; Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the board unless and until:

A. A written application for a variance shall have been submitted demonstrating:

(1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district; and

(2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter; and

(3) That the special conditions and circumstances do not result from the action or actions of the applicant and were not in existence when the applicant acquired the property; and

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance; and

(5) The names and addresses of the property owners adjacent to the proposed improvement indicating their approval or objection; and

B. A non-refundable \$50.00 variance application fee shall be paid; and

C. Notice of public hearing shall have been given as in paragraph (2)(C) of this section; and

D. The public hearing shall have been held at which time any party shall have been permitted to appear in person, or by agent or by attorney; and

E. The board shall have made findings that the requirements of paragraph (3)(A) of this section have been met by the applicant for a variance; and

F. The board shall further have made 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; and

G. The board shall further have made a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

165.39 CONDITIONS OF VARIANCE. In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with this chapter. 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 chapter and punishable under Section 165.25. Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

165.39A COUNCIL REVIEW OF VARIANCE GRANTS. No grant of a variance by the Board shall be effective until after review of the variance grant by the Council. The Zoning Administrator shall forward all variance applications which have been approved by the Board to the Council for review at its next meeting following such approval. The Council shall, at such meeting, by motion, either approve the variance grant or remand the matter to the Board for further study. If remanded to the Board by the Council, the Board shall reconsider its decision and may either confirm its prior decision or deny the variance grant. If a variance grant is remanded to the Board for further consideration and the Board confirms its initial decision to approve the variance, the variance grant shall become effective thirty (30) days after the Council's decision to remand. *(Ord. 373 – Dec. 13 Supp.)*

165.40 DECISIONS OF THE BOARD OF ADJUSTMENT. In exercising its powers, the Board of Adjustment may, in conformity with the provisions of this chapter and Iowa Code Chapter 414, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to have been made, and to that end shall have all the powers of the administrative officer.

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

165.42 CHANGES AND AMENDMENTS. The regulations imposed and the districts created by this chapter may be amended from time to time by the Council, but no such amendment shall be made without public hearing before said Council and without a report made upon the amendment by the Commission. At least seven (7) days' notice of the time and place of such hearing shall be published in a newspaper having general circulation in the City, however in no case shall the public hearing be held earlier than the next regularly scheduled Council meeting following the published notice. In case the Commission does not approve the change, or in the case of a written protest against the change which is filed with the Clerk and signed by the owners of twenty percent (20%) or more of the area of the lots included in the proposed change, or by the owners of twenty percent (20%) or more of the property which is located within 200 feet of the exterior boundaries of the property for which the change is proposed, the change shall not become effective except by the favorable vote of at least three-fourths of all the members of the Council. The protest, if filed, must be filed before or at the public hearing.

165.43 STYLE OF AMENDMENT. Amendments, supplements, or changes of the boundaries of districts as shown on the official zoning map shall be made by an ordinance amending the Zoning Ordinance, shall refer to the official zoning map, and shall set out the identification of the area affected by legal description and identify the zoning district as the same exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the Clerk as other ordinances and the official zoning map changed as provided in Section 165.08. Such amendatory ordinance, however, shall not repeal or reenact said map, but only amend it. The official zoning map as amended, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

165.44 APPLICATION FOR CHANGE OF ZONING DISTRICT BOUNDARIES. Any person may submit to the Council an application requesting a change in the zoning district boundaries as shown on the official zoning map.

1. Such application shall be filed with the administrative officer accompanied by a fee of eighty dollars (\$80.00) and shall contain the following information:

- A. The legal description and local address of the property, and
 - B. The present zoning classification and the zoning classification requested for the property, and
 - C. The existing use and proposed use of the property, and
 - D. The names and addresses of the owners of all property within two hundred (200) feet of the exterior boundaries of the property for which the change is requested, and
 - E. A statement of the reasons why the applicant feels the present zoning classification is no longer valid, and
 - F. A plat showing the locations, dimensions and use of the applicant's property and all property within two hundred (200) feet of the exterior boundaries thereof, including streets, alleys, railroads and other physical features.
2. Upon receipt of the application by the administrative officer a copy shall be forwarded immediately to the Commission for study and recommendation. The Commission shall, prior to making a recommendation, determine the following:
- A. Whether or not the current district classification of the property to be rezoned is valid, and
 - B. Whether there is a need for additional land zoned for the purpose requested, and
 - C. Whether the proposed change is consistent with the current land use plan, considering such factors as:
 - (1) Whether the rezoning would result in a population density or development which would in turn cause a demand for services and utilities in excess of the capacity planned for the areas, and
 - (2) Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity, and
 - D. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.
3. The Commission shall report its determinations and recommendations to the Council within thirty (30) days from receipt of the application, and the Council shall then call a public hearing as provided in Section 165.42.

165.45 SOLAR ACCESS EASEMENTS. The Board of Adjustment is hereby designated the solar access regulatory board for the City, to receive and act upon applications for solar access easements in conformity with the provisions of Chapter 564A of the Code of Iowa. Where any provisions of Chapter 564A of the Code of Iowa conflict with any provisions contained elsewhere in this chapter, the provisions of Chapter 564A of the Code of Iowa shall control.

165.46 ZERO LOT LINE DEVELOPMENT.

1. Definition. A zero lot line development is a special exception use and structure which the Zoning Board of Adjustment is authorized to approve in the R-1, R-2 and R-3 residential zoning districts. It consists of a duplex constructed on a single lot or a group of contiguous lots under common ownership with the ownership of the lot or group of contiguous lots divided along the axis of the common wall of the two duplex units following construction. This housing development style is intended to provide an opportunity for lower-cost single family housing ownership.
2. Requirements. The Zoning Board of Adjustment shall not approve a special exception permit for a zero lot line development unless the following requirements are satisfied:
 - A. Prior to the commencement of construction the developer shall apply for a special exception permit for zero lot line development and secure the necessary approval from the Zoning Board of Adjustment. In such cases the building permit application and the special exception permit application shall set forth sufficient details to show compliance with the requirements of this section.
 - B. The minimum lot area for each housing unit following division shall be 5,000 square feet.
 - C. Minimum lot frontage for each housing unit shall be 50 feet or 80 feet in the case of corner lots.
 - D. Maximum height of each housing unit shall be 35 feet or 2½ stories.
 - E. The front yard setback requirement shall be the same as the zoning district in which the unit is located.
 - F. The side yard setback for the side where the two duplex units adjoin shall, following division, be zero feet.
 - G. The two duplex units shall share a common wall and roof.

H. The side yard setback for the side of the lot opposite the zero setback side shall be a minimum of 12 feet.

I. No more than one duplex structure shall be constructed on the same lot or group of contiguous lots for purposes of zero lot line development.

J. No more than five zero lot line development structures may be constructed within every 400 feet of continuous block length.

K. Zero lot line developments shall be constructed parallel to a public street so that the lot for each housing unit has frontage on the street and no housing unit is located to the rear of another housing unit.

L. Each unit shall have a separate water meter and separate water and wastewater service lines which shall not traverse any other lot.

M. Where common gas or electric lines are provided for a zero lot line development, easements approved by the service provider shall be provided.

N. Restrictive covenants or other deed restrictions setting forth maintenance responsibilities for both unit owners with respect to the shared wall and roof, in a legally enforceable form and approved by the Zoning Board of Adjustment shall be recorded with the Clayton County Recorder before either unit in a zero lot line development is sold. The developer shall be responsible for recording the approved restrictive covenant or other deed restriction and shall furnish evidence of such recording to the Zoning Administrator.

3. Additional Conditions. The Zoning Board of Adjustment may attach additional conditions to any zero lot line development as a condition of approval of the special exception permit. The Board of Adjustment shall not have authority to remove or waive any of the requirements for zero lot line development set forth in this section.

(Ord. 346 – Dec. 10 Supp.)

165.47 BLUFF LAND CONSERVATION ZONING OVERLAY DISTRICT.

1. Intent. It is the intent of the Bluff Land Conservation Zoning Overlay District (hereafter referred to as the “Bluff Land Overlay District”) to encourage and promote development, whenever feasible and in every practical manner, provided that the aesthetic beauty of the bluffs

are preserved. The Bluff Land Overlay District is also intended to ensure a anonymous relationship between urban development and the existing natural environment by excluding land uses and development patterns that adversely impact the viewshed of those areas.

2. Purpose. The purpose of the Bluff Land Overlay District is to provide additional criteria to:

- A. Maintain scenic views of environmentally significant areas;
- B. Preserve the scenic natural features and qualities of the bluff for residents and visitors;
- C. Promote smart growth by allowing development to occur in a practical manner;
- D. Protect the environment and structures from the process of erosion;
- E. Protect property values; and
- F. Implement the natural environment goals of the comprehensive plan, as amended.

3. Boundaries. The Bluff Land Overlay District is comprised of all those areas shown and designated as “Horizon Belts” on eight maps entitled “City of Marquette, Iowa, Bluff Land Conservation Zoning Overlay District” identified by the signature of the Mayor and attested to by the Clerk under the following statement:

This is to certify that this is one of eight Bluff Land Conservation Zoning Overlay District maps referred to in Section 165.47 of the Zoning Ordinance of Marquette, Iowa, as adopted the 13th day of December, 2011. Said maps, with the explanatory material thereon, are hereby adopted by reference and declared to be part of this section.

4. Nature of the District. The Bluff Land Overlay District is deemed an “overlay zoning” district. As such, all properties within the district shall be subject to both the provisions of this section and to all regulations applicable to the underlying zoning districts. The term “underlying zoning districts” shall mean those zoning districts shown on the Official Zoning Map described in Section 165.06 of this chapter and such other overlay districts as have been or may be created.

5. Method for Defining Horizon Belts. A geographic information system (GIS) model was used to identify potential impacts on the horizon line among ridges and bluffs in the City. To this end, points of interest in the City were delineated and used to create a composite of points that can be seen more prominently. This chapter provides for

maximum building heights of either 20 feet or 35 feet. Consequently, these height restrictions were incorporated into the GIS model to establish where a building of these respective heights would break the view horizon line.

6. Definitions. For the purpose of this section, certain terms and words are hereby defined:

A. Bluff. A topographical feature, such as a hill, cliff, or embankment with an average slope of forty-five (45) percent or greater with a vertical rise or drop of fifty (50) feet or greater.

B. Horizon Belt. A horizontal and vertical reference line designated along bluffs and ridges that compare the relative visibility of undeveloped land and the comparative heights of buildings.

C. Scenic View. An outstanding or unique view of a bluff or hillside as seen from a delineated viewing or generalized viewing place.

D. View Corridor. A space between a viewing place and a scenic view defined by a view plane and view framing lines.

E. Viewing Place and/or Viewpoint. A public street or other public area or facility from which a scenic view may be observed.

7. Development Restrictions and Procedures.

A. Site Plan Requirement. Except as otherwise provided in this Section, it shall be unlawful to construct, erect, alter or place any building or structure, to excavate, fill or grade any land, or clear cut trees or cut two or more trees greater than 24 inches in diameter (measured at a height of four feet from the ground surface) within the Bluff Land Overlay District unless such activity is pursuant to and in conformity with a plan of improvements (a "site plan") which has been reviewed by the Zoning Commission and approved by the City Council in accordance with this section. An accessory structure of less than 150 square feet in area and 12 feet or less in height shall not require site plan approval unless the structure would also require clear cutting of trees, or cutting of two or more trees greater than 24 inches in diameter.

B. Site Plan Approval Application. The site plan review and approval procedures shall be as follows:

(1) The property owner or applicant shall complete and file with the Zoning Administrator a site plan approval

application on a form provided by the City, accompanied by a site plan prepared in conformity with the requirements of subsection 7(C) and a non-refundable application fee in the amount of \$25.00.

(2) Upon receipt of the site plan the Zoning Administrator shall review it to determine compliance with subsection 7(C). If not in compliance, the Zoning Administrator shall inform the property owner or applicant in writing that the application is rejected for stated reasons.

(3) The site plan shall be forwarded to the Zoning Commission for review and recommendation. The Commission shall recommend to the City Council approval without conditions, approval with conditions or denial. All recommendations for conditional approval shall set forth the conditions required to be met and all denials shall set forth the reasons for such determination.

(4) The site plan shall be referred to the City Council at the next regular meeting following action by the Zoning Commission. At the first meeting after receiving the Zoning Commission's recommendation, the City Council shall do one of the following:

- a. Approve the site plan.
- b. Approve the site plan subject to conditions, setting forth the conditions that must be satisfied.
- c. Deny the application for approval, for reasons stated.
- d. Table action on the application until the next regular council meeting in order to seek additional information, including review and comment by an engineer, architect, arborist or other professional as deemed necessary to properly evaluate the site plan.

(5) (5) In cases where the construction of a new building or building addition is being proposed, a building permit shall not be issued for the development project by the Zoning Administrator until approval for the site plan has been received from the City Council. In the event the project is one which does not require a building permit (e.g., removal of two or more trees that are 24 inches or greater in diameter), the property owner or applicant will be required to receive an Approved Site Plan bearing the

signature of the Zoning Administrator following City Council approval. The Zoning Administrator shall ascertain that all conditions imposed which may be satisfied prior to commencement of the project have been fulfilled before issuing the permit or other written authorization.

(6) The City shall either approve or deny an application for site plan approval within seventy (70) days of the date on which an application, a compliant site plan, and the application fee for a project are received by the City.

C. Site Plan Requirements.

(1) Minimum Requirements. In addition to the requirements in subsection 7(D) of this section, all site plans submitted for development activities within the Bluff Land Overlay District must include:

- a. Identification of existing trees, shrubs and ground cover. This will include identification of the location of all existing trees and other plant materials that are to be preserved. In addition, those trees and plant materials that are to be removed must be noted individually or by stands of trees. The plans shall also set forth a description of the methods to be used to protect vegetation to be retained during construction activities.
- b. Proposed location of new trees, shrubs, native grasses and ground cover.
- c. Natural features such as outcroppings.
- d. Other landscape elements.
- e. A construction limits line that defines the buildings, parking locations, and other vehicular areas, and all areas required for cut and fill. Outside this limit line, no tree survey shall be required, and the project developer shall be required to leave undisturbed all areas of native vegetation.
- f. A topographic survey conducted by a professional engineer licensed in the State of Iowa with contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than five (5) percent, and at vertical intervals of not

more than ten (10) feet if the general slope is ten (10) percent or greater.

- g. Notation of all “Conservation Easements.”
- h. Drawings prepared by a licensed design professional (e.g., civil engineer, architect, or landscape architect) that show proposed structures and improvements, height and size of proposed structures, exterior wall elevations, roof lines, façade materials of proposed buildings and structures.
- i. Timetable for site development/construction.
- j. Location and design of any private water system, sewage, or other sanitary waste disposal system.

(2) Potential Additional Requirements. The City Council can require the submission of additional information to allow adequate review of a site plan in accordance with the standards set forth in subsection 7(C) of this section. The requirements listed in this subsection are optional and only subject to the City Council’s request and approval. Any or all of the following may be required:

- a. A physical demonstration of the potential visual impact of the proposed activity or structure by use of such measures as a balloon, platform or colorful markers, of such size and color as to be readily visible from a public road, and at an elevation to be prescribed by the City Council on the basis of the specific nature of the proposed development activity. This requirement is optional and can only be required by the City Council.
- b. Field marking by a licensed surveyor or other qualified professional of points deemed relevant by the City Council. This requirement is optional and can only be required by the City Council.
- c. Such other information as the City Council may reasonably determine to be helpful in determining if the proposed development activity complies with the standards set forth in subsection 7(C) of this section. This requirement is optional and can only be required by the City Council.

D. Site Plan Standards.

(1) No site plan shall be approved for any activity described in subsection 7(A) of this section unless the City Council finds that the site plan complies with the applicable provisions of this section. In addition, the referenced standards cited below are applicable to proposed development projects within the Bluff Land Overlay District.

(7) The Horizon Belts as referenced in subsection 5 of this section shall be used to evaluate the potential impact of proposed development projects based on the percentage of area visible from various viewpoints. For those horizon belts visible from 75 percent or greater of the viewpoints, development is strongly discouraged. Proposed development projects that are 50 to 75 percent visible from the viewpoints will be discouraged; however, the use of land conservation design measures such as cluster development, use of large lots, etc., can be proposed to mitigate adverse impacts to the view shed. Proposed development projects within horizon belts that are 25 to 50 percent visible from the viewpoints are allowable; however, the development must take appropriate measures to mitigate negative impacts on the viewshed. This may be accomplished by encouraging cluster development, and preserving or planting plant life that screens buildings and related facilities from public views.

(8) Soil Excavation.

a. Whenever soil on a building site is excavated and disturbed, all remaining vertical areas and/or slopes meeting the definition of sloped areas that are greater than 10% or more after excavation shall be protected by retaining walls designed to protect the hillside from erosion and falloff.

b. In addition to retaining wall structures, all excavation on building sites and subdivisions shall be required to construct all appropriate siltation structures and/or basin terraces. If these structures are not required, then the owner of the lot or subdivision shall be required to submit a certified statement from a civil engineer registered in the State of Iowa to that effect.

c. All roadway design and construction shall follow the appropriate land contours. Subdivisions and building sites shall design roads in a manner that minimizes erosion. Standard practices for erosion and siltation control shall be followed throughout the project site.

(9) (4) Water Runoff. The final design of a building site shall include necessary steps to disperse all rainwater in order to minimize erosion on the site and the added affect to adjacent or surrounding properties.

(10) (5) Subject to the provisions of this Section, land within the Bluff Land Overlay District may be developed and structures erected, altered or enlarged for any use that is allowed in the underlying zoning district and in accordance with the site development standards of the underlying zoning district and all other applicable requirements of the municipal code.

(11) (6) All development plans must incorporate the natural and aesthetic aspects of the site.

(12) (7) Developments shall be of a design which acts to preserve scenic vistas and viewpoints and to minimize any detrimental impact to hillsides and open space.

(13) (8) The applicant must demonstrate that efforts were made to minimize the visual impact of the proposed structure and/or clear cutting on the horizon and to minimize the use, disturbance and grading of steep slopes, as well as potential erosion and sedimentation. Such efforts must be demonstrated in terms of the placement of the structure and/or the location of the clear cutting on the lot(s), the use of colors, shapes and other architectural features, and the preservation or emplacement planting of vegetative screening to enable the structure to blend in with the natural features of the horizon to the extent practical. The applicant must demonstrate particular care to avoid the removal of trees along or near the crest of the hill, summit or ridge so as to cause an interruption of the tree line along the horizon when the hill, summit or ridge is viewed from a public road or public venue as represented as viewpoints along designated horizon belts.

(14) (9) Except as provided for in subsection 7(D)(11), no site plan shall be approved in which an existing structure that is fully or partly obscured for view from the public roads would be rendered substantially more visible along the horizon as a result of additional construction or expansion of the structure, the removal of vegetation, or any movement of earth materials.

(15) (10) Except as provided for in subsection 7(D)(11), no site plan shall be approved in which clear cutting occurs in a contiguous area having any dimension, measured within the Bluff Land Overlay District, longer than 200 feet.

(16) (11) If the City Council finds that the provisions of subsections 7(D)(9) and 7(D)(10) would prohibit the reasonable development of any lot(s), it may approve a site plan for such development, provided that reasonable efforts have been made to minimize the impact on the natural and scenic character of the horizon and to prevent erosion, sedimentation and storm water damage.

8. Applicability Outside of the District. Unless otherwise specified in the Zoning Ordinance or other municipal policy or regulation governing the development of land within the jurisdictional boundary of the City of Marquette, Iowa, no site plan shall be required pursuant to this section for any activity occurring outside the Bluff Land Overlay District, regardless of whether other portions of the same lot are located within the District. The Zoning Administrator shall make the initial determination, based on available information, of whether a proposed activity would occur within any portion of the Bluff Land Overlay District. If the property owner or applicant disagrees with such determination, he or she may do any of the following:

A. Provide additional information, such as a survey or engineer's map, to the Zoning Administrator to assist in establishing the location of the district boundary in relation to the proposed activity;

B. Request the issue be referred to the Zoning Board of Adjustment for determination; or

C. Proceed in accordance with subsection 7.

9. Appeals and Variances. The provisions of Section 165.38 of the Zoning Ordinance concerning appeals and applications to the Zoning

Board of Adjustment for review of decisions by the Zoning Administrator and variances shall be applicable to this section.

(Section 165.47 Added by Ord. 357 – Dec. 12 Supp.)

165.48 TRAILER CAMPS AND/OR TOURIST CAMPGROUNDS.

1. Purpose. The purpose and intent of this chapter is to protect and promote the public health, safety, and general welfare by allowing development of trailer camps and/or tourist campgrounds upon conditions that such uses will have no harmful effect on, and will be developed compatible with, adjoining lands; and will have open areas that are natural in character.

2. Trailer Camp and/or Tourist Campground Requirements.

A. Permitted Uses and Structures. A special exception granted for a trailer camp and/or tourist campground may authorize only the following uses and structures:

(1) Camp sites established or maintained for occupancy by motor homes, travel trailers, camping trailers and/or tents as temporary living quarters for recreation or vacation purposes by campers, vacationers or travelers.

(2) Buildings and structures necessary for the operation and maintenance of the trailer camp and/or tourist campground, or providing customary accessory uses including bathrooms, shower facilities, laundry facilities, office and equipment storage buildings, storm shelters, and the permanent residence of the owner or manager of the trailer camp and/or tourist campground. No permanent structures shall be allowed on the camp sites.

(3) Community recreation facilities, for residents of the park and their guests, including swimming pools.

(4) Community events for residents or the general public.

B. Development Standards. The Board of Adjustment shall not approve a special exception for the trailer camp and/or tourist campground unless the applicant submits a site plan conforming to the following requirements:

(1) Minimum trailer camp and/or tourist campground size. The minimum area for such a use shall be two campsites or more.

(2) Minimum campsite requirements. The minimum campsite shall conform to the following:

- a. Campsite area - minimum of one thousand three hundred square feet (1,300 sq. ft.).
- b. Campsite width - minimum of twenty feet (20 ft.).
- c. Campsite length - minimum of sixty-five feet (65 ft.).

(3) Minimum building setback requirements for permitted permanent structures:

- a. Fifteen feet from any public right of way or interior access driveway.
- b. Fifteen feet from any campsite boundary line.
- c. Fifteen feet from any trailer camp and/or tourist campground boundary.

C. Interior Access Driveways. Driveways and other access ways within a trailer camp/tourist campground shall be constructed and maintained in good condition by the owner or developer so as to be easily passable during all seasons when the trailer camp/tourist campground is in use. Interior access driveways shall not be dedicated as public rights of way unless otherwise approved or required by the City Council. Interior access driveways shall observe the following minimums:

- (1) Cul-de-Sacs. Cul-de-sac driveways and driveways designated to have one end permanently closed shall have a minimum turning radius of fifty feet (50').
- (2) Parking Requirements. A minimum of one off-street parking space shall be provided adjacent to, or conveniently near, each campsite.
- (3) Access Driveway Lighting. Adequate access driveway lighting shall be provided based on recommendations by the local electric utility.
- (4) Dust Control. Continuous dust control through the regular application of a non-toxic palliative.

D. Utilities and Other Services. The construction and maintenance of all water, sewer, electrical, communication and miscellaneous (television cable, etc.) service lines shall be under

the supervision of the public or private utility agency having jurisdiction in accordance with all applicable State and local codes, policies and regulations.

E. Water Supply and Distribution System. Each trailer camp/tourist campground shall be connected to the Marquette municipal system if required under City Code Section 90.03. If such a connection is not required water shall be provided by means of a private well permitted by the County Sanitarian. Individual water service connection shall be provided for each campsite.

F. Sewage Disposal. Each trailer camp/tourist campground shall be connected to the Marquette municipal sewer system to the extent required under City Code Section 95.05. If such connection is not required a private sewage disposal system permitted by the County Sanitarian shall be installed.

G. Electrical Distribution System. Each trailer camp/tourist campground shall be provided with an electrical distribution system in accordance with policies and specifications of the State of Iowa.

H. Solid Waste Disposal System. Solid waste collection facilities shall be screened from view with appropriate landscaping and/or screening as indicated on the approved landscaping plan. All garbage and refuse shall be placed in sealed containers and placed in the appropriate trash receptacle (i.e. dumpster).

I. Performance Bond. The Board of Adjustment may require a performance bond or other acceptable security to insure development of the project consistent with the site plan and conditions imposed by the Board.

J. Additional Requirements. As a condition of approval for a special exception to permit a trailer camp/tourist campground, the Board of Adjustment may impose additional, reasonable conditions and requirements designed to promote public health, safety and general welfare, including protective fencing and a storm shelter for patrons.

3. Site Plan Required. No trailer camp/tourist campground special exception shall be considered by the Board of Adjustment until the applicant has submitted a site plan to the Zoning Administrator in conformity with the following:

- A. Site plans shall be legible drawn to scale. Submit one electronic version and 10 hard copies.
 - B. A vicinity map showing the location and area of the proposed trailer camp/tourist campground.
 - C. The boundary lines, area, and boundary and dimensions of the proposed trailer camp/tourist campground.
 - D. The location and dimensions, if any, of all existing streets, right of ways, easements, water, sewerage, drainage facilities, and other community facilities and utilities on or adjacent to the proposed trailer camp/tourist campground.
 - E. Proposed layout, including interior access driveways with dimensions, location and type of solid waste collection facilities, campsite boundaries and dimensions, and common open space and recreation areas, common parking areas and other common areas, recreation buildings, if any, and other permanent structures.
 - F. Plan for adequate drainage designed to avoid drainage problems. Proposed layout shall consider terrain and its effect on adequate drainage away from the proposed campsites and in the design of interior access driveways with channels or drainage structures to assure that ponding or other associated drainage problems will not occur.
 - G. A specific landscaping plan for the trailer camp/tourist campground shall be submitted as part of the site plan. Landscaping material shall conform to and be installed in accordance with the site plan. The landscaping plan shall include open areas that are natural in character.
 - H. If applicable, a statement regarding compliance with relative floodplain, wetland, and other local, State, and Federal regulations.
 - I. Compliance with the requirements of subsection 2 and other requirements as may be deemed necessary by the Zoning Board of Adjustment as a condition of the special exception.
 - J. Projected date of commencement and completion of trailer camp/tourist campground project construction.
4. Construction Compliance Certificate. If the Board of Adjustment grants the applicant a special exception, the applicant shall secure a Construction Compliance Certificate from the Zoning Administrator prior to commencement of any construction work on the trailer camp/tourist campground project.

A. Suspension or Revocation. The Zoning Administrator may suspend or revoke a certificate if project construction does not proceed in compliance with the site plan and the Board of Adjustment approval.

B. Expiration. The Construction Compliance Certificate issued by the administrative officer shall expire by limitation and become null and void if construction on the trailer camp/tourist campground project is not commenced within one hundred eighty (180) days from the date of the certificate, if work is suspended or abandoned at any time after the work is commenced for a period of ninety (90) days, or if the construction work is not completed within one year from the date of the certificate. Upon expiration the Zoning Administrator shall revoke the certificate and the applicant shall restore the property to its previous condition.

C. If a certificate is revoked, the construction work shall not be recommenced until a new construction compliant certificate is obtained, and only upon payment of a new certificate fee and approval by the Board of Adjustment, provided that no changes have been made or will be made in the original plans and specifications for the project; and provided further that the project has not been dormant for a period exceeding one (1) year.

D. Notwithstanding the foregoing, any certificate holder may apply for an extension of time within which to commence work under the certificate when the applicant is unable to commence work or complete construction of the project within the time required by this subsection for good and satisfactory reasons. The application for extension shall be made to the Board of Adjustment and the Board may extend the time for action by the certificate holder for a period not exceeding one hundred eighty (180) days. No certificate shall be extended more than once.

5. Miscellaneous Regulations.

A. To the extent any minimum requirements or other regulations for trailer camps and/or tourist campgrounds conflict with regulations set forth elsewhere in this chapter for the C-1 zone, the requirements of this section shall control.

B. All nuisance regulations, including pet restrictions, set forth elsewhere in the municipal code shall be applicable in all trailer camps and/or tourist campgrounds.

C. Open fires may be permitted on campsites but only within non-combustible fire rings no more than three feet in diameter.

6. Waiver. Where, due to topography or other special circumstances, compliance with the requirements of this chapter would result in unnecessary hardship, the Board of Adjustment, by a favorable vote of at least three-fourths ($\frac{3}{4}$) of all members of the Board, may waive any specific requirements of this section. Any such waiver shall be by resolution and state the special circumstances supporting such waiver and the reasons such waiver will promote the general welfare and best interests of the community.

(Section 164.48 added by Ord. 377 – Dec. 14 Supp.)