TITLE 17
ZONING *

Zoning Update Adopted December 13, 2017
Amended Nov. 12, 2025

Chapters:

* For statutory provisions on zoning, see Code of Iowa Chapter 414.

Chapter 17.04
Definitions

Sections:

17.04.010 Definitions Generally. For the purpose of this chapter certain terms and words are defined. Words in the present tense shall include the future, the singular number shall include the plural, and the plural the singular. The word "building" shall include the word "structure," and the word "shall" is mandatory, and not directory.

17.04.015 Accessory Dwelling Unit (ADU). “accessory dwelling unit” is an additional residential dwelling unit located on the same lot as a single-family residence that is either attached to or detached from the single-family residence. An accessory dwelling unit shall not be larger than 1,000 square feet or 50% the size of the single-family dwelling located on the lot. An accessory dwelling shall comply with all applicable restrictions that apply to the single-family dwelling located on the lot including but not limited to: maximum building heights, minimum setback requirements, minimum lot sizes, minimum building frontages, maximum lot coverages, density requirements and aesthetic or architectural standards or requirements.

17.04.020 Accessory Use or Structure. "Accessory use or structure" means a use or structure subordinate to the principal use of a building on the lot, and serving a purpose customarily incidental to the use of the principal building.

17.04.040 Alley. "Alley" means a public way, affording a secondary means of access to abutting property.

17.04.050 Apartment. See Dwelling, Multi-Family

17.04.060 Assisted Living Facility. A provision of housing with services which may include, but not be limited to, health related care, personal care, and assistance with instrumental activities of daily living in a physical structure which provides a homelike environment.

17.04.070 Beginning of Construction. "Beginning of construction" means the incorporation of labor and material within the foundation walls of the building or buildings.

17.04.080 Board. "Board" means the board of adjustment.

17.04.090 Buildable Area. The portion of a lot remaining after required yards have been provided.

17.04.100 Building. A structure built and maintained for the support, shelter, or enclosure of persons, animals or property of any kind.

17.04.110 Building, Height. The vertical distance from the average at the front wall of the building to the highest point of the underside of the ceiling beams for a flat roof, or to the decline of a mansford roof, or to the mean height level between eaves and ridge for a gable, hip, and gambrel roof.

17.04.130 Bulk Station. "Bulk station" means distribution stations commonly known as bulk or tank stations used for the storage and distribution of, including but not limited to, flammable liquids, liquefied petroleum and anhydrous ammonia products.

17.04.140 Building, Principal. "Principal building" means a non-accessory building in which a principal use of the lot on which it is located is conducted.

17.04.170 Clinic, Animal. A place where domesticated household animals, not large animals or livestock, are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the hospital use. Treatment and boarding of animals shall be conducted indoors.

17.04.172 Clinic, Medical/Dental. A facility that provides diagnoses and outpatient care on a routine basis but does not provide prolonged in-house medical and surgical care. Clinics typically have lab facilities, supporting pharmacies, a wide range of services, and a range of medical or dental practitioners.

17.04.180 Commission. "Commission" means the planning and zoning commission.

17.04.185 Conditional Use Permit . A permit issued by the Board of Adjustment that authorizes the recipient to make conditional use of property in accordance with provisions of this ordinance and any additional conditions placed upon, or required by said permit.

17.04.190 Convalescent or Nursing Home. An establishment providing full-time housing and care for the aged or physically infirm, and not involving surgery, obstetrical services, or other major medical services more commonly provided in hospitals or clinics. Such establishment may involve usual convalescent or chronic care including bedside nursing care, administration of medicines or special diets, application of bandages or dressings, and similar procedures.

17.04.195 Daycare Center. An establishment, licensed by the State of Iowa, which is intended to provide for the care, supervision and protection of children.

17.04.196 Daycare Center, Adult. A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of the 24 hour day.

17.04.200 District. "District" means a section or sections of the City within which the regulations governing the use of buildings and premises, or the height and area of buildings and premises are uniform.

17.04.202 Dormitory. A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent or similar institutional use.

17.04.210 Dwelling. Any building, or portion thereof, which is designed or used exclusively for residential occupancy, including a manufactured home as defined by state law, but not including trailers, mobile homes, motels, motor lodges, boarding and lodging houses, or tourist homes.

17.04.220 Dwelling, Multiple-Family. A building or buildings designed and used for occupancy by three or more families, all living independently of each other and having separate

kitchen and toilet facilities for each family.

17.04.230 Dwelling, Single-Family. A detached residential building designed for or occupied by one family.

17.04.232 Dwelling, Single-Family Attached. – see Townhouse.

17.04.240 Dwelling, two-family. A building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

17.04.245 Dwelling, Zero-lot line. A residential dwelling unit designed for occupancy for one family only, which physically adjoins one other matching residential single family dwelling unit across an abutting side lot line, with each unit occupying its own parcel

17.04.250 Dwelling Unit. One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent kitchen, toilet, and sleeping facilities.

17.04.254 Education, Post High School. An educational institution that provides full-time or part-time education beyond high school, including but not limited to: two-year junior, community or technical colleges; trade or business schools; and four-year (or more) colleges and universities.

17.04.256 Education, Preschool, Primary, Secondary. A public, private or parochial school offering instruction at the preschool through high school level in the branches of learning and study required to be taught in schools within the State of Iowa.

17.04.260 Family. "Family" means any number of people occupying a single dwelling unit living together as a single housekeeping unit, related by blood, marriage or formal adoption plus not more than three (3) additional people not so related, except that foster children and persons with disabilities living together shall be considered as family.

17.04.266 Fences. A freestanding structure designed to restrict movement across a boundary. *(For regulations reference section 17.44.080)*

17.04.270 Funeral Home. An establishment ·engaged in undertaking services such as burial, cremation, and arranging and managing funerals, including but not limited to a funeral chapel, mortuary, or crematorium.

17.04.280 Garage. A structure or building or portion thereof in which one or more vehicles may be repaired or stored. For the purposes of this code, garages include carports.

17.04.290 Garage, Public. "Public garage" means a building or portion of a building in which motor vehicles are equipped for operation, repaired, stored, or kept for remuneration, hire or sale.

17.04.310 Gas Station. A building and/or premises where gasoline, oil and minor auto accessories, and convenience items may be supplied and dispensed at retail and may include

an automated customer activated fuel dispensing system. A gas station is not a service station. For other services other than the sale of gasoline, see service station.

17.04.320 Home-Based Business. Any business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates, is conducted within a dwelling unit or in the rear yard of the residential property, which is clearly an accessory use incidental and subordinate to the use of the premises for dwelling purposes in accordance with Chapter 17.43 and Iowa Code 414.33.

17.04.330 Hotel. "Hotel" means a building in which lodging or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours.

17.04.335 Kennel. An establishment which performs grooming, boarding, or training services for dogs or cats in return for a consideration, in accordance with Iowa Code Chapter 162.

17.04.341 Land-Leased Community. "Land-Leased Community" means any site, lot, or tract of land under common ownership upon which ten or more occupied manufactured homes or modular homes are harbored, either free of charge or for revenue purposes and shall include any building, structure, or enclosure used or intended for use as part of the equipment of the land leased community. The term land-leased community shall not be construed to include homes, buildings, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

17.04.342 Light Industrial. Light industry means manufacturing, processing, or assembly of materials and products which are carried on in a manner not injurious or offensive to the occupants of adjacent premises by reasons of the emission of odors, fumes or gases, dust, smoke, noise, or vibrations or fire hazards.

17.04.360 Lot. A parcel or tract of land with established, recorded boundaries and legal description which may be sold, conveyed, or transferred based on such legal description.

17.04.370 Lot Area. The total horizontal area included within the boundaries of the lot lines of a lot.

17.04.380 Lot, Corner. A lot abutting upon two or more streets at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

17.04.385 Lot Coverage. That portion of a lot covered by principal and accessory uses and/or buildings expressed as a percentage of the lot area.

17.04.390 Lot, Depth. The mean horizontal distance between the front and rear lot lines.

17.04.400 Lot, Double Frontage. See Lot, Through.

17.04.402 Lot, Flag. A lot that has access to a public right-of-way by means of a narrow strip

of land.

17.04.404 Lot Frontage. All sides of a lot abutting a street and measured along the front property line as it abuts the street right-of-way or roadway easement line.

17.04.410 Lot, Interior. A lot other than a corner lot with only one frontage on a street.

17.04.420 Lot Line. The property bounding line of a lot.

17.04.421 Lot Line, Front. The property line abutting a street right-of-way or roadway easement line.

17.04.422 Lot Line, Rear. A lot line not abutting a street which is opposite and generally most distant from the front lot line.

17.04.423 Lot Line, Side. Any lot line not a front lot line or rear lot line.

17.04.430 Lot of Record. A lot which is part of a subdivision recorded in the office of the County Clerk, County Recorder, or described by meets and bounds, the description of which has been so recorded.

17.04.435. Lot, Through. A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

17.04.440 Lot Width. The width of a lot measured at the building line (frontage line) and at right angles to its depth.

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

A. A single lot of record;

B. A portion of a lot of record;

C. A combination of complete lots of record and portion of lots of record, or portions of lots of record;

D. A parcel of land described by meets and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this code.

17.04.460 Manufactured Home. A factory-built structure built under the authority of 42 U.S.C. § 5403, that is required by federal law to display a seal required by HUD, and was constructed on or after June 15, 1976.

17.04.461 Mobile Home. Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so

designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in the Iowa. A mobile home is factory-built housing on a chassis. A mobile home shall not be constructed to be a travel trailer or other form of recreational vehicle. A mobile home shall be constructed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. However, certain mobile homes may be classified as "manufactured homes." Nothing in this Code shall be construed as permitting a mobile home in other than a mobile home park, unless such mobile home is classified as a manufactured home.

17.04.462 Mobile Home Park. A parcel of land under single ownership that has been planned and improved for the placement of mobile housing used or to be used for dwelling purposes and where mobile home spaces are not offered for sale or sold. The term "mobile home park" does not include sales lots on which new or used mobile homes are pared for the purposes of storage, inspection, or sale.

17.04.463 Modular Home. A factory-built structure which is to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, as adopted and displays a seal issued by the Iowa State Building Code Commissioner.

17.04.470. Nonconforming Building. A building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

17.04.472 Non-Conforming Use. A use lawful when established but which does not conform to subsequently established zoning or zoning regulation.

17.04.475 Nursing or Convalescent Home. An establishment providing full-time housing and care for the aged or physically infirm, and not involving surgery, obstetrical services, or other major medical services more commonly provided in hospitals or clinics. Such establishment may involve usual convalescent or chronic care including bedside nursing care, administration of medicines or special diets, application of bandages or dressings, and similar procedures.

17.04.480 Parking Lot. "Parking lot" means an area of land, a yard or other open space on a lot used for or designed for use by standing motor vehicles together with a driveway connecting the parking lot with a public place.

17.04.490 Parking Space. "Parking space" means an area of not less than two hundred fifty square feet, either within a structure or in the open, exclusive of the driveway or access drives, for the parking of a motor vehicle.

17.04.500 Place of Assembly. An indoor place where people gather for civic or cultural purposes, but not including "indoor recreation." A place of assembly may include a kitchen, bar and/or dining facilities available for use by members or non-members. Typical uses include but are not limited to: place of worship, meeting hall, lecture hall, fraternal organization, community center, country club, and private club or lodge.

17.04.510 Premises. "Premises" means a parcel of land together with any building or structure thereon.

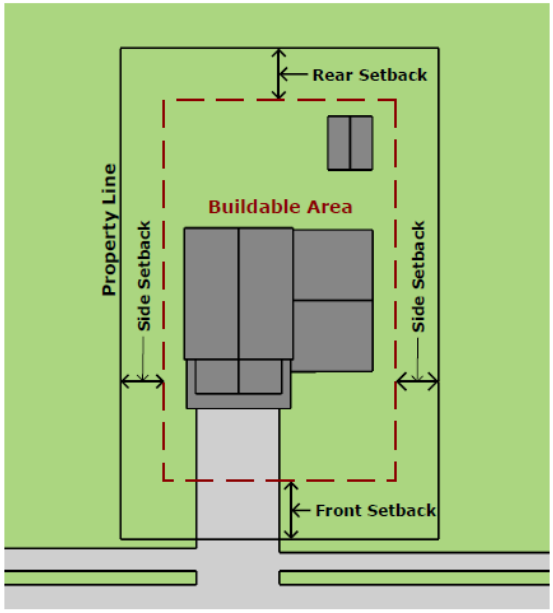
17.04.512 Rental, Short Term. Independent living units for primarily for senior adults that may provide limited social and recreational services, such as at a congregate care facility or a continuing care retirement community.

17.304.514 Retirement Facility. Independent living units primarily for senior adults that may provide limited social and recreational services, such as at a congregate care facility or a continuing care retirement community.

17.04.515 Service Station. A building and premise where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

17.04.520 Setback. The distance required between a property line or roadway easement line and the buildable area on a lot.

Setbacks



17.04.521 Setback, Front. A line which defines the required minimum distance between a building or structure and the right of way or roadway easement line. The front setback line shall be parallel with the right of way or roadway easement line. Corner lots and double frontage lots shall have a front setback along both street frontages.

17.04.522 Setback Line, Building. A line which defines the required minimum distance between a building or structure and the right of way or roadway easement line. The front setback line shall be parallel with the right of way or roadway easement line. Corner lots and double frontage lots shall have a front setback along both street frontages.

17.04.523 Setback, Rear. A line which defines the required minimum distance between a building or structure and the property line opposite the right of way line or roadway easement line. The rear setback line shall be parallel with the rear property line except for corner lots and double frontage lots.

17.04.524 Setback, Side. A line which defines the required minimum distance between a building or structure and an interior property line, extending between the front and rear setback lines. The side setback line shall be parallel with the nearest interior property line. For purposes of accessory buildings and structures, the side setback shall be extended to the rear property line.

17.04.530 Sign. "Sign" means a publicly displayed board, placard, etc., bearing same information as advertisement.

17.04.540 Sign Area. "Sign area" means the area of the surface of a sign, billboard, placard, etc. bounded by the top, bottom and sides.

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

17.04.590 Structure. Anything constructed or built above ground, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including but not limited to buildings, mobile homes, walls, fences, billboards, poster panels, above ground storage tanks, and similar uses.

17.04.600 Structural Alterations. "Structural alterations" means any replacement or change in the type of construction or in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance, as may be required for the safety of the building.

17.04.610 Subdivision. A tract of land divided into three or more lots.

17.04.612 Subdivision Plat. A graphical representation of the subdivision of land, prepared by a licensed land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique.

17.04.620 Townhouse. A one-family dwelling unit, with a private entrance in a group of three or more units, which part of a structure whose dwelling units are attached horizontally in a linear arrangement, having a total exposed front and at least one other building wall exposed to allow for access, light, and ventilation.

17.04.630 Use. The purpose or activity which land our buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

17.04.631 Use, Accessory. A use incidental, related, appropriate, and clearly subordinate to the principal use of the lot or building.

17.04.632 Use, Conditional. A use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without regulations, but which, if controlled as to number, size, area, location, relationship to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety and general welfare.

17.04.633 Use, Nonconforming. A building, structure, or land lawfully occupied by a use that does not conform to the form and function regulations of the zoning district in which it is situated.

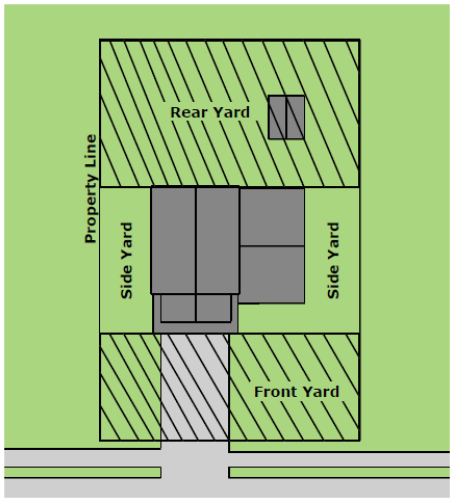
17.04.634 Use, Permitted. A land use allowed without condition within a zoning district.

17.04.635 Use, Principal. The primary use of land or structure.

17.04.636 Use, Prohibited.. Any use of land, other than non-conforming, which is not listed as a permitted or conditional use within a zoning district.

17.04.640 Variance. A relief from or variation from the strict application of the bulk regulations, as applied to a specific piece of property, which may be granted by the Zoning Board of Adjustment according to the provisions of this code.

Yards



17.04.650 Yard. An open space which is unoccupied and unobstructed by any structure or portion thereof from the natural ground level to the sky, except as otherwise provided in this code.

17.04.652 Yard, Front . A yard extending across the full width of the lot measured between the principal building and the right-of-way line or roadway easement line.

17.04.654 Yard, Rear. A yard extending across the full width of the lot and measured between the rear line of the lot and the nearest point of the principal building. In the case of corner lots and through lots, there will be no rear yard, but only front and side yards.

17.04.656 Yard, Required. See Setback.

17.04.658 Yard, Side. A yard between the side lot line and the nearest point on the principal building extending between the front yard and the rear yard. In the case of through lots, side yards shall extend between the front yards. In the case of corner lots, yards remaining after front yards have been established shall be considered side yards.

17.04.680 Zoning Administration Officer. "Zoning administrative officer" means the individual appointed by the City Council to administer and enforce the provisions of this title.

Chapter 17.08
District and Boundaries

Sections:

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

A-1 Rural Restricted
R-1 Residential District
R-2 Residential District
R-3 Residential District
C-1 Commercial District
C-2 Commercial District
C-3 Commercial District
I-1 Industrial District.

17.08.020 Boundaries.

A. The boundaries of these districts are indicated upon the zone plan of the City which plan is made a part of this title by reference. The said zone plan, and all the notations, references and other matters shown therein, shall be as much a part of this title as if the notations, references and other matters set forth by said plan where all fully described herein; the original of which is properly attested, and is on file in the office of the City Clerk.

B. The district boundaries are either lot lines, or the center lines of streets and alleys, unless otherwise shown, and where the districts designated are bounded approximately by street, alley, or lot lines, and are not dimensioned otherwise the lot lines or center lines of streets and alleys shall be construed to be the boundary of the district.

17.08.030 Annexed Territory -- Zone Designated. All territory which may hereafter be annexed to the city, unless otherwise designated at time of annexation, shall be considered as being "A-1" rural.

Chapter 17.12
General Regulations

Sections:

17.12.010 Applicability. In their interpretation and application, the provisions of this title shall be held to be minimum requirements. Where this title imposes a greater restriction than is imposed or required by other provisions of law, or by other rules or regulations or ordinances, the provisions of this title shall control. Where for specific land, the requirements of any other ordinances of the City are more stringent or restrictive than the requirements set forth herein, nothing herein shall be construed to waive compliance with the provisions of such other ordinance.

17.12.020 Conformance Required. Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used which does not comply with the district in which the building or land is located.

17.12.030 Nonconforming Uses -- Generally. The lawful use of a building or land existing on the effective date of the ordinance codified in this title may be continued, although such use does not conform to the provisions hereof. If no structural alterations are made, the nonconforming use of a building may be changed to another nonconforming use of the same, or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use, or to a conforming use, such use shall not thereafter be changed to a less restricted use. The nonconforming use of a building may be hereafter extended throughout those parts of a building which were manifestly arranged or designed for such use at the time of the enactment of the ordinance codified in this chapter.

17.12.040 Nonconforming Uses -- Discontinuance. No premises, building, or portion thereof, used in whole or part for nonconforming purposes according to the provisions of this title, which hereafter becomes and remains vacant for a continued period of two calendar years shall again be used except in conformity with the regulations of the district in which such building or premises is situated.

17.12.050 Nonconforming Buildings -- Restoration Prohibited When. No building which has been damaged by fire, explosion, act of God, or the public enemy, to the extent of more than sixty-five percent of the fair market value of the building immediately prior to damage shall be restored except in conformity with the regulations of this title; however lawful nonconforming structures used solely for residential uses may be reconstructed to the location, size, and external

dimensions that existed at the time of damage. If a building is damaged by less than sixty-five percent of the fair market value, it may be repaired or reconstructed, and used as before the time of damage, provided that such repairs and reconstruction be done within twelve months of the date of such damage.

17.12.060 Accessory Buildings -- Generally. No accessory building shall be erected in any required court, or in any yard other than a rear yard except as provided hereinafter. Accessory buildings shall be at least five feet from lot lines of adjoining lots which are in any R district; on a corner lot they shall conform to the setback regulations on the side street; there shall be at least five feet from any other separate building or structure on the same lot, and at least five feet from any alley line, except that, when any entrance to an accessory building faces the alley, said accessory building shall be at least twenty feet from any alley line. Accessory buildings may be erected as a part of the principal building, or may be connected thereto by a breezeway, or similar structure, and such accessory building shall be considered as part of the principal building for all yard requirements. A garage for a residence may be in a side yard provided that a full- required side yard is provided between the garage and the side lot line. An accessory building within sixty feet of the front lot line shall have a full side yard between it and the side lot line. Accessory buildings which are not a part of the main building shall not occupy more than thirty percent of the rear yard, and shall not exceed twelve feet in height, however, this regulation shall not be interpreted to prohibit the construction of a five hundred fifty square foot garage on a minimum rear yard.

17.12.070 Corner Lots -- Generally. For corner lots platted after the effective date of the ordinance codified in this title, the side street yard shall be equal in width to the setback regulation of the lots to the rear having frontage on the intersecting street. If there are no lots to the rear having frontage on the intersecting street, the side yard shall be not less than fifty percent of the front yard requirement.

On corner lots platted and of record at the time of the effective date of the ordinance codified in this title, the same regulations shall apply except that this regulation shall not be so interpreted as to reduce the width of the area for construction of a corner lot facing an intersecting street to less than twenty-eight feet nor to prohibit the erection of an accessory building.

On a corner lot in any district except the C-2 district, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) 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 (25) feet distant from the intersection of the right of way lines, and measured along the right of way lines.

17.12.080 Front Yard -- Generally. In any R district there shall be a minimum front yard required as stated in the yard requirements for the particular district; provided, that in no case shall the front yard depth be less than the smallest front yard depth of an existing building within two hundred feet of either side lot line.

17.12.090 Required Yard -- Reduction Prohibited. No lot shall be reduced in size so as to make the width or total area of the lot, or any yard, or any other open space less than the minimum required by this title. No part of a yard, or other open space provided about a building or structure for the purpose of complying with the provisions of this title shall be included as a part of a yard, or other open space required under this title for another building or structure. Off-street parking and

loading areas may occupy all or part of any required yard or open space, except as otherwise specified in this title.

17.12.100 Setback Building Lines. Whenever the plat of a land subdivision approved by the City planning and zoning commission and on record in the office of the County Recorder shows a setback building line along any frontage for the purpose of creating a front or side yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this title, unless specific yard requirements in this title require a greater setback.

17.12.110 Special Requirements for Dwellings. Any structure located outside an R-3 residential district that is to be used as a dwelling shall meet the following special requirements.

1. Each side of a dwelling shall be a minimum of not less than twenty-four feet.

2. All dwellings shall have a permanent perimeter foundations constructed of cement, concrete blocks with mortar or other permanent material approved by the City Council. All foundations shall have footings that extend below the frost line.

Chapter 17.16
A-1 Rural Restricted District

Sections:

District Description. The A-1 Rural Restricted District is intended to conserve farm land for agricultural purposes and serve as a "holding" zone to prevent premature development of large land acreages and of recently annexed land for which the most appropriate future use has not yet been determined. Zoning classification shall be changed from A-1 to other districts in conformance with the comprehensive plan as needs justify such changes and when the specific area can be adequately served by utilities and public facilities.

17.16.010 Applicability. The regulations set forth in this chapter, or elsewhere in this title, when referred to in this chapter shall apply in the A-1 rural restricted district.

17.16.020 Use Regulations Generally. A building or premises shall be used only for the purposes set forth in Sections 17.16.030 and 17.16.040.

17.16.030 Permitted Uses. Principal permitted uses in the A-1 district shall be as follows:

A. Single-family dwellings;
B. Farms, truck gardens orchards and nurseries, provided that no poultry or livestock shall be raised within one hundred feet of any property line or residential district;
C. Transient amusement enterprises, such as carnivals, circus rides and shows, subject to approval by the City Council;
D. Extraction of minerals or raw material, subject to prior recommendation from the planning and zoning commission and approval by the City Council;
E. Churches, institutions of a religious, philanthropic or charitable nature, except penal correctional institutions; buildings, and similar community facilities;
G. Public and private forests and wildlife reservation, or similar conservation projects;
H. Public utility structures and equipment necessary for the operation thereof.

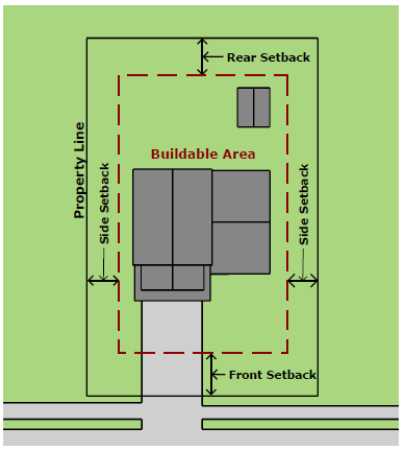
17.16.040 Accessory Uses. Accessory Uses in the A-1 District shall be as follows:

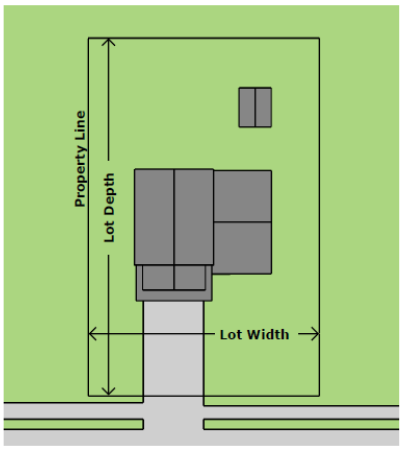
A. Accessory buildings and uses customarily incident to any of the uses set forth in Section 17.16.030;
B. Bulletin boards and signs pertaining to the lease, hire or sale of a building or premises; or signs pertaining to any material that is grown or treated within the districts; provided, however, that such signs shall be located upon, or immediately adjacent to the building, or in the area in which such materials are treated, processed or stored.

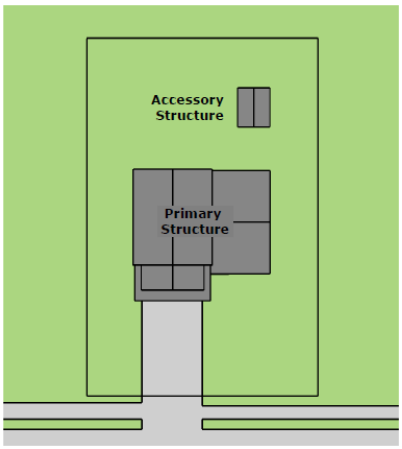
17.16.050 Height Regulations. No building shall exceed two and one-half stories, or thirty-five feet in height, except as hereinafter provided.

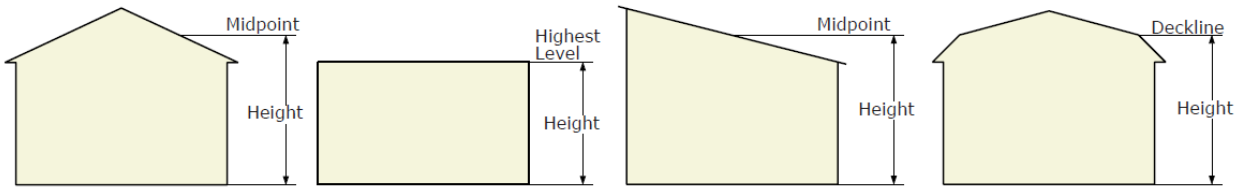
17.16.060 Lot Area, Frontage and Setback Requirements. The following minimum requirements shall be observed in the **A-1 district:**

Use	Lot Area	Lot Width	Lot Area Per Family	Front Setback	Side Setback		Rear Setback
					Least Setback on any one Side	Minimum of Both Side Setbacks	
Dwellings	1 Acre	-	1 Acre	50 ft	15 ft	30 ft	50 ft
Other Permitted Uses				50 ft	15 ft	30 ft	50 ft









Chapter 17.20

R-1 Single-Family Residential District

Sections:

District Description. The R-1 Single-Family Residential district is intended to accommodate detached, single family residential, open lawns, neighborhood and community parks, religious and educational facilities, greenways, on and off-street trails, and interconnected streets. The district shall permit residential development to be integrated with terrain and tree cover with a minimal disruption of natural systems existing in the area.

17.20.010 Applicability. The regulations set forth in this chapter or elsewhere in this title which are applicable, shall apply in the R-1 residential district.

17.20.020 Use Regulations Generally. A building or premises shall be used only for the purposes set forth in Section 17.20.030 and 17.20.040.

:

17.20.030 Permitted Uses. Principal permitted uses in the R-1 district shall be as follows:

A. Single-family dwellings
B. Places of Assembly
C. Preschool, Primary & Secondary Education
D. Noncommercial parks, playgrounds, and community buildings owned or operated by public or semipublic agencies;
E. truck gardening (amended Ord. 18-2020)
F. Cemetery
G. Country Club
H. Golf Course

Conditional Uses

A. Short Term Rentals
B. Daycare Center
C. Daycare Center, Adult
D. Post High School Education
E. Funeral Home/Mortuary/Crematory
F. Clinic, Medical/Dental
G. Nursing/Retirement/Convalescent Facility

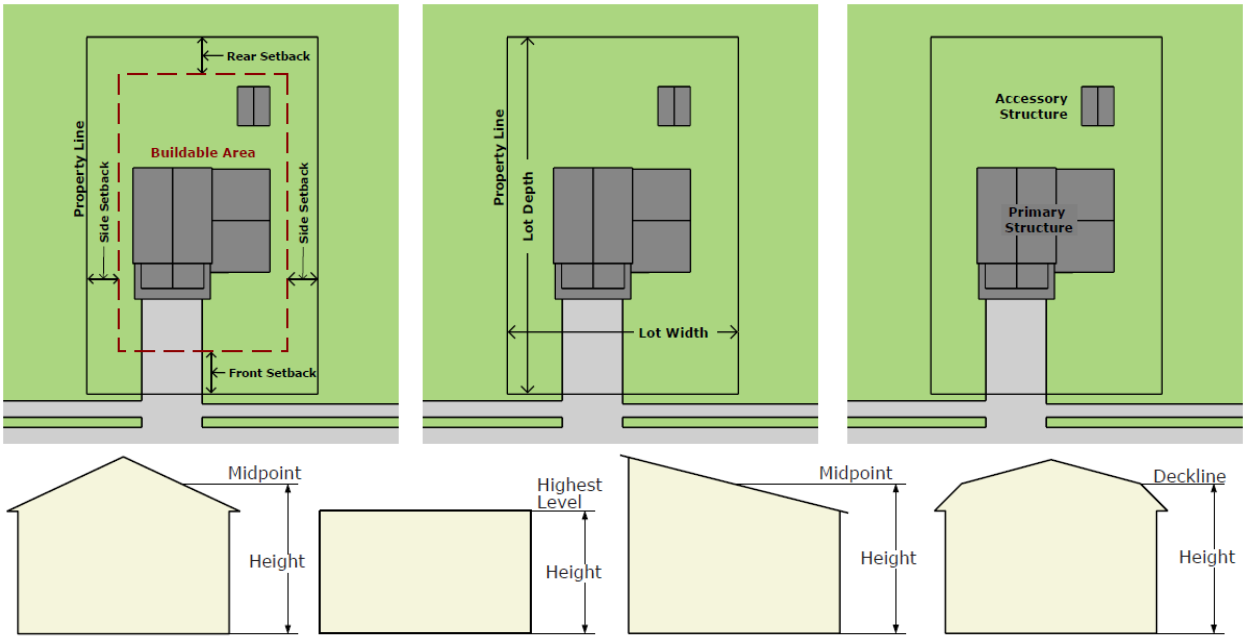
17.20.040 Accessory Uses. Accessory uses in the R-1 district shall be as follows:

A. Accessory Dwelling Units (ADU)
B. Bulletin boards, or signs not exceeding fifty square feet in area pertaining to the construction, lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, sold, or construction completed;
C. Church bulletin boards.
D. Home-Based Business.
E. Accessory uses and structures customarily incidental to any permitted principal use.

17.20.050 Height Regulations. No building shall exceed two and one-half stories, or thirty-five feet in height, and no accessory structure shall exceed one story, or twelve feet in height.

17.20.060 Lot Area, Frontage and Setback Requirements. The following minimum requirements shall be observed, subject to the modifications contained in Chapter 17.48:

Use	Lot Area	Lot Width	Lot Area Per Family	Front Setback	Side Setback		Rear Setback
					Least Setback on any one Side	Minimum of Both Side Setbacks	
Dwellings	7,500 sq ft	70 ft	7,500 sq ft	25 ft	5 ft	15 ft	25 ft
Other Permitted Uses	10,000 sq ft	80 ft	-	35 ft	5 ft	20 ft	35 ft



Chapter 17.24
R-2 Residential District

Sections:

District Description. R-2 Residential District is intended to provide residential areas characterized by single-family, two-family, and multi-family dwellings. Increased densities and two-family and multi-family dwellings provide greater housing options while maintaining the basic qualities of a low-density residential neighborhood interconnected by streets. The principal use of land in this district is for low-density single- and two-family dwellings with neighborhood and community parks, religious, and educational facilities

17.24.010 Applicability. The regulations set forth in this chapter, or elsewhere in this title which are applicable, shall apply in the R-2 residential district.

17.24.020 Use Regulations Generally. A building or premises shall be used only for the purposes set forth in Sections 17.24.030 and 17.24.040.

17.24.030 Permitted Uses. Principal permitted uses in the R-2 district shall be as follows:

A. Any use permitted in the R-1 district;
B. Two-family and multiple-family dwellings;
C. Townhouses where the dwellings have common walls separating each individual dwelling. The lot area, frontage, and setback requirements for a one family dwelling shall apply except for the side setback requirement between the joined dwellings.
D. The office or studio of a doctor, dentist, lawyer, teacher or other member of a recognized profession in his dwelling, provided that not more than the equivalent of one-third of the area of the dwelling shall be used for such purposes.

Conditional Uses.

A. Short-Term Rentals
B. Daycare Center
C. Daycare Center, Adult
D. Post High School Education
E Funeral Home/Mortuary/Crematory
F. Clinic, Medical/Dental
G. Nursing/Retirement/Convalescent Facility

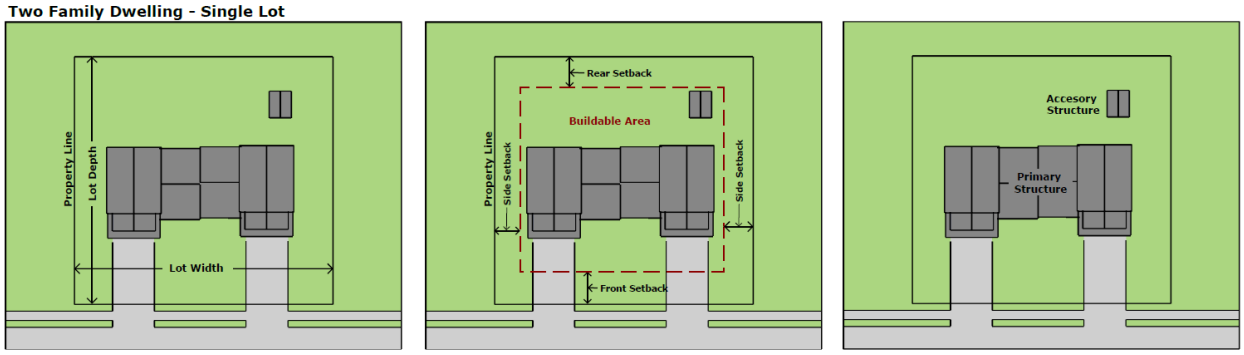
17.24.040 Accessory Uses. Accessory uses in the R-2 district shall be as follows:

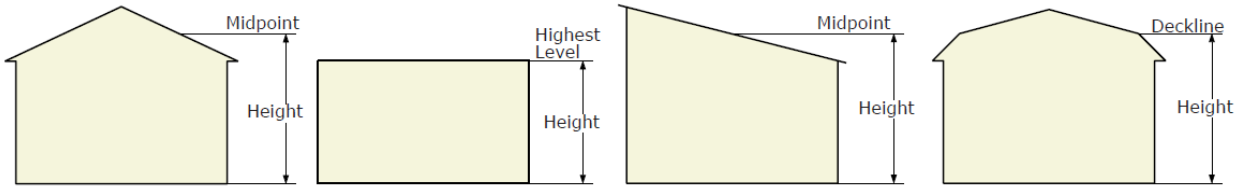
A. Accessory uses permitted in the R-1 district.
B. Accessory uses and structures customarily incidental to any permitted principal use.

17.24.050 Height Regulations. No building shall exceed two and one-half stories or thirty-five feet in height.

17.24.060 Lot Area, Frontage and Setback Requirements. The following minimum requirements shall be observed, subject to the modification contained in Chapter 17.48:

Use	Lot Area	Lot Width	Lot Area Per Family	Front Setback	Side Yard Widths		Rear Setback
					Least Setback on any one Side	Minimum of Both Side Setbacks	
Dwellings	7,500 sq ft	70 ft	7,500 sq ft	25 ft	5 ft	15 ft	25 ft
One Family Attached Dwellings (2 unit Townhouses)		40 ft	2,000 sq ft	25 ft	Zero lot line side yard 7 ft		25 ft
One Family Attached Dwellings (3-6 unit Townhouses)		35 ft	2,500 sq ft	25 ft	Zero lot line side yard 7 ft		25 ft
Two-Family	7,500 sq ft	70 ft	3,750 sq ft	25 ft	7 ft	15 ft	25 ft
Multiple-Family	7,500 sq ft	70 ft	2,500 sq ft for first 3 families and 1,000 for each added family	25 ft	7 ft	15 ft	25 ft
Other Permitted Uses	7,500 sq ft	70 ft	-	25 ft	5 ft	15 ft	30 ft





Chapter 17.26
R-3 Residential District

Sections:

17.26.010 Applicability. The regulations set forth in this chapter or elsewhere in this title which are applicable, shall apply in the R-3 Residential District.

17.26.020 Use Regulations Generally. A building or premises shall be used only for the purposes set forth in 17.26.030.

17.26.030 Permitted Uses. Principal permitted uses in the R-3 district shall be as follows:

A. Planned Residential Units - Site Plan Required
   Land Leased Community, Manufactured and/or Mobile Home Courts
   1. Minimum setback of Boundary Perimeter: Frontage 30 ft, Sides and Rear 20 ft
   2. Minimum 5,000 square footage per home lot area
   3. Minimum 50 ft. home lot width
   4. Two hard-surfaced parking spaces per home unit

B. Accessory uses and structures permitted in the R-1 district.

Chapter 17.28
C-1 Commercial District

Sections:

District Description. The C-1 Commercial District is intended to accommodate a broad range of retail, wholesale, and commercial service establishments. Uses in the C-1 District will generally have heavy pedestrian and/or vehicle traffic and have high demand for parking spaces during business hours.

17.28.010 Applicability. The regulations set forth in this chapter, or elsewhere in this title which are applicable, shall apply in the C-1 commercial district.

17.28.020 Use Regulations Generally. A building or premises shall be used only for the purposes set forth in Sections 17.28.030 and 17.28.050.

17.28.030 Permitted Uses. Principal permitted uses in the C-1 district shall be as follows:

A. Any use permitted in the R-2 residential district;
B. Shops for sale of goods and products at retail, including gasoline service stations;
C. Shops for repair and servicing of electrical, radio and television appliances, bicycles, and similar articles;
D. Laundry, dry cleaning, shoe repair, tailoring, dressmaking, and similar trades;
E. Banks, offices and studios;
F. Personal service shops, such as barbershops and beauty parlors;
G. Theaters;
H. Parking lots and storage garages;
I. Heating, plumbing, and electrical shops;
J. Public Garage; Vehicle Sales by licensed motor vehicle dealers, but not including the sales of heavy trucks, trailers, non-operational vehicles, or partially assembled vehicles.
K. Billiard Parlors, pool halls and bowling alleys;
L. Restaurants, taverns, cafes, and soda fountains;
M. Carpenter and cabinet shops;
N. Hotels and motels;
O. Wholesale business or storage warehouse, (excluding dangerous and noxious gases or material).

(amendment Ord 26-18)

17.28.040 Accessory Uses. Accessory uses in the C-1 district shall be as follows:

A. Accessory uses permitted in the R-2 district;
B. Accessory uses and structures customarily incidental to any permitted principal use.

17.28.050 Height Regulations. No building shall exceed three stories, or forty feet in height.

17.28.060 Lot Area, Frontage and Setback Requirements. The following minimum requirements shall be observed, subject to the modifications contained in Chapter 17.48:

Use	Lot Area	Lot Width	Lot Area Per Family	Front Setback	Side Setback		Rear Setback
					Least Setback on any one Side	Minimum of Both Side Setbacks	
Dwellings	Same as specified in the R-2						
Motels	½ acre	100 ft	1,500 sq ft	30 ft	15 ft	30 ft	20 ft
Other Permitted Uses				None	None, except adjacent to an R district in which case not less than 10 ft.		None

Chapter 17.32
C-2 Commercial District

Sections:

District Description. The C-2 Commercial District is intended to accommodate a broad range of retail, wholesale, and commercial service establishments. Uses in the C-2 District will generally have heavy pedestrian and/or vehicle traffic and have high demand for parking spaces during business hours. The C-2 district allows additional uses that are not allowed in the C-1 district.

17.32.010 Applicability. The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to this chapter, are the district regulations for the C-2 commercial district.

17.32.020 Use Regulations Generally. A structure or premises shall be used only for the purposes set forth in Sections 17.32.030 and 17.32.040.

17.32.030 Permitted Uses. Principal permitted uses in the C-2 district shall be as follows:

A. Any use permitted in the C-1 district;
B-C. (reserved)
D. Automobile, trailer and farm implement establishments for display, hire, sales and minor repairs;
E. Building or construction trades;
F. (reserved)
G. Ballrooms and dancehalls;
H. (reserved)
I. Skating rinks, golf driving ranges or similar open-air recreational uses and facilities.

17.32.040 Accessory Uses. Accessory Uses in the C-2 district shall be as follows: Accessory uses and structures customarily incidental to any permitted principal use.

17.32.050 Intensity of Use. There are no intensity of use requirements except that dwellings shall conform to the requirements set forth in the R-2 district.

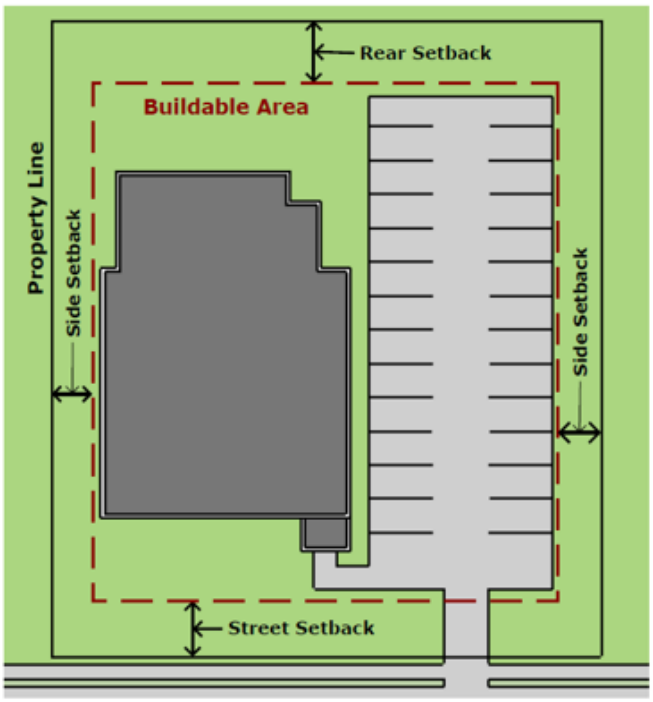
17.32.060 Height Regulations. No structure shall exceed forty feet in height.

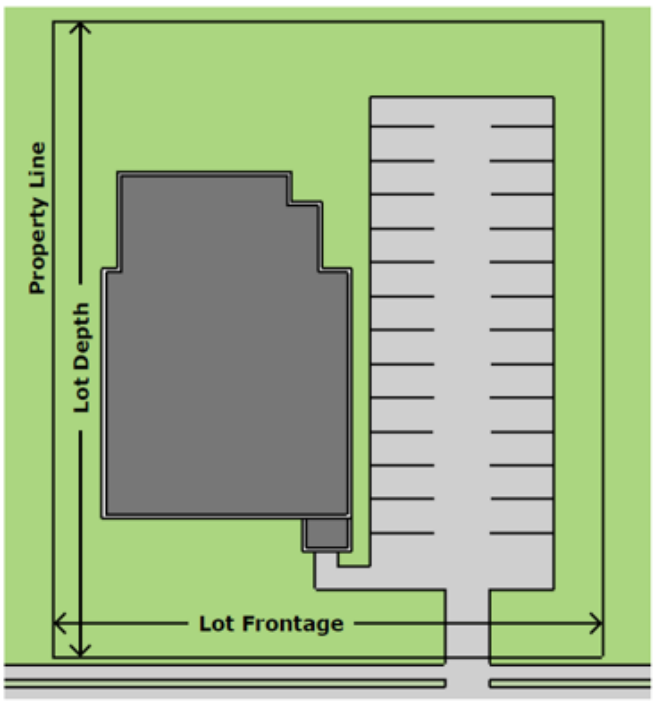
17.32.070 Front Setback Requirements. A front Setback is required of not less than forty-feet.

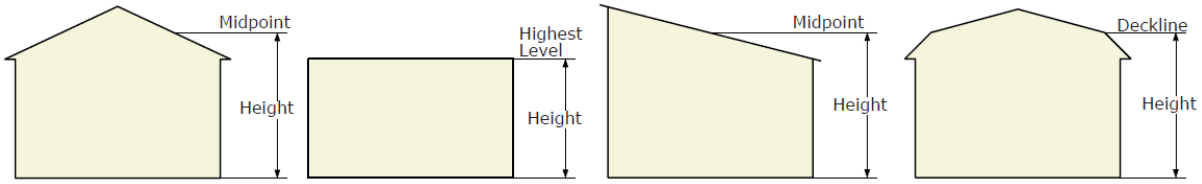
17.32.080 Side Setback Requirements. A side setback is not required except for

corner lots as described above and on the side of a lot abutting a residential or agricultural district, in which case there shall be a side setback of not less than twenty-five feet.

17.32.090 Rear Setback Requirements. A rear setback is not required except on the rear of a lot abutting on a residential or agricultural district, in which case there shall be a rear setback of not less than forty feet.







Chapter 17.34
C-3 Commercial District

Sections:

District Description. The C-2 Commercial District is intended to accommodate a broad range of retail, wholesale, and commercial service establishments. Uses in the C-3 District will generally have heavy pedestrian and/or vehicle traffic and have high demand for parking spaces during business hours. The C-2 district allows additional uses that are not allowed in the C-1 and C-2 districts, including some light industrial uses.

17.34.010 Applicability. The regulations set forth in this chapter or elsewhere in this title which are applicable, shall apply in the C-3 commercial district.

17.34.020 Use Regulations Generally. A building or premises shall be used only for the purpose set forth in sections 17.34.030 and 17.34.040.

17.34.030 Permitted Uses. Principal permitted uses in the C-3 district shall be as follows:

A. Any use permitted in the C-2 district;
B. Animal hospital or clinic, open-air kennels;
C. Mobile home sales;
D. (reserved)
E. Truck Terminals, trailer and truck services;
F. Locker plants;
G. Light industrial uses as defined in 17.04.342.

17.34.040 Accessory Uses. Principal permitted uses in the C-3 district shall be any use or structure customarily incidental to any permitted principal use.

17.34.050 Intensity of Use. There are no intensity of use requirements except that dwellings shall conform to the requirements set forth in the R-2 district.

17.34.060 Height Regulations. No structure shall exceed forty feet in height.

17.34.070 Lot Area, Frontage and Setback Requirements. Same as specified in the C-2 district.

Chapter 17.36
I-1 Industrial District

Sections:

District Description. The I-1 Industrial district is intended to provide locations for a variety of land uses characterized by production, manufacturing, distribution or fabrication activities. Uses in the Light Industrial district will be conducted entirely within enclosed buildings and will not use the open area around such buildings for the storage of raw materials or manufactured products except for the transporting of goods between buildings. Uses will generally require some separation from residential and commercial/service districts due to the potential for noise, bright lighting, traffic from heavy trucks and other large vehicles, rail traffic, and round the clock activities associated with these uses.

17.36.010 Applicability. The regulations set forth in this chapter, or elsewhere in this title which are applicable, shall apply in the I-1 industrial district.

17.36.020 Use Regulations Generally. A building or premises shall be used only for the purposes set forth in Sections 17.36.030 and 17.36.040.

17.36.030 Permitted Uses. Principal permitted uses in the I-1 district shall be as follows:

A. Any use permitted in the C-3 district;
B. Grain elevators and feed stores;
C. Bulk stations;
D. Fertilizer blending plants;
E. Ready-mix concrete plants;
F. Other uses similar to the above, which will not be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, or noise, provided that permission is granted in accordance with the procedure outlined in Chapter 17.48.

17.36.040 Accessory Uses. Accessory uses in the I-1 district shall be as follows:

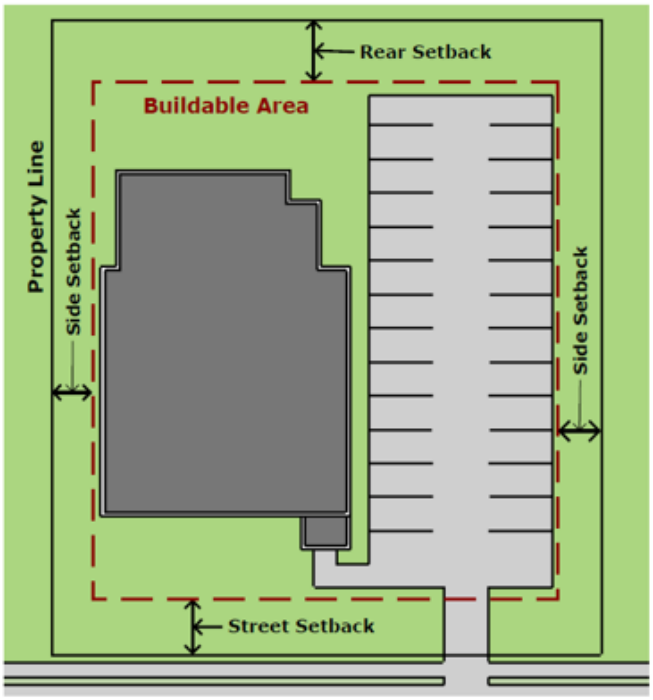
A. Any accessory uses customarily incidental to a permitted principal use.

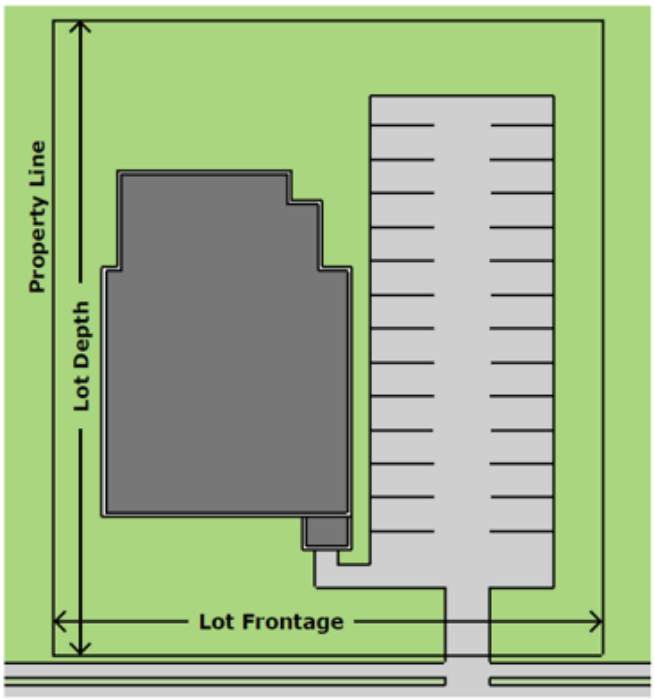
17.36.050 Emission of Fumes and Waste Prohibited. No use shall be permitted to be established or maintained, which by reason of its nature or manner of operation is, or may become hazardous, obnoxious, or offensive, due to the emission of odor, dust, smoke, gas fumes, noise, vibrations, refuse matter, or water-carried waste.

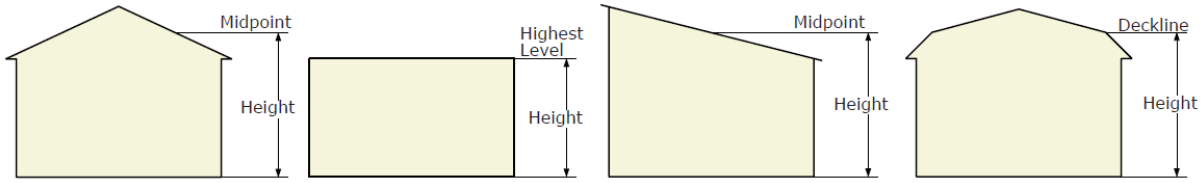
17.36.060 Height Regulations. No structure shall exceed fifty feet in height.

17.36.070 Lot Area, Frontage and Setback Requirements. The following minimum requirements shall be observed in the I-1 district subject to the modifications contained in Chapter 17.44:

Use	Lot Area	Lot Width	Lot Area Per Family	Front Setback Depth	Side Setback		Rear Yard Depth
					Least Width on any one Side	Minimum of Both Side Setback	
Dwellings	Same as specified in the R-2						
Motels	Same as specified in the C-1 District						
Other Permitted Uses				40 ft	None, except adjacent to an R district in which case not less than 25 ft.		40 ft







Chapter 17.40
Parking and Loading Areas

Sections:

17.40.010 Off-Street Loading Spaces Required. In any district except the C-1 commercial district, in connection with every building, or part thereof hereafter erected, having a gross floor area of ten thousand square feet or more, which is occupied by manufacturing, storage, goods display, retail store, wholesale store, hotel, hospital, or other use similarly requiring the receipt or distribution by vehicles or materials of merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space plus one additional such loading space for each twenty thousand square feet, or major fraction thereof, of gross floor area so used. Each loading space shall be not less than ten feet in width and twenty-five feet in length. Such space may occupy any part of the required yard, or court space.

17.40.020 Off-Street Parking Area -- Requirements Generally. In all districts except the C-1 commercial district, in connection with every industrial, business, institutional, recreational, or dwelling use, and for similar uses, space for parking and storage of vehicles shall be provided of sufficient area to care for the normal parking demands of the building involved. However, in no case shall the parking area provided be less than that shown on the following schedule:

A. Automobile sales and service garages, banks, business and professional offices, retail stores, fifty percent of the floor area;
B. Bowling alleys, five spaces for each alley;
C. Churches and schools, one space for each five seats in the principal auditorium. If there is no auditorium, one space for each office and each classroom;
D. Dancehalls, assembly halls, restaurants, two hundred percent of the floor area;
E. Dwellings, one parking space for each family or dwelling unit; however, no parking space shall be located in the front yard;
F. Hospitals, one space for each four beds;
G. Manufacturing plants, one space for each three employees on the maximum working shift;
H. Retail stores and supermarkets with over two thousand square feet floor area, two hundred percent of the floor area;
I. Theaters or assembly halls with fixed seats, one parking space for each four seats;
J. Wholesale establishments or warehouses, one space for each employee.

17.40.030 Off-Street Parking Area -- Provisions for Similar Uses to Apply. In case of any building, structure, or premises, the use of which is not specifically mentioned herein, the provisions for a use which is mentioned and to which said use is similar, shall apply.

17.40.040 Off-Street Parking Area -- Access Drive Required When. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than eight feet in width in the case of a dwelling, and not less than sixteen feet in width in all

cases leading to the loading or unloading spaces and parking or storage areas required hereunder.

17.40.050 Development and Maintenance Requirements. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

A. No part of any parking space shall be closer than five feet to any established street right-of-way or alley line;
B. Any off-street parking area, including any commercial parking lot, for more than two vehicles shall be surfaced with a material approved by the City engineer so as to provide a durable surface; shall be graded and drained so as to dispose of all surface water accumulation within the area; and shall be so arranged and marked as to provide for orderly and safe loading of unloading, and parking and storage of self-propelled vehicles;
C. Any lighting used to illuminate any off-street parking area, including any commercial parking lot, shall be so arranged as to reflect the light away from adjoining premises in any residential district.

Chapter 17.42
Urban Chickens

Sections:

17.42.010 Definitions. For use in this ordinance, the following terms are defined:

A. Chicken – shall mean a member of the subspecies Gallus domestics, a domesticated fowl.
B. Urban Chicken – shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.
C. Permitting Officer – shall mean the City Clerk or designee.
D. Tract of Land – shall mean a property or a zoned lot that has one single family dwelling located on that property or zoned lot.
E. Single Family Dwelling – shall mean any building that contains only one dwelling unit used, intended, rented, leased, let or hired to be occupied for living purposes.
F. Permitted tract of Land – shall mean the tract of land as identified by the application upon which a permit is granted for keeping chickens pursuant to this Chapter.
G. Permittee – shall mean an applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this Chapter

17.42.020 Permit Required.

A. Permit Required. No person shall raise, harbor or keep chickens within the City of Epworth without a valid permit obtained from the Permitting Officer under the provisions of this Chapter.

B. Application. In order to obtain a permit, an applicant must submit a completed application on forms provided by the Permitting Officer.

C. Requirements. The requirements to the receipt of a permit include:

1. All requirements of this Chapter are met;

2. The tract of land to be permitted shall contain only one Single Family Dwelling occupied and used as such by the permittee;

3. The applicant has provided notice to the residents of all immediately adjacent dwellings of the applicant's intent to obtain a permit;

D. Issuance of Permit. If the Permitting Officer concludes as a result of the information contained in the application that the requirements for a permit have been met, then the Officer shall issue the permit.

E. Denial, suspension, revocation, non-renewal. The Permitting Officer may deny, suspend, revoke, or decline to renew any permit issued for any of the following grounds:

1. false statements on any application or other information or report required by this section to be given by the applicant;

2. failure to correct deficiencies noted in notices of violation in the time specified in the notice;

3. failure to comply with the provisions of an approved mitigation/remediation plan by the Permitting Officer, or designee;

4. failure to comply with any provision of this Chapter.

F. Notification. A decision to revoke, suspend, deny or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify reasons for the action.

G. Effect of Revocation, etc. When an application for a permit is denied, or when a permit is revoked, the applicant may not re-apply for a new permit for a period of one (1) year from the date of the denial or revocation.

H. Appeals. No permit may be denied, suspended, revoked, or not renewed without notice and an opportunity to be heard is given the applicant or holder of the permit. In any instance where the Permitting Officer has denied, revoked, suspended, or not renewed a permit, the applicant or holder of Urban Chicken may appeal the decision to the City Clerk, or designee other than the Permitting Officer within ten (10) business days of the receipt by the applicant or holder of the permit of the notice of the decision. The applicant or holder of the permit will be given an opportunity for a hearing. The decision of the officer hearing the appeal (Mayor or designee), or any decision by the Permitting Officer which is not appealed in accordance to this Chapter shall be deemed final action.

17.42.030 Number and Type of Chickens Allowed.

A. The maximum number of chickens allowed is six (6) per tract of land regardless of how many dwelling units are on the tract.

B. Only female chickens (hens) are allowed.

17.42.040 Non-Commercial Use Only. A permit shall not allow the premises to engage in chicken breeding or fertilizer production for commercial purposes.

17.42.050 Enclosures.

A. Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.

B. Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.

C. Henhouses, chicken tractors and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.

D. Henhouses and chicken tractors.

1. Henhouses and chicken tractors shall be designed to provide safe and healthy living conditions for the chickens with a minimum of four (4) square feet per bird while minimizing adverse impacts to other residents in the neighborhood.

a. Henhouses or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than one (1) inch openings.

b. The materials used in making a henhouse or chicken tractor shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited. Henhouses and chicken tractors shall be well maintained.

2. Henhouses, chicken tractors and chicken pens shall be located in the rear yard only.

3. Henhouses, chicken tractors and chicken pens must be located at least ten (10) feet from the property line and at least twenty-five (25) feet from any adjacent residential dwelling, church, school or place of business.

E. Any enclosed chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.

17.42.060 Odor and Noise Impacts

A. Odors from chickens, chicken manure or other chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land.

B. Noise from chickens shall not be loud enough beyond the boundaries of the permitted tract of land at the property boundaries to disturb persons of reasonable sensitivity.

17.42.070 Predators, Rodents, Insects and Parasites. The Permittee shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by an Animal Control Officer.

17.42.080 Feed and Water. Chickens shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds and predators.

17.42.090 Waste Storage and Removal. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored on the permitted tract of land. All other manure not used for composting or fertilizing shall be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

17.42.100 Chickens at Large. The Permittee shall not allow the Permittee's chickens to roam off the permitted tract of land. No dog or cat or other domesticated animal which kills a chicken off the permitted tract of land will, for that reason alone, not be considered a dangerous or aggressive animal or the city's responsibility to enforce its animal control provisions.

17.42.110 Unlawful Acts.

A. It shall be unlawful for any person to keep chickens in violation of any provision of this Chapter or any other provisions of the Epworth Municipal Code.

B. It shall be unlawful for any owner, renter or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this article.

C. No person shall keep chickens inside a single family dwelling unit, multifamily dwelling unit(s) or rental unit.

D. No person shall slaughter any chickens within the city of Epworth.

E. No person shall keep a rooster.

F. No person shall keep chickens on a vacant or uninhabited tract of land.

17.42.120 Nuisances. Any violation of the terms of this Chapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions of Epworth Municipal Code Chapter 9.52.

Chapter 17.43
Home-Based Businesses

Sections:

17.43.010 Home-Based Businesses.

A. Home-based businesses shall be permitted as accessory uses within principal residential dwellings provided they meet the following provisions and the requirements of the district in which located. A home-based business shall not be permitted that:
   1. Changes the outside appearance of the dwelling or is visible from the street;
   2. Generates traffic, parking, sewerage or water use in excess of what is normal in the residential neighborhood;
   3. Creates a hazard to person or property, results in electrical interference, or becomes a nuisance;
   4. Results in outside storage or display of any kind;
   5. Employs other than self or family members residing on the premises;
   6. Occupies more than 25 percent of the total floor area of the dwelling unit;
   7. Requires deliveries of materials to and from the premises involving the use of vehicles over two ton capacity, except parcel post or similar parcel service vehicles;
   8. Produces noise, vibration, smoke, odors, heat or glare as a result of a home-based business which would exceed that normally produced by a single residence as determined by the City Planner.
B. Customer and client contact shall be primarily by telephone , mail, fax, email, or website and not on the premises of the home-based business, , except those home-based businesses such as tutoring, teaching, child care or personal services which cannot be conducted without personal contact and as permitted in the following section.
C. Services or sales conducted on the premises shall be by appointment only and shall not be oriented toward, or attract, off-the-street customer or client traffic.
D. No equipment or process shall be used in such home occupation which created noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

17.43.020 Permitted Home-Based Business Uses

The following are permitted as home-based businesses, provided such professional, business, or office activities are conducted in a manner that is clearly accessory and incidental to the residential use of the premises:

1. Adult day services (not including licensed adult day care)
2. Art studio
3. Cake decorating

4. Ceramics
5. Computer programming
6. Consultant services
7. Child care (not including licensed child care center)
8. Dressmaking, sewing and tailoring
9. Film processing
10. Home cooking and preserving
11. Home crafts
12. Home office

17.43.030 Prohibited Home-Based Business Uses

The following uses shall be specifically prohibited as home-based businesses:

1. Antique/furniture refinishing for resale on the premise or as a service for the general public
2. Automobile repair, except that an individual residing on the premises may service such individual's own vehicle providing that the provisions of this chapter are met and that no repairs shall take place between the hours of 9:00 p.m. to 9:00 a.m.
3. Barber and beauty shops
4. Contractor's shop
5. Recycling or salvage operations
6. Small engine repair
7. Welding services

Home-Based Businesses as Conditional Uses

Any proposed home-based businesses not specifically prohibited or that employs up to two people who do not reside within the home herein shall be considered a conditional use and be granted or denied by the Zoning Board of Adjustment upon finding that the proposed home-based business can meet the provisions of this section.

Chapter 17.44
Exceptions and Modifications

Sections:

17.44.010 Applicability. The regulations specified in this title shall be subject to the exceptions and interpretations set forth in Sections 17.44.020 through 17.44.080.

17.44.020 Single-Family Dwellings Permitted on Existing Lots of Record When. In any district where dwellings are permitted, a single-family dwelling may be located on any lot or plat of official record as of the effective date of the ordinance codified in this title irrespective of its area or width, provided, however:

A. The side setback of any such lot shall not be less than ten percent of the width of the lot and in no case less than five feet.
B. The depth to the rear setback of any such lot shall be not less than twenty percent of the depth of the lot, but in no case less than twenty-five feet.

17.44.030 Structures Permitted Above Height Limit Designated. The building height limitations of this title shall be modified as follows:

A. Chimneys, fire towers, monuments, water towers, ornamental towers and spirals, radio or television towers, or necessary mechanical appurtenances may be erected to a height in excess of the height regulations shown for a particular district, provided that a report and recommendation is made by the planning and zoning commission, and final approval for such exception is granted by the city council.
B. Public, semipublic, or public service buildings, hospitals, or schools, when permitted in a district, may be erected to a height in excess of the height allowed in the district, provided that the building is set back from each property line at least one foot for each foot of additional building height above the height limit in the district.

17.44.040 Districts Inaccessible to Public Water Supply or Sanitary Sewer -- Area Requirements. In any district where neither public water supply nor public sanitary sewer is accessible, the lot area requirements shall be fifteen thousand square feet, and lot width at the building line one hundred feet. Where either public water supply, or sanitary sewer is accessible, these requirements shall be reduced to twelve thousand square feet, and seventy-five feet, respectively.

17.44.050 Double Frontage Lot Setback Requirements. Buildings on through lots and

extending through from street to street shall provide the front setback on both streets.

17.44.052 Exceptions to Required Setback. The following may be located with an otherwise setback provided they are used with a permitted use: Awnings, shutters, arbors and trellises, play equipment, flagpoles, steps necessary for access to a building or lot; and accessibility ramps and landings, except that landings which exceed five feet in any horizontal dimension shall meet setback requirements.

17.44.060 Exceptions to Prohibited Uses -- Permit Application -- Referral to Planning and Zoning Commission.

A. The City Council may by special permit after public hearing authorize the location of any of the following buildings or uses in any district from which they are prohibited by this title:
   1. Any public building erected and used by any department of city, county, state, or federal government;
   2. Airport or landing field;
   3. Community building or recreation field;
   4. Country clubs or golf courses.

B. Before issuance of any special permit for any of the above buildings or uses, the City Council shall refer the proposed application to the City planning and zoning commission, which shall make a report within forty-five days regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the general welfare. No action shall be taken upon any application for a proposed building or use referred to in subsection A of this section until and unless the report of the planning and zoning commission has been filed; provided, however, that if no report is received within forty-five days, it shall be assumed that the approval of the application has been given by the commission.

17.44.070 New Utility and Railroad Structures Prohibited -- Exceptions. Existing utilities and railroads may continue to be operated and maintained in dwelling and commercial districts, but no new utility or railroad structure, other than the usual poles, wires, and underground utilities, shall be established in such districts, except when so authorized by the board of adjustment.

17.44.080 Fence Restrictions.

A. In any residential district, no fence shall be permitted in any front yard. In any residential district, no continuous planting over three feet in height shall be maintained on any front yard. In addition, in any residential district no fence or continuous planting shall be maintained within thirty feet of any corner lot street line intersection which would impair the sight distance of the operator of a motor vehicle. No fence which exceeds eight feet in height and no continuous planting which exceeds ten feet in height will be maintained in any residential district on any rear yard or side yard

B. Fences shall be constructed of material commonly used for landscape fencing, such as masonry block, lumber, chain link or natural plantings, but shall not include corrugated sheet metal, barbed wire, salvage material or be electrified unless otherwise allowed.

C. The frame of a fence, including posts and supports, shall be placed on the inside of the fence. Fencing shall be constructed with the finished side facing outward.

D. Permit is required for placement, with a 2’ setback from property line. The setback can be waived if a common fence agreement is filed and recorded. On corner lots, in no case shall a fence protrude street side beyond an existing primary structure.

Chapter 17.45
Signs

Sections:

17.45.010 Permitted Signs

A. Name plate or home-based business sign not larger than 6 sq. ft. in area.

B. Temporary signs intending to be displayed for a limited period of time.

C. Church or public facility signs and bulletin boards not larger than 50 sq. ft. in area.

D. Signs identifying the location of easements, property lines, utilities, hazards, or otherwise providing notice of restrictions on public access, not to exceed five (5) sq. ft. in area.

E. Trade or business signs relating only to services, articles, or products offered within the building to which it is attached, providing also that;

1. Signs mounted flat on the wall of a building shall not exceed 10% of the area of the wall or 100 sq. ft., whichever is smaller.

2. Overhanging signs attached to a building shall not project above the height of the building, or more than four feet from the face of the building, and shall not be larger than 30 sq. ft. in area.

3. Ground signs placed or supported by the ground independent of any other structure.

4. Not more than one (1) sign of each category above may be provided for any single use, although each sign may be a double-faced or back to back sign.

17.45.020 Sign General Provisions

A. All signs shall be maintained in a neat and presentable condition. In the event that they shall become illegible or their use shall cease, they shall be removed promptly.

B. Temporary signs shall be removed within 4 days of the sale, lease, event or election.

C. All exterior Illuminated signs and electronic message signs require approval of City Council.

D. Ground signs, other than temporary signs, require approval of the City Council.

E. The City shall order the removal of any sign not in compliance with the provisions of his chapter.

F. Signs exceeding the limitations in this chapter require approval of the City Council.

(amended Ord. 19-2023, Ord 14-2024))

Chapter 17.48
Board Of Adjustment

Sections:

17.48.010 Membership. The board shall consist of five(5) members appointed by the City Council.

17.48.020 Vacancies. Vacancies on the Board shall be filled by appointment of the City Council.

17.48.030 Removal. Board members may be removed for cause by the City Council upon written charges and after a public hearing.

17.48.040 Compensation. All members of the commission shall serve without compensation except their actual expenses, which shall be subject to the approval of the City Council.

17.48.050 General Board Procedures.

A. Meetings. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in the chairperson's absence, the acting chairperson may administer oaths and compel the attendance of witnesses. All meetings of the board 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 immediately filed in the office of the board and shall be a public record. The board may in addition adopt general rules of procedure consistent with the provisions of this title. The presence of three members shall be necessary to constitute a quorum.

B. Vote of Board. The concurring vote of three(3) members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in such title, or to adopt, repeal, or amend any rule of procedure adopted pursuant to this chapter.

17.48.060 General Powers. The board shall have the following powers:

A. Appeals from Administrative Official. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any ordinance adopted pursuant to Iowa Code chapter 414, as such may be amended from time to time.

B. Conditional Uses. To hear and decide applications for conditional use permits upon which such board is required to pass under the provisions of this title.

C. Variances. To authorize upon appeal in specific cases such variance from the bulk regulation provisions of this title, parking and sign requirements of this title as will not be contrary to the public interest, where owing to special conditions literal enforcement of these provisions will result in unnecessary hardship, and so that the spirit of these provisions shall be observed and substantial justice done.

D. Special Exceptions. To hear and decide applications for special exceptions to the terms of this title, in accordance with the general regulations of the zone in which the property is located and specific standards contained herein.

17.48.070 Appeal from Administrative Official.

A. Authorization. Appeals may be made by any person aggrieved or any municipal officer, department, board or bureau affected by any order, requirement, decision, or determination made by an administrative official in the enforcement of this title.

B. Appeal Procedure. Appeals may only be filed within thirty (30) days immediately following the date of the administrative action which is the subject of appeal. An appeal is filed by delivering to the administrative office involved and to the board a completed notice of appeal, together with the required fee. Official notice of appeal forms shall be available without cost from the Zoning Administrator. The notice of appeal must, in addition to all other information required by the form, specify the particular grounds for the appeal. The officer from whom the appeal is taken shall forthwith transmit to the board all documents constituting the record upon which action appealed from was taken.

C. Effect of Appeal. An appeal stays all proceedings in accordance with Iowa Code section 414.11.

D. Board Decision of Appeal. In exercising its power of appeal, the board may, in conformity with the provisions of this title, 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 be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

17.48.080 Conditional Use Permit Procedure. The Board of Adjustments shall hear and decide applications for conditional use permits which such board is required to pass under the provisions of this title.

A. Generally. The zoning board of adjustments may allow as conditional uses only those uses classified as conditional uses in this title. No conditional use shall be allowed in a particular district unless such use is specifically permitted as a conditional use in the regulations for that district and the board shall not act upon any conditional use permit applications unless and until the requirements for each conditional use within the specific district in which it is located have been met.

B. Application.

1. Any person may file an application to use property for one of the conditional uses permitted in the district in which the property is located. All applications for a conditional use permit shall be made upon the official form for such applications which shall be available from the Zoning Administrator.

2. Review of the application for a conditional use permit may be obtained by delivering the completed application form to the Zoning Administrator together with payment of the required fee of $50.00

3. The board may require the applicant for a conditional use permit to supply any further information beyond that contained in the application where it reasonably considers such information necessary to make the determinations required by this chapter.

C. Notice and Meeting Requirements. Following receipt of the completed application form the board shall, with due diligence, hold a public meeting to consider the application for a conditional use permit. Notice of the time and place of the public hearing shall be published in the newspaper of general circulation at least seven (7) days and not more than twenty (20) days prior to such hearing. The board shall direct and require verification that notice of the time and place of the meeting has been sent by first class mail to all owners of property within two hundred feet (200') of the property at which the conditional use permit is sought. At the public meeting, all interested parties shall be afforded a reasonable opportunity to appear and express their views on the application, either in person or by agent. A record of such meeting shall be entered into the minutes of the board.

17.48.090 Standards for Granting Conditional Use Permit.

No conditional use permit shall be granted unless the board determines on the basis of specific information presented at the public meeting or contained in the application for such use that each of the following conditions has been satisfied:

A. The proposed conditional use will comply with all applicable regulations of this title, including lot requirements, bulk regulations, use limitations, and all other standards or conditions contained in the provisions authorizing such use.

B. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided.

C. Adequate access roads or entrances and exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.

D. The use shall not commence until applicant has provided written evidence that all necessary permits and licenses required for the operation of the conditional use have been obtained.

E. All exterior lighting fixtures are shaded wherever necessary to avoid casting direct light upon any property located in a residential district.

F. The location and size of the conditional use, the nature and intensity of the activities to be involved or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to the conditional use, shall be such that it will be in harmony with the appropriate and orderly development of the district and neighborhood in which it is located.

G. The location, nature and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures.

H. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public.

17.48.100 Conditions and Restrictions on a Conditional Use Permit.

A. Imposition Of Conditions And Restrictions. In granting a conditional use permit, the board may impose any conditions or restrictions it reasonably considers necessary to ensure full compliance with the standards of section 17.48.090 of this chapter to reduce or eliminate any detrimental effect of the proposed conditional use permit upon the neighborhood or the district, or to carry out the general purposes and intent of this title.

B. Modification Of Conditions And Restrictions. Any subsequent change or modification of a condition or restriction imposed by the zoning board of adjustment in granting a conditional use permit must be approved in the same manner and with the same requirements as the original application for a conditional use permit.

C. Violation Of Conditions And Restrictions. A violation of such conditions and restrictions, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this title.

17.48.110 Decision and Records.

The board shall render a written decision on an application for a conditional use permit after the close of the meeting. The decision of the board shall contain specific findings of fact supporting the granting or denial of the conditional use permit and shall clearly set forth any conditions or restrictions imposed. The board shall maintain the record of all actions with respect to applications for conditional use permits and shall notify the city council of their decisions on each application.

Period of Validity: Expiration

A. No conditional use permit granted by the board shall be valid for a period longer than two (2) years from the date on which the board grants the permit, unless within such two (2) year period:

1. A building permit is obtained and the erection or alteration of a structure is started, or

B. The board may grant a maximum of one extension not exceeding six (6) months, upon written application, without notice of hearing.

17.48.120 Conditional Use Requirements.

Parking Regulations. Minimum parking requirements, where applicable, for conditional use permit uses shall be regulated in conformance with the provisions of Chapter 17.40 unless otherwise provided by the Board of Adjustment.

List of Conditional Uses:

A Conditional Use, if listed, may be allowed in the R-1, R-2, and R-3 districts in accordance in accordance with Conditions established by the Board of Adjustment.

17.48.130 Special Exceptions:

A. Special Exceptions: the board of adjustment shall have the power to grant a special exception in the following instances:

1. Any person owning property used solely for residential purposes may apply for a special exception from the literal enforcement of the bulk regulation requirements for the property or structure involved.

2. To determine the district in which a commercial venture or industry should be located where such commercial venture or industry is not specifically mentioned in this title. Such classification shall be based upon comparison with other similar uses specifically mentioned, and on an evaluation of its operation and effect upon uses within the surrounding district or districts.

B. All applications for a special exception shall be made on the official form for such applications which shall be available from the Zoning Administrator. The applicant shall be required to supply all pertinent items of information contained on the official application form as a condition to review of such application. Review of the application for a special exception may be obtained by delivering the completed application form to the City Clerk together with payment of the required fee. Upon receipt of the completed forms and the required fee of $50.00, the City Clerk shall forthwith transmit a copy of the completed form to the board, retaining the original form as part of the board's permanent records. Prior to its review, the board may require the applicant for a special exception to supply any further information beyond that contained in the application form where it reasonably considers such information necessary to make the determination.

C. Notice and Meeting Requirements: Following receipt of a completed application the board shall, with due diligence, consider such application at a public meeting. The board shall direct and require verification that the applicant, or

their agent has sent notice of the time and place of the meeting by first class mail to all owners of property abutting the property for which the special exception is sought, including property directly across the street. At the public meeting, all interested parties shall be afforded a reasonable opportunity to appear and express their views on the application, either in person or by agent. A record of such meeting shall be entered into the minutes of the board.

D. Requirements for Granting Special Exception: The board shall grant a special exception when the applicant has shown that the following standards have been met or are not applicable:

1. That the specific proposed exception will not be detrimental to or endanger public health, safety, comfort or general welfare.

2. That the specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.

3. That establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zone in which such property is located.

4. That adequate utilities, access roads, drainage and other necessary facilities are being provided.

5. That, except for the specific exception being proposed, any structure shall in all other respects conform to the applicable regulations or standards of the zone in which it is to be located.

E. Conditions and Restrictions Attached to Granting Special Exception: In granting a special exception, the board may impose any conditions or restrictions it reasonably considers necessary to ensure full compliance with the standards of this title, to reduce or eliminate any detrimental effect of the proposed special exception on the neighborhood or the public welfare, or to carry out the general purpose and intent of this title. Violation of such conditions and restrictions, when made a part of the terms under which a special exception is granted, shall be deemed a violation of this title.

F. Decisions and Records. The board shall render a written decision on an application for a special exception after the close of the public meeting. The decision of the board shall contain specific findings of fact supporting the granting or denial of the special exception and shall clearly set forth any conditions or restrictions imposed pursuant to this title. The board shall maintain complete records of all action with respect to applications for a special exception.

G. Appeal from Board Decision: Appeals from action or decision of the board shall be made in the manner provided by state law.

17.48.140 Variance Procedure:

A. Application

1. Any person owning property may apply for a variance from the literal enforcement of the bulk regulation provisions including parking and sign requirements of this title for the property or structure involved. All applications for a variance shall be made on the official form for such applications which shall be available from the Zoning Administrator.

2. Review of the application for a variance may be obtained by delivering the completed application form to the planning services department together with payment of the required fee of $50.00

3. Prior to its review, the board may require the applicant for a variance to supply any further information beyond that contained in the application where it reasonably considers such information necessary to make the determination.

B. Notice and Meeting Requirements. Following receipt of a completed application the board shall, with due diligence, consider such application at a public meeting. Notice of the time and place of the public hearing shall be published in the newspaper of general circulation at least seven (7) days and not more than twenty (20) days prior to such hearing. The board shall direct and require verification that notice of the time and place of the meeting has been sent by first class mail to all owners of the property within two hundred feet (200') of the property for which the variance is sought. At the public meeting, all interested parties shall be afforded a reasonable opportunity to appear and express their views on the application, either in person or by agent. A record of such meeting shall be entered into the minutes of the board.

C. Requirements for Granting of Variance. The board shall grant a variance only under exceptional circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions ought to be granted. No variance shall be granted unless the applicant shall show and the board shall find that:

1. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage, which disadvantage does not apply to other properties in the vicinity; and

2. Because if this disadvantage, the owner is unable to make reasonable use of the affected property; and

3. This disadvantage does not exist because of conditions created by the owner or previous owners of the property; and

4. Granting the variance requested will not confer on the applicant any special privilege that is denied to other lands, structures, or buildings in the same district; and

5. Granting of the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the intent and purpose of the provision waived.

6. In passing a variance, the board shall not consider prospective financial loss or gain to the applicant.

D. Conditions and Restrictions Attached to Granting of Variance. In granting the variance, the board may impose any conditions or restrictions it reasonably considers to ensure full compliance with the intent and regulations of the provision waived, to reduce or eliminate any detrimental effect of the proposed variance upon the neighborhood or the public welfare, or to carry out the general purposes and intent of the provision waived. Violation of such conditions and restrictions, when made part of the terms under which a variance is granted, shall be deemed a violation of this title.

E. Decisions and Records. The board shall render a written decision on an application for a variance after the close of the meeting. The decision of the board shall contain specific findings of fact supporting the granting or denial of the variance and shall clearly set forth any conditions or restrictions imposed. The board shall maintain complete records of all action with respect to applications for a variance.

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Chapter 17.52
Planning and Zoning Commission

Sections:

17.52.010 Commission Established. Under and by virtue of the authority conferred by the Code of Iowa, a city planning and zoning commission is created and established.

17.52.020 Membership -- Appointment. A city planning and zoning commission, consisting of seven members, who shall be citizens of Epworth and qualified by knowledge or experience to act in matters pertaining to the development of a city plan and who shall not hold any elective office in the municipal government, shall be appointed by the Mayor, subject to the approval of the City Council.

17.52.040 Vacancy Filling. If any vacancy exists on said commission caused by resignation or otherwise, the mayor shall appoint a successor, subject to the approval of the city council.

17.52.050 Compensation. All members of the commission shall serve without compensation except their actual expenses, which shall be subject to the approval of the city council.

17.52.060 Powers and Duties -- Generally. The powers and duties of the commission shall be as follows:

A. The City planning and zoning commission shall choose annually at its first regular meeting one of its members to act as chairman of this commission and another as vice-chairman, who shall perform all duties of the chairman during his absence or disability.

B. The commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

C. The commission shall each year make a report to the Mayor and City Council of its proceedings.

D. It shall have full power and authority to make or cause to be made such surveys, studies, maps, plans or charts of the whole or any portion of such municipality or of any land outside thereof, which in the opinion of the commission bears relation to a comprehensive plan and shall bring to the attention of the Council and may publish its studies and recommendations.

E. All plans, plats, or replats of subdivision or re-subdivisions of land embraced in said

municipality or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in such municipality, shall first be submitted to the City planning and zoning commission and its recommendations obtained before approval by the City Council.

17.52.070 Powers and Duties -- Comprehensive Plan.

A. For the purpose of making a comprehensive plan for the physical development of the municipality, the City planning and zoning commission shall make careful and comprehensive studies of present conditions and future growth of the municipality and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.

B. Before adopting a comprehensive plan as referred to in subsection A of this section, or any part of it, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the City not less than ten nor more than twenty days before the date of hearing. The adoption of the plan or part or amendment thereof shall be by resolution of the commission carried by the affirmative vote of not less than two-thirds of the members of the commission. After adoption of said plan by the commission, an attested copy thereof shall be certified to the City Council and the council may approve the same, and when said plan or any modification or amendment thereof shall receive the approval of the Council, the said plan until subsequently modified or amended as hereinbefore authorized shall constitute the official city plan.

17.52.080 Comprehensive Plan -- Amendment. When such comprehensive plan as herein provided has been adopted, no substantial amendment of modification thereof shall be made without such proposed change first being referred to the City planning and zoning commission for its recommendations. If this commission disapproves the proposed change it may be adopted by the City Council only by the affirmative vote of at least three-fourths of the members of the said City Council.

17.52.090 Appropriation for Expenses. The City Council may annually appropriate a sum of money from the general fund for the payment of the expenses of the City planning and zoning commission.

Chapter 17.56
Zoning Permits

Sections:

17.56.010 Permit Required. No land shall be occupied or used, and no building hereafter shall be erected or structurally altered in whole or in part for any for any purpose whatsoever, until a certificate is issued by the zoning administrative officer, stating the building and use comply with the provisions of this title and other building health ordinances of the City. No change of use shall be made in any building, or part thereof now or hereafter erected, or structurally altered, without a permit being issued therefore by the zoning administrative officer. No permit shall be issued to make a change unless the changes are in conformity with the provisions of the title.

17.56.020 Continuance of Nonconforming Use Permitted -- Exception -- Record of Certificates. Nothing in this chapter shall prevent the continuance of a nonconforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property. Zoning permits shall be applied for before the beginning of construction, and shall be issued within ten days after the lawful erection, or alteration of the building is completed. A record of all certificates shall be kept on file in the office of the zoning administrative officer, and copies shall be furnished upon request to any person having a proprietary, or tenancy interest in the building affected. Permits for a house or commercial construction shall be $25. All other permits shall be $10.

17.56.030 Excavation or Building Permit -- Zoning Permit Application Required for Issuance. No permit for excavation or the erection or alteration of any building shall be issued before the application has been made for a zoning permit, and no building or premises shall be occupied until this permit is issued.

17.56.040 Plat Required -- Contents. Each Application for a zoning permit shall be accompanied by a plat drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this title. The record of applications and plats shall be kept at the office of City Clerk.

17.56.050 Permits -- Timely Filing -- Penalty. Permits filed after construction or alteration of a structure shall be accompanied by a penalty fee of $25.00.

17.56.060 Building Permits – Expiration. Every permit issued shall be come invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be

requested in writing and justifiable cause demonstrated. All building permits expire one year from date of issuance.

Chapter 17.60
Amendments

Sections:

17.60.010 City Council Authority. The City Council may from time to time, on its own motion or on petition, amend, supplement, change, modify or repeal by ordinance the boundaries of districts or regulations, or restrictions herein established. Any proposed amendment, supplement, change, modification or repeal shall be filed with the City Clerk. The City Council shall refer the proposed amendment, supplement, change, modification or repeal to the City planning and zoning commission for its recommendations and report. Such proposed amendment, supplement, modification or change shall clearly describe the property and its boundaries as to which the amendment, supplement, modification or change is desired with the ownership of the property and its boundaries attested by the County Recorder of Dubuque County, Iowa. The proposed amendments, supplement, modification or change shall be duly signed by the owners of fifty percent of the area of all real estate included within the boundaries of said petition and in addition, duly signed by the owners of fifty percent of the area of all real estate lying outside of said tract, but within two hundred fifty feet of the boundaries thereof, If the City planning and zoning commission makes no report within thirty days it shall be considered to have made a report approving the proposed amendment, supplement, modification or change. After the recommendations and the report of the City planning and zoning commission have been filed, the City Council shall before enacting any proposed amendment, supplement, change, modification, or repeal, hold a public hearing in relation thereto, giving at least seven days but no more than twenty days notice of the time and place of such hearing, which notice shall first be published in a newspaper having a general circulation in the City.

17.60.018 Conditions. A Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change.

17.60.020 Three fourths Vote Required When. If the City planning and zoning commission recommends against, or if a protest against such proposed amendment, supplement, change, modification or repeal shall be presented in writing to the City Clerk, and signed by the owners of twenty percent or more of the area included in the proposed change or repeal, or by the owners of twenty percent or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three fourths of all members of the Council. The protest must be filed before or at the public hearing. When a petition for an amendment, supplement, modification or change of the zoning regulations herein contained shall be denied by the City Council, then no new petition covering the same property, or the same property and additional property, shall be filed with, or considered by the City Council until one year shall have elapsed from the date of the filing of the first petition.

17.60.030 Fee Designated. Before any action shall be taken as provided in this chapter, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the City Treasurer the sum of twenty-five dollars to cover the approximate cost of this procedure and under no condition shall said sum, or any part thereof, be refunded for failure of said change to be adopted by the City Council.

Chapter 17.64
Penalty

Sections:

17.64.010 Enforcement Authority. The zoning administrative officer is designated and ordered to enforce this title.

17.64.020 Violation -- Preventive Proceedings. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this title, the zoning administrative officer, in addition to other remedies, shall institute any proper action or proceedings in the name of the City to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct of business, or use in or about said premises.