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**ZONING ORDINANCE**

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**FINAL PLANNING REPORT**

for  
City of Boone, Iowa

March, 1962

Prepared under contract for and financed in part  
by the Iowa Development Commission under the  
provisions of Chapter 280, Laws of the 58th General  
Assembly of Iowa, as amended.

By: Anderson Engineering Company  
City and County Planning and Zoning,  
Civil Engineering, Site Planning and  
Land Subdivision Planning.  
Des Moines, Iowa

March, 1962

Urban Planning Grant Project No. Iowa P-1  
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Home Finance Agency, under the provisions of Section  
701 of the Housing Act of 1954, as amended.

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Des Moines, Iowa

CITY OF BOONE, IOWA

CITY COUNCIL

1962

Shelley M. Lee - Mayor  
Floyd A. Hutchinson  
Lester M. Carlson  
Russell W. Sandy

George M. Otto  
Henry L. Wallace  
Basal C. Gorey  
Herbert L. Peterson

1961

Earl R. Senholz - Mayor  
Lee J. Caffrey Jr.  
Floyd A. Hutchinson  
Paul H. Coyner

William G. Heitkamp  
Basal C. Gorey  
Herbert L. Peterson  
Wesley Myers

CITY PLANNING COMMISSION

Roland L. Jons - Chairman

Jack L. Mickle - Secretary  
Joe W. Bohlen  
Roger L. Smith

Roger B. Clymer  
Mary Garvey  
Ralph W. Tibbils

March, 1962

Prepared by

Anderson Engineering Company  
Planning Consultants, Des Moines, Iowa

Donald A. Anderson - Consultant  
Max W. Krumrey - Chief Planner  
William R. Fudge - Assistant Planner

Sidney J. Dillon - Geographer  
Kay K. Koebrick - Analyst  
Bernice Peterson - Typist

ZONING ORDINANCE  
CITY OF BOONE, IOWA

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AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF BOONE, IOWA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 414, THE CODE OF IOWA, AS AMENDED, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREOF.

WHEREAS Chapter 414, The Code of Iowa, as amended, requires the City of Boone to enact a zoning ordinance, to provide for the administration, enforcement, and amendment thereof;

WHEREAS the City Council, in its capacity, for the purpose of promoting the health, safety, morals, and general welfare of the City of Boone is empowered to ordain, and

WHEREAS the City Council, pursuant to the provisions of Chapter 414, The Code of Iowa as amended, has appointed a Zoning Commission to recommend the location of the various original districts and appropriate regulations to be adopted therein; and

WHEREAS the Zoning Commission has advised the City Council that it has prepared regulations pertaining to each district as recommended with a zoning plan designed to lessen congestion in the streets; to conserve energy, safety, health, and other dangers; to promote health and the general welfare of the community; to protect the environment; to protect the overcrowding of land; to facilitate the orderly development of population; to facilitate the adequate provision of transportation, water sewage, schools, parks, and other public requirements;

WHEREAS the Zoning Commission has given reasonable consideration, among other things, to the character of the districts and their location, suitability for particular uses, with a view to conserving the value of buildings and securing the most appropriate use of land throughout the municipality; and

WHEREAS the Zoning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the City Council; and

WHEREAS the City Council has given the public notice of said regulations, zoning districts, regulations, and restrictions, and has held public hearings, and

PROPOSED ZONING ORDINANCE

CITY OF BOONE, IOWA

SECTION 1 - PREAMBLE

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF BOONE, IOWA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 414, 1958 CODE OF IOWA, AS AMENDED, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS Chapter 414, the 1958 Code of Iowa as amended, empowers the City of Boone to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS the City Council deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City of Boone to enact such an ordinance, and

WHEREAS the City Council, pursuant to the provisions of Chapter 414, 1958 Code of Iowa as amended, has appointed a Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS the Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements, and

WHEREAS the Zoning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS the Zoning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the City Council, and

WHEREAS the City Council has given due public notice of hearings related to zoning districts, regulations, and restrictions, and has held such public hearings, and

WHEREAS all requirements of Chapter 414, 1958 Code of Iowa as amended, with regard to the preparation of the report of the Zoning Commission and the subsequent action of the City Council have been met;

NOW THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BOONE, IOWA:

## SECTION 2 - INTERPRETATION OF STANDARDS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this ordinance 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 Ordinance shall control.

## SECTION 3 - DEFINITIONS

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

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

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

The word shall is mandatory, the word may is permissive.

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

The word lot includes the words plot or parcel.

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

Alley. A public way, other than a street, twenty (20) feet or less in width, affording secondary means of access to abutting property.

Apartment. A room or suite of rooms in a multiple dwelling intended or designed for use as a residence by a single family.

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

Billboard "Billboard" as used in this Ordinance shall include all structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

Board. The Board of Adjustment.

Boarding Houses. A building other than a hotel, where for compensation, meals and lodging are provided for four (4) or more persons.

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards.

Building, Height of. The vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs. On a corner lot, the height is the mean vertical distance from the average natural grade at the building line, from the higher of the two (2) grades.

Bulk Stations. Distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.

Cellar. That portion of a building having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

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

Dwelling. Any building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or trailer coach.

Dwelling, Single-family. A building designed for or occupied exclusively for residence purposes by one family.

Dwelling, Two-family. (duplex) A building designed for or occupied exclusively by two families with separate housekeeping and cooking facilities for each.

Dwelling, Multiple. A building or portion thereof designed for or occupied by more than two families with separate housekeeping and cooking facilities for each.

Family. One or more persons occupying a single house-keeping unit and using common cooking facilities.

Frontage. All the property on one side of a street between two intersection streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

Garage, Private. An accessory building, or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building, except that a one or two car capacity garage may be rented for the private vehicles of persons not residents on the premises.

Garage, Public. Any building or premises, other than a private garage, used for equipping, refueling, servicing, repairing, hiring, selling or storing motor-driven vehicles.

Grade. The average elevation of the finished ground at the exterior walls of the main building

Hotel. A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house or lodging house.

Junk Yard. Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including automobile, tractor, machinery wrecking and used parts-yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.

Lodging House. A building where lodging, only, is provided for compensation for four (4) or more persons.

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

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

Lot Measurement

- a. Depth - the mean horizontal distance between the front and rear lot lines.
- b. Width - the width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard.

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

Lot Types. Plate 1 illustrates terminology used in this Ordinance with reference to "corner" lots, "interior" lots, "reversed corner" lots and "double frontage" lots.

In Plate 1:

"Corner" lot: a lot located at the intersection of two or more streets.

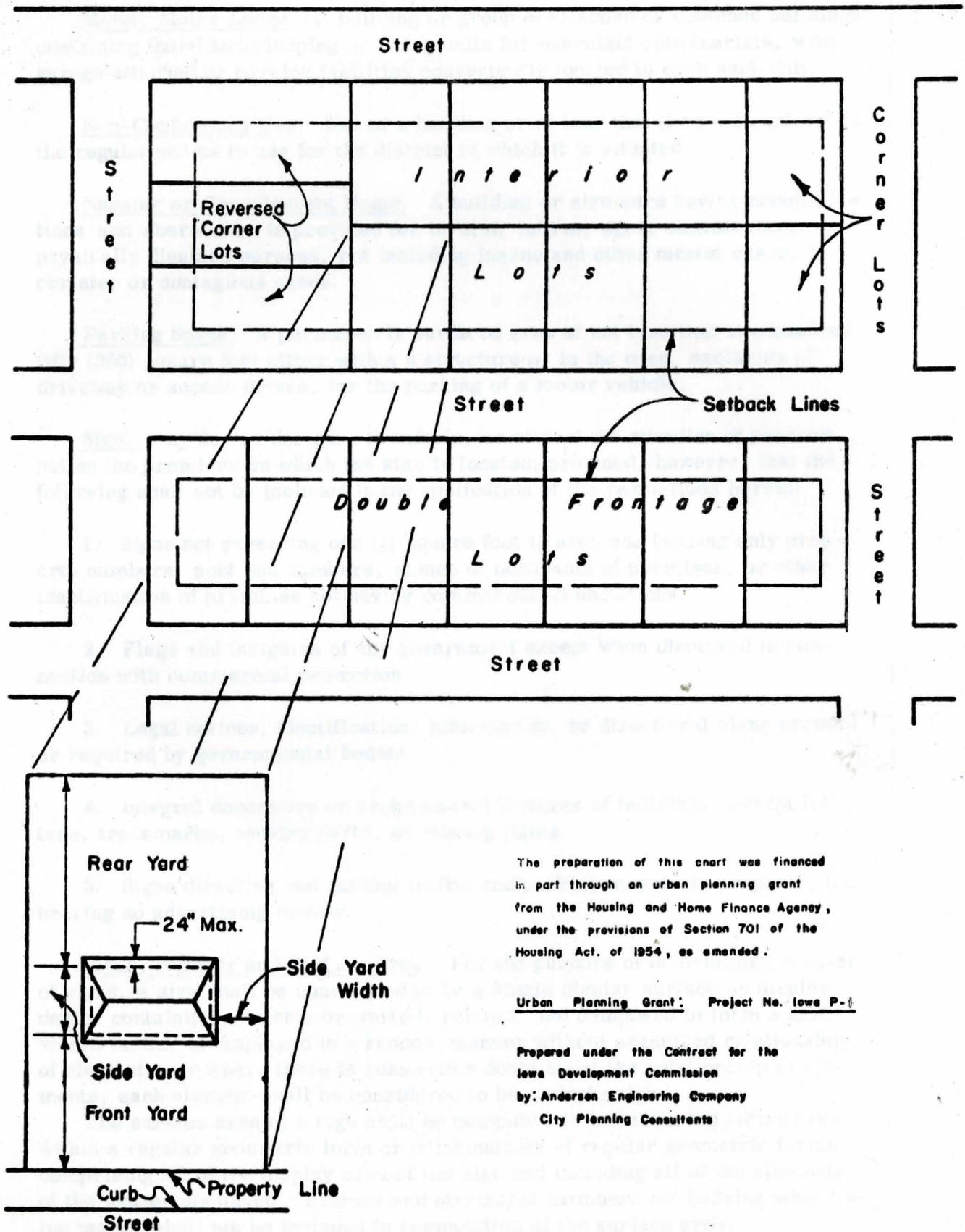
"Interior" lot: a lot other than a corner lot with only one frontage on a street other than an alley.

"Double frontage" lot: a lot other than a corner lot with frontage on more than one street other than an alley. Lots with frontage on two non-intersecting streets may be referred to as "through" lots.

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

Mobile Home. Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "mobile home" shall include camp car and house car.

Mobile Home Park. Any lot or portion of a lot upon which two or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accomodation.



The preparation of this chart was financed in part through an urban planning grant from the Housing and Home Finance Agency, under the provisions of Section 701 of the Housing Act of 1954, as amended.

Urban Planning Grant: Project No. Iowa P-1

Prepared under the Contract for the Iowa Development Commission  
 by: Anderson Engineering Company  
 City Planning Consultants

LOT TYPES AND YARD AREAS—PLATE I

Motel, Motor Lodge. A building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with garage attached or parking facilities conveniently located to each such unit.

Non-Conforming Use. Use of a building or of land that does not conform to the regulations as to use for the district in which it is situated.

Nursing or Convalescent Home. A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons, not including insane and other mental cases, inebriate, or contagious cases.

Parking Space. A permanently surfaced area of not less than two hundred fifty (250) square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.

Sign. Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
2. Flags and insignias of any government except when displayed in connection with commercial promotion.
3. Legal notices; identification, information, or directional signs erected or required by governmental bodies.
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Signs, Number and Surface Area. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area.

Sign, On-Site. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Sign, Off-Site. A sign other than an on-site sign. (See also: Billboard)

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

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

Street. A public or private thoroughfare which affords the principal means of access to abutting property.

Street Line. A dividing line between a lot, tract, or parcel of land and a contiguous street.

Structural Alterations. Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, billboards, and poster panels.

Tourist Home. A residential building in which rooms are available for rental purposes as over-night sleeping accommodations primarily for automobile travelers.

Yard. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. Fences and walls are permitted in any yard, subject to height limitations as indicated herein.

Yard, Front. A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. The narrow frontage on a corner lot.

Yard, Rear. A yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as adjoining the street upon which the lot has its greater dimension. On both corner lots and interior lots the opposite end of the lot from the front yard.

Yard, Side. A yard extending from the front yard to the rear yard and measured between the side lot lines and the building.

SECTION 4 - ESTABLISHMENT OF DISTRICTS: PROVISION FOR OFFICIAL ZONING MAP

For the purpose of this Ordinance, the following seven classes of districts are hereby established within the City of Boone as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

- R-1 Single Family Residence District
- R-2 One and Two Family Residence District
- R-3 Multi-Family Residence District
- C-1 Commercial District
- C-2 Commercial District
- M-1 Light Industrial District
- M-2 Heavy Industrial District

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 4 of Ordinance Number \_\_\_\_\_ of the City of Boone, Iowa, adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1962.

If, in accordance with the provisions of this Ordinance and Chapter 414, 1958 Code of Iowa as amended, changes are made in district boundaries or other matter portrayed in the Official Zoning Map, copies of such changes shall be filed with the Official Zoning Map promptly after the amendment has been approved by the City Council.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, together with amending ordinances, shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the City.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of use, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of may being replaced) as part of Ordinance No. \_\_\_\_\_ of the City of Boone, Iowa."

#### SECTION 5 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

In cases where the exact location of a district boundary is unclear as shown on the Official Zoning Map, the following rules shall be used in determining the location of said district boundary.

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Board of Adjustment shall interpret the district boundaries.

## SECTION 6 - APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered:

1. to exceed the height;
2. to accommodate or house a greater number of families;
3. to occupy a greater percentage of lot area;
4. to have narrower or smaller rear yards, front yards, side yards, or other open spaces;

than herein required; or in any other manner contrary to the provisions of this Ordinance.

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

D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

## SECTION 7 - NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, AND NON-CONFORMING USES OF STRUCTURES AND PREMISES

A. Intent. Within the districts established by this Ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment.

It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further

the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

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

B. Non-Conforming Lots of Record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.

C. Non-Conforming Uses of Land. Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued subject to the following provisions:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

2. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

3. If any such non-conforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

D. Non-Conforming Use of Structures. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use of the same or of a more restricted classification.

4. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for two (2) years, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

5. Any non-conforming building or structure damaged more than sixty (60) percent of its then fair market value, exclusive of the foundations, at the time of damage by fire, flood, explosion, war, riot or Act of God, shall not be restored or reconstructed and used as before such happening; but if less than sixty (60) percent damaged above the foundation, it may be restored, reconstructed or used as before provided that it be done within six (6) months of such happening, and be built of like or similar materials.

E. Repairs and Maintenance. On any building devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

F. Uses Under "Exceptions to Prohibited Uses." Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district. (Section 16)

G. Registration of Non-Conforming Uses. See Section 18, Paragraph 4.

## SECTION 8 - GENERAL REGULATIONS

A. Visibility at Intersections in Residential Districts. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half (2-1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of intersection of right-of-way lines.

B. Fences, Walls, and Hedges. Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard; provided that no fence, wall or hedge along the side or front edge of any front yard shall be over four (4) feet in height.

C. Street Frontage Required. No lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least forty (40) feet on at least one street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to a street; and there shall be not more than one (1) single-family dwelling for such frontage or easement.

D. Accessory Buildings. 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 distant at least two (2) feet from alley lines, and from lot lines of adjoining lots which are in any "R" district, and on a corner lot they shall conform to the set-back regulations on the side street. Accessory buildings, except buildings housing animals or fowl, may be erected as a part of the principal building, or may be connected thereto by a breeze-way or similar structure; provided all yard requirements for a principal building are complied with. An accessory building which is not a part of the main building shall not occupy more than thirty (30) percent of the rear yard and shall not exceed twelve (12) feet in height; however, this regulation shall not be interpreted to prohibit the construction of a four hundred forty (440) square foot garage on a minimum rear yard.

No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.

E. Corner Lots. For corner lots platted after the effective date of this Ordinance, the street side yard shall be equal in width to the set-back regulation of the lots to the rear having frontage on the intersecting street.

On corner lots platted and of record at the time of the effective date of this Ordinance, the side yard regulation shall apply to the longer street side of the lot except in the case of reverse frontage where the corner lot faces an intersection street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than fifty (50) percent of the set-back required on the lots to the rear of such corner lot, and no accessory building on said corner lot shall project beyond the set-back line of the lots in the rear; provided further that this regulation shall not be interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record or as shown by existing contract of purchase at the time of the effective date of this Ordinance, to less than twentieth-eight (28) feet nor to prohibit the erection of an accessory building.

F. Building Lines on Approved Plats. Whenever the plat of a land subdivision approved by the Planning Commission and on record in the office of the County Recorder shows a building line along any frontage for the purpose of

creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this Ordinance unless specific yard requirements in this Ordinance require a greater setback.

## SECTION 9 - R-1 SINGLE FAMILY RESIDENCE DISTRICT - REGULATIONS

In R-1 Districts the following regulations shall apply, except as otherwise provided herein:

### A. USES PERMITTED

1. One-family dwellings.
2. Churches and accessory buildings.
3. Museums, libraries, parks, playgrounds, community centers, and similar uses operated by the City of Boone.
4. Golf courses, country clubs, tennis courts, and similar recreational uses, provided that any such use be not operated primarily for commercial gain.
5. Agriculture; crop and tree farming; truck gardening.
6. Plant nurseries and green houses not involving retail or wholesale sales on the premises.
7. Private swimming pools when enclosed with a non-climbable fence at least four (4) feet in height.
8. Public schools.
9. Private schools, nursery schools, child nurseries.
10. See Section I for Special Uses.

### B. ACCESSORY USES

1. Signs, On-Site. One (1) only sign not exceeding thirty-six (36) square feet in area, appertaining only to the lease, hire or sale of the building or premises on which such sign is located, and one (1) only nameplate, appurtenant to a home occupation or a permitted use, not exceeding one (1) square foot in area, provided that no such sign or nameplate shall be permitted in a front yard or nearer to a street than twenty-five (25) feet where there is no building; provided further, that no such sign or nameplate shall emit any flickering, flashing, or glaring light. Also, outdoor bulletin boards for churches and schools.

2. Private garage which may include living quarters of domestic servants employed on the premises. Servants' quarters shall not be restricted to the twelve (12) foot minimum height regulations.

3. Customary home occupations; provided that such occupations shall be conducted solely by resident occupants in their place of abode and provided that not more than one-half (1/2) the area of one (1) floor shall be used for such purpose; provided further, that such occupations shall not require external or internal alterations or the use of mechanical equipment not customary in dwellings.

C. BUILDING HEIGHT LIMIT. Two and one-half (2 1/2) stories, but not exceeding thirty-five (35) feet in height and no accessory structure shall exceed one (1) story or twelve (12) feet in height.

D. MINIMUM LOT AREA. Eleven thousand (11,000) square feet for each dwelling together with its accessory buildings; however, where public sewer and water facilities are not available, not less than twenty thousand (20,000) square feet. If public water only is available, not less than eleven thousand (11,000) square feet.

E. MINIMUM LOT WIDTH. Seventy-five (75) feet. Where public sewer and water facilities are not available, one hundred (100) feet. If public water only is available, seventy-five (75) feet.

F. MINIMUM FRONT YARD DEPTH. Thirty-five (35) feet. When fronting on the right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan, the front yard shall be measured from the proposed right-of-way line.

G. MINIMUM SIDE YARD WIDTH. (EACH SIDE) Nine (9) feet for a single family dwelling and fifteen (15) feet for any other principal building. On lots of record under separate ownership from adjacent lots at the time of adoption of this Ordinance, one (1) side yard may be reduced to not less than five (5) feet. On a corner lot, only the interior side yard may be so reduced.

H. MINIMUM REAR YARD DEPTH. Thirty-five (35) feet for a dwelling and forty-five (45) feet for any other building.

I. EXCEPTIONS. See Section 16.

J. OFF-STREET PARKING. See Section 17.

#### SECTION 10 - R-2 ONE AND TWO FAMILY RESIDENCE DISTRICT - REGULATIONS.

In R-2 Districts, the following regulations shall apply, except as otherwise provided herein:

A. USES PERMITTED

1. Uses permitted in R-1 Districts.
2. Two-family dwellings.
3. Alterations and conversions of single-family dwellings into two-family dwellings in accordance with the lot area, frontage and yard requirements as set forth in this section.
4. See Section 16 I for Special Uses.

B. ACCESSORY USES. Accessory uses as permitted and regulated in the R-1 District.

C. BUILDING HEIGHT LIMIT. Same as in R-1 District.

D. MINIMUM LOT AREA. Nine thousand (9,000) square feet for each single-family dwelling and eleven thousand (11,000) square feet for each two-family dwelling; however, where public sewer and water facilities are not available, not less than twenty thousand (20,000) square feet. If public water only is available, not less than ten thousand (10,000) square feet for a single family dwelling or eleven thousand (11,000) square feet for a two-family dwelling.

E. MINIMUM LOT WIDTH. Sixty-five (65) feet for a single-family dwelling and seventy (70) feet for a two-family dwelling. Where public sewer and water facilities are not available, one hundred (100) feet. If public water only is available, eighty (80) feet.

F. MINIMUM FRONT YARD DEPTH. Thirty (30) feet. When fronting on the right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan the front yard shall be measured from the proposed right-of-way line.

G. MINIMUM SIDE YARD WIDTH. (EACH SIDE) Eight (8) feet for a dwelling and fifteen (15) feet for any other building. On lots of record under separate ownership from adjacent lots at the time of adoption of this Ordinance, one (1) side yard may be reduced to not less than five (5) feet. On a corner lot, only the interior side yard may be so reduced.

H. MINIMUM REAR YARD DEPTH. Thirty-five (35) feet for a dwelling and forty-five (45) feet for any other building.

I. EXCEPTIONS. See Section 16.

J. OFF-STREET PARKING. See Section 17.

## SECTION 11 - R-3 MULTI-FAMILY RESIDENCE DISTRICT - REGULATIONS

In R-3 Districts the following regulations shall apply, except as otherwise provided herein:

### A. USES PERMITTED.

1. Uses permitted in R-2 Districts.
2. Multiple dwellings.
3. Private clubs, fraternities, sororities, lodges, except any which are intended primarily for the purpose of commercial gain.
4. Boarding and lodging houses, tourist homes.
5. Funeral Home.
6. Office of a Dentist or Physician.
7. Hospitals, clinics, nursing and convalescent homes, excepting animal hospitals and clinics.
8. Institutions of a religious, educational or philanthropic nature.
9. See Section 16, I for Special Uses.

### B. ACCESSORY USES.

1. Accessory uses permitted in the R-2 District.
2. Storage garages, where the lot is occupied by multiple dwelling, hospital, or institutional building.
3. Beauty parlor and barber shop when conducted as a home occupation solely by resident occupants in their place of abode and provided that not more than one quarter (1/4) of the area of one (1) floor shall be used for such purpose. An indirectly lighted sign of not over one (1) square foot in area and attached flat against the building shall be permitted.

C. BUILDING HEIGHT LIMIT. Three (3) stories, but not exceeding forty-five (45) feet in height. Greater height shall be permitted provided that for each two (2) foot of building height over forty-five (45) feet, an additional foot shall be added to each of the minimum yard widths specified in this section.

D. MINIMUM LOT AREA. Single Family Dwelling: Seven thousand two hundred (7,200) square feet. Two Family Dwelling: Eight thousand (8,000) square feet. Multi-Family Dwelling: Nine thousand (9,000) square feet; plus an additional two thousand (2,000) square feet for each unit over three (3). (See also Paragraph I below.)

E. MINIMUM LOT WIDTH. Single Family Dwelling: Sixty (60) feet. Two Family Dwelling: Sixty-five (65) feet. Multi-Family Dwelling: Seventy (70) feet. (See also Paragraph I below)

F. MINIMUM FRONT YARD DEPTH. Thirty (30) feet. When fronting on the right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan, the front yard shall be measured from the proposed right-of-way line.

G. MINIMUM SIDE YARD WIDTH (EACH SIDE) Single Family Dwelling: Seven (7) feet. Two Family Dwelling: Nine (9) feet. Multi-Family Dwelling: Eleven (11) feet. On lots of record under separate ownership from adjacent lots at the time of adoption of this Ordinance, one (1) side yard for a single family dwelling only may be reduced to not less than five (5) feet. On a corner lot, only the interior side yard may be so reduced.

H. MINIMUM REAR YARD DEPTH. Thirty-five (35) feet.

I. LOTS NOT SERVED BY SEWER AND WATER. Single Family and two family dwellings: Where neither public sewer nor public water is available, twenty thousand (20,000) square feet lot area and one hundred (100) feet lot width. Where public water only is available, ten thousand (10,000) square feet lot area and eighty (80) feet lot width. Multi-Family Dwelling: Where public sewer is not available, special consideration shall be given to determine lot area and width requirements on the basis of soil percolation tests.

J. EXCEPTIONS. See Section 16.

K. OFF-STREET PARKING. See Section 17.

## SECTION 12 - C-1 COMMERCIAL DISTRICT - REGULATIONS.

In C-1 Districts the following regulations shall apply, except as otherwise provided herein:

### A. USES PERMITTED.

1. Uses permitted in R-3 Districts.

2. Any local retail business or service establishment such as the following:

- Animal hospital, Veterinary clinic or kennel.
- Antique shop.
- Baby store.
- Bakery whose products are sold only at retail and only on the premises.
- Barber shop or beauty parlor.
- Bowling alleys.
- Candy shops whose products are sold only at retail and only on the premises.
- Clothes cleaning and laundry pickup.
- Collection office of public utility.
- Dairy store - retail.
- Dance and/or music studio.
- Drive-in eating and drinking establishments.
- Drug store.
- Filling station.
- Florist shop.
- Fruit and vegetable market.
- Furniture store.
- Garages, public.
- Golf driving range and miniature golf course.
- Gift shop.
- Grocery and delicatessen.
- Hardware store.
- Hobby shop.
- Hotel.
- Household appliances - sales and repair.
- Ice storage and distributing station of not more than five (5) ton capacity.
- Jewelry shop.
- Launderette.
- Paint and wallpaper store.
- Post-office substation.
- Radio and television - sales and repair.
- Real Estate office.
- Restaurant, cafe, and soda fountain.
- Shoe repair shop.
- Sporting goods.
- Tailor shop.
- Variety store.

3. Business or professional office and the like, supplying commodities or performing services.

4. See Section 16, I for Special Uses.

a. Signs, On-Site. Any exterior sign shall pertain only to a use conducted within the building and be integral or attached thereto. No sign, including a post sign, may project over any street line or extend more than six (6) feet over any building line whether fixed to the building or any other structure. In no case shall any sign project more than four (4) feet above the roof line or parapet wall and the total area of all signs pertaining to the business conducted in any building shall not exceed two (2) square feet in area for every foot occupied by the front of the building displaying such sign. Where the lot adjoins an "R" District, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" District; however, this does not apply to the side of the building which is opposite that side adjoining the "R" District.

b. One "post sign" on each street on which a business abuts; provided, however, that said "post sign" shall not have a surface area greater than fifty (50) square feet on any one side thereof and not more than two (2) sides of said "post sign" shall be used for advertising purposes. The bottom of said "post sign" or surface area thereof shall be not less than twelve (12) feet above the sidewalk or above the surface of the ground upon which it is erected. The term "post sign" as herein defined shall not be deemed to include any sign advertising the trade name, merchandise or service of any person, firm, or corporation who pays a consideration for the privilege of placing, maintaining, or using any portion of said sign to the owner or occupant of the premises upon which said sign is erected or placed. Said "post sign" shall not extend over street right-of-way lines nor otherwise obstruct or impair the safety of pedestrians or motorists.

C. BUILDING HEIGHT LIMIT. Two and one-half (2-1/2) stories, but not exceeding thirty-five (35) feet in height.

D. MINIMUM LOT AREA. For a dwelling and any building containing any dwelling units: same as in R-3 District. No requirement for any other building.

E. MINIMUM LOT WIDTH. For a dwelling and any building containing any dwelling units: same as in R-3 District. No requirement for any other building.

F. MINIMUM FRONT YARD DEPTH. Twenty-five (25) feet. When fronting on the right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan, the front yard shall be measured from the proposed right-of-way line.

G. MINIMUM SIDE YARD WIDTH. None required except as follows:

1. Side yards shall be required for a dwelling and any building containing any dwelling units as required in the R-3 District.

2. A side yard shall be required on that side of a lot which adjoins any R-1, R-2, or R-3 District which shall be no less than five (5) feet.

H. MINIMUM REAR YARD DEPTH. Thirty-five (35) feet. For each foot that the front yard is increased, over twenty-five (25) feet, the rear yard may be decreased proportionately.

I. EXCEPTIONS. See Section 16.

J. OFF-STREET PARKING AND LOADING. See Section 17.

### SECTION 13 - C-2 COMMERCIAL DISTRICT - REGULATIONS

This District is intended only as the Central Business District of the City of Boone and no property shall be zoned C-2 Commercial unless it lies adjacent to property zoned C-2 Commercial as a part of the Central Business District. Off-street parking and loading facilities and building setbacks are not required in this district to provide for intensive development of the land. Off-street parking facilities should be provided by the City or by private enterprise as a business.

In the C-2 District, the following uses and regulations shall apply, except as may be provided in other sections of this Ordinance:

A. PRINCIPAL PERMITTED USES.

1. Any use permitted in the C-1 Commercial District.
2. Any retail or wholesale business and service business including the following uses:

- Automobile body and fender repair shop.
- Bakeries.
- Ballrooms and dance halls.
- Bicycle and motorcycle shop - sales and repair.
- Billboards - Off-Site Signs.
- Billiard parlors and pool halls.
- Bookbinding.
- Commercial parking lots.
- Electric substations.
- Household equipment repair shops.
- Lawn mower repair shop.
- Office building.
- Plumbing shop.
- Monument sales and engraving.

Automobile, truck, farm machinery and mobile homes sales and repair.

Printing and/or publishing business.

Repair and storage garages.

Sign shop.

Storage warehouse.

Tire repair shops.

Taverns with Class "B" Beer Permit.

3. See Section 16, I for Special Uses.

B. ACCESSORY USES.

1. Accessory uses permitted in the C-1 District.

2. Accessory uses and structures customarily incidental to any permitted principal uses.

3. Any exterior or roof sign; provided such sign shall not project more than twelve (12) feet above the roof line.

C. BUILDING HEIGHT LIMIT. No building shall have a height greater than three (3) times the width of the street right-of-way on which it faces.

D. MINIMUM LOT AREA. Dwellings - same as R-3 District. Other uses - none.

E. MINIMUM LOT WIDTH. Dwellings - same as R-3 District. Other uses - none.

F. MINIMUM FRONT YARD DEPTH. Dwellings - same as R-3 District. Other uses - none required, unless fronting on the proposed right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan, in which case, the building setback shall be the proposed right-of-way line.

G. MINIMUM SIDE YARD WIDTH. Dwellings - same as R-3 District. Other uses - none required except adjacent to an "R" District, in which case, not less than fifteen (15) feet.

H. MINIMUM REAR YARD DEPTH. Dwellings - same as R-3 District. Other uses - none required.

I. OFF-STREET PARKING AND LOADING. None required.

J. EXCEPTIONS. See Section 16.

SECTION 14 - M-1 LIGHT INDUSTRIAL DISTRICT - REGULATIONS

In the M-1 District, the following regulations shall apply, except as otherwise provided herein:

A. PRINCIPAL PERMITTED USES.

1. Uses permitted in C-2 Districts; provided that no dwelling or dwelling unit is permitted except those for employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them.

2. Any of the following uses:

- Automobile assembly and major repair.
- Creamery, bottling, ice manufacturing and cold storage plant.
- Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals, and food products, except fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.
- Manufacturing, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork, fibre, leather, paper, plastics, metals, or stones, tobacco, wax, yarns, and wood.
- Manufacture of musical instruments, novelties and moulded rubber products.
- Manufacture or assembly of electrical appliances, instruments, and devices.
- Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
- Laboratories - experimental, film, or testing.
- Manufacture and repair of electric signs, advertising structures, light sheet metal products, including heating and ventilating equipment.
- Blacksmith, welding, or other metal shop, excluding drop hammers and the like.
- Foundry casting lightweight non-ferrous metals, or electric foundry not causing noxious fumes or odors.
- Bag, carpet, and rug cleaning; provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.

Enameling, lacquering, or japanning.

Crematory- if located not less than two hundred (200) feet from any "R" District.

Concrete mixing, concrete products manufacture.

Sawmill, planing mill; including manufacture of wood products not involving chemical treatment.

Building material sales yards, lumber yard, contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors, storage and sale of live stock, feed and/or fuel, provided dust is effectively controlled, and storage yards for vehicles of a delivery or draying service.

Circus, carnival, or similar transient enterprise; provided such structures or buildings shall be at least two hundred (200) feet from any "R" District.

Inflammable liquids, underground storage only.

Printing and/or publishing house.

Truck terminal or yard, including repair.

3. See Section 16, I for Special Uses.

#### B. ACCESSORY USES.

1. Any accessory use permitted in the C-2 Commercial District.

2. Any accessory uses customarily accessory and incidental to a permitted principal use.

C. REQUIRED CONDITIONS. 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, noxious, or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, vibrations, refuse matter, or water-carried waste.

D. BUILDING HEIGHT LIMIT. No height limit.

E. MINIMUM LOT AREA. No minimum.

F. MINIMUM LOT WIDTH. No minimum.

G. MINIMUM FRONT YARD DEPTH. Thirty (30) feet. When fronting on the right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan, the front yard shall be measured from the proposed right-of-way line.

H. MINIMUM SIDE YARD. None required except adjacent to an "R" District, in which case, not less than twenty-five (25) feet.

I. MINIMUM REAR YARD DEPTH. Forty (40) feet, unless the rear lot line adjoins a railroad right-of-way, in which case, none required.

J. EXCEPTIONS. See Section 16.

K. OFF-STREET PARKING AND LOADING. See Section 17.

## SECTION 15 - M-2 HEAVY INDUSTRIAL DISTRICT - REGULATIONS

In the M-2 District, the following regulations shall apply, except as otherwise provided herein:

### A. PRINCIPAL PERMITTED USES.

1. Uses permitted in M-1 Districts, provided that no dwelling or dwelling unit is permitted except those for employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them.

2. Any other use not otherwise prohibited by law; provided, however, that the following uses shall be permitted subject to approval by the City Council after public hearing, and after report and recommendation by the Zoning Commission. The City Council shall consider all of the following provisions in its determination upon the particular use at the location requested:

a. That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property;

b. That such use shall not impair an adequate supply of light and air to surrounding property;

c. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety;

d. That such use shall not diminish or impair established property values in adjoining or surrounding property; and

e. That such use shall be in accord with the intent, purpose, and spirit of this Ordinance and the Comprehensive Plan of the City.

The uses subject to the above provisions are as follows;

Acid manufacture.

Cement, lime, gypsum, or plaster of paris manufacture.

Distillation of bones, coal tar, petroleum, refuse, grain, or wood.  
Dump.  
Drilling for or removal of oil, gas, or other hydrocarbon substance.  
Explosives manufacture or storage.  
Fat rendering.  
Fertilizer manufacture.  
Garbage: offal or dead animal or fish reduction or dumping.  
Gas manufacture.  
Glue manufacture.  
Hog ranch.  
Junk yard, including automobile and truck wrecking.  
Mineral extraction, including sand and gravel.  
Petroleum or petroleum products refining.  
Rubber good manufacture.  
Smelting of ores.  
Stockyard or slaughter of animals, except poultry or rabbits.  
Tannery.  
Any other use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or may impose hazard to health or property.

3. See Section 16, I for Special Uses.

B. REQUIRED CONDITIONS.

1. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed.

2. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least one hundred (100) feet from any "R" District boundary, except where adjoining a railroad right-of-way.

C. BUILDING HEIGHT LIMIT. No height limit.

D. MINIMUM LOT AREA. No minimum.

E. MINIMUM LOT WIDTH. No minimum.

F. MINIMUM FRONT YARD DEPTH. Thirty (30) feet. When fronting on the right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan the front yard shall be measured from the proposed right-of-way line.

G. MINIMUM SIDE YARD. None required except adjacent to an "R" District, in which case, not less than one hundred (100) feet as specified in paragraph B of this section.

H. MINIMUM REAR YARD DEPTH. Forty (40) feet, unless the rear lot line adjoins a railroad right-of-way, in which case, none is required.

I. EXCEPTIONS. See Section 16.

J. OFF-STREET PARKING AND LOADING. See Section 17.

## SECTION 16 - EXCEPTIONS, MODIFICATIONS, AND INTERPRETATIONS

A. STRUCTURES PERMITTED ABOVE HEIGHT LIMIT. The building height limitations of this Ordinance shall be modified as follows:

1. Chimneys, cooling towers, elevator bulk-heads, fire towers, monuments, pent houses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, radio or television towers, or necessary mechanical appurtenances may be erected to a height in accordance with existing or herein after adopted ordinances of the City.

2. Public, semi-public, or public service buildings, hospitals, sanatoriums, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples, when permitted in a district, may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each property line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is constructed.

B. DOUBLE FRONTAGE LOTS. Buildings on through lots and extending through from street to street shall provide the required front yard on both streets.

C. REAR AND SIDE YARDS ADJACENT TO ALLEYS-HOW COMPUTED. In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens on an alley, one-half (1/2) of the alley width may be included as a portion of the rear or side yard as the case may be.

D. OTHER EXCEPTIONS TO YARD REQUIREMENT. Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for ordinary projections not to exceed twenty-four (24) inches, including roof overhang.

E. OUTDOOR ADVERTISING SIGNS AND BILLBOARDS. In all districts where permitted, billboards shall be set back from the right-of-way line of any street or highway at least as far as the required front yard depth for a principal building in such districts, and when at the intersection of streets and/or highways, the set back of any outdoor advertising sign or billboard (not including, however, business identification and directional and other incidental signs otherwise permitted under the provisions of this Ordinance) shall not be less than the required

front yard depth for a principal building in such district, from each street and/or highway.

F. FRONT YARD - EXCEPTIONS. In areas where some lots are developed with a front yard that is less than the minimum required for the district by this Ordinance or where some lots have been developed with a front yard greater than required by this Ordinance, the following rule shall apply. Any new building or addition in front thereof shall not be closer to the street right-of-way than the average of the front yard of the first building on each side within a distance of two hundred (200) feet measured from building to building, except as follows:

1. Buildings located entirely on the rear half of a lot shall not be counted.
2. No building shall be required to have a front yard greater than fifty (50) feet.
3. If no building exists on one side of a lot within two hundred (200) feet of the lot in question, the minimum front yard shall be the same as the building on the other side.

G. ZONING OF ANNEXED AREAS. Any land annexed to the City after the effective date of this Ordinance shall be zoned R-1 Residential until the Zoning Commission and City Council shall have studied the area and adopted a final zoning plan for the area in accordance with Section 22 of this Ordinance. Said final zoning plan shall be adopted within six (6) months of date of annexation.

H. COMMUNITY UNIT PLAN. The owner or owners of any tract of land comprising an area of not less than twenty (20) acres may submit to the City Council a plan for the use and development of the entire tract of land. The development shall be referred to the Planning Commission for study and report and for public hearing. If the Commission approves the development plan, it shall be submitted together with the recommendation of the Commission, to the City Council for consideration and approval.

If the City Council approves the plan, building permits and Certificates of Zoning Compliance may be issued even though the use of land and the location of the buildings to be erected in the area and the lot areas, yards and open spaces for individual buildings contemplated by the plan do not conform in all respects to the district regulations of the district in which the development is located except as follows:

1. Only uses permitted in the "R" Districts shall be permitted and shall be subject to the following limitations:
  - a. In an R-1 District not more than twenty-five (25) percent of the land area, exclusive of area to be used for streets, shall be used for any of the following uses: Two family dwellings, multi-family dwellings.
  - b. In an R-2 District not more than twenty-five (25) percent of the land area, exclusive of area to be used for streets, shall be used

for multi-family dwellings.

2. Development of public or private park or other open areas shall be encouraged and such open areas may be included in determining the lot area for residential uses. Areas specified as park or open areas in the approved plan shall not be developed for any other purpose at a later date.

3. The average lot area per family contained in the proposed plan, exclusive of the area occupied by streets and other development, shall not be less than the lot area per family required in the district in which the development is located.

Upon approval of the proposed plan, development must be carried out in accordance with the approved plan. If any changes are to be made in the development as shown on the plans after approval has been granted, said changes must be approved by the City Council.

The City Council shall consider all of the following provisions in its review of the plan at the location requested:

1. That the location, design and construction of structures in the proposed plan adequately safeguards the health, safety and general welfare of persons residing in adjacent or surrounding property; and

2. That the plan shall not impair an adequate supply of light and air to surrounding property; and

3. That the plan shall not unduly increase congestion in the streets, or public danger of fire and safety; and

4. That the plan shall not diminish or impair established property values in adjacent or surrounding property; and

5. That the plan shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Plan of the City.

In considering the proposed plan, the City Council shall have authority to reject the plan or to require changes in the plan as it deems necessary to effectuate the intent and purpose of this Ordinance.

I. EXCEPTIONS TO PROHIBITED USES. 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 Ordinance. Notice of time and place of hearing shall be given to all affected property owners at least ten (10) days in advance of hearing by placing notices in the United States mail.

1. Any public building erected and used by any department of the City, Township, County, State, or Federal Government.
2. Airport or landing field.
3. Community building or recreation center.
4. Hospitals, homes for the aged, nursing homes, non-profit fraternal institutions provided they are used solely for fraternal purposes, and institutions of an educational, religious, philanthropic or eleemosynary character, provided that the building shall be set back from all yard lines a distance of not less than two (2) feet for each foot of building height.
5. Mobile Home Parks, subject to the following requirements.

Minimum Development Requirements:

- a. Requirements for Park:
  - Front yard (to be measured from all streets on which park abuts) - thirty-five (35) feet.
  - Side yard - thirty-five (35) feet.
  - Rear yard - thirty-five (35) feet.
  - Minimum area - two (2) acres.
  - Drives - twenty-five (25) feet in width surfaced with asphalt or Portland Cement Concrete.
  - Sanitary facilities - Connection with the municipal sewer system or adequate private sewage disposal facilities.
- b. Requirements for "Home" spaces:
  - Minimum space size - forty (40) feet by seventy-five (75) feet.
  - Minimum space area - three thousand (3,000) square feet.
  - Off-drive parking - one (1) parking space for each "home" space
  - Minimum front yard - fifteen (15) feet.
  - Minimum rear yard - ten (10) feet.
  - Minimum side yard - five (5) feet.

6. Pre-schools.
7. Public cemetery.

Before issuance of any special permit for any of the above buildings or uses, the City Council shall refer the proposed application to the Zoning Commission, which Commission shall be given forty-five (45) days in which to make a report 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 above referred to until and unless the report of the Zoning Commission has been filed; provided, however, that if no report is received

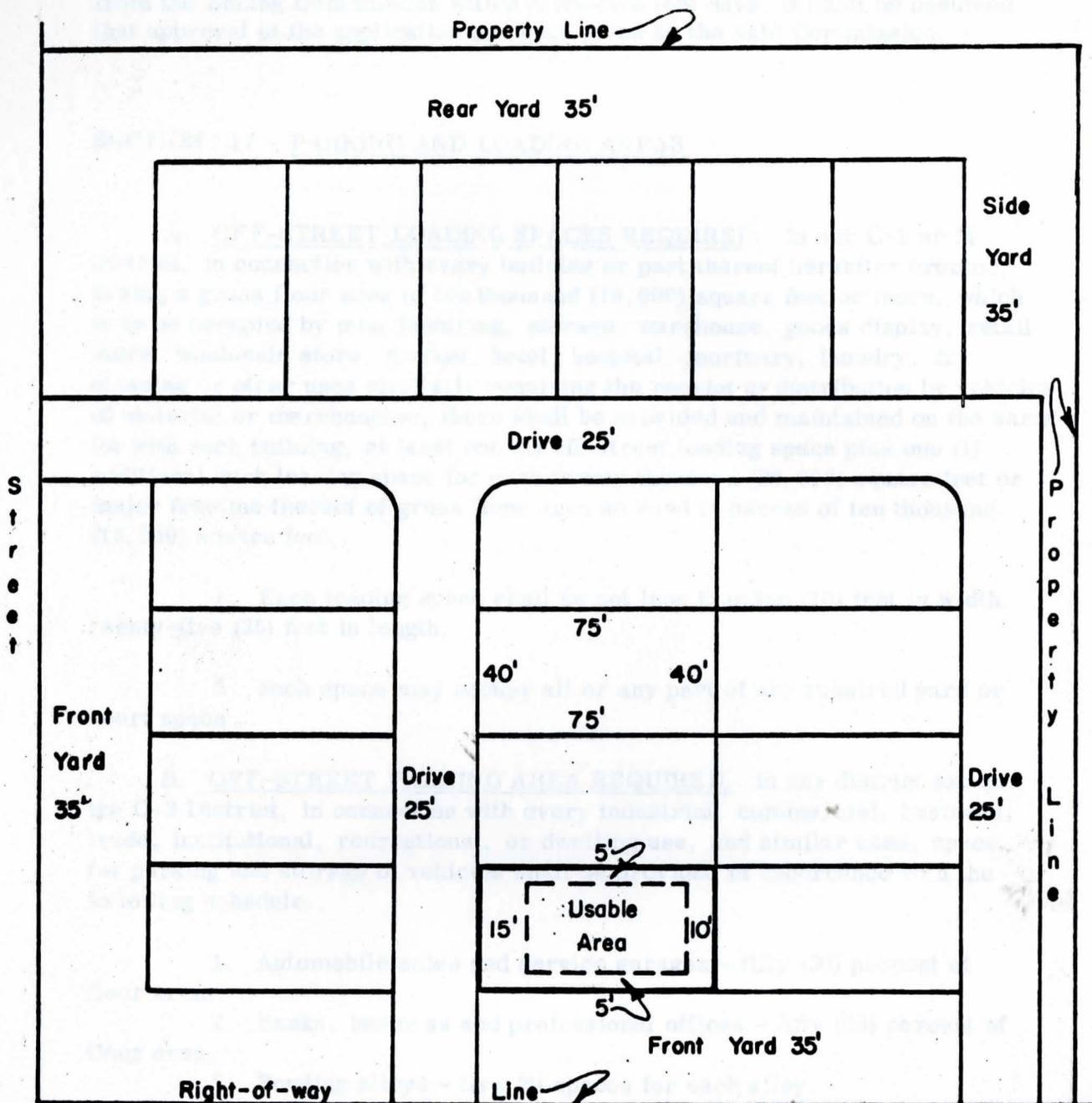


ILLUSTRATION OF MOBILE HOME PARK REQUIREMENTS-Plate 2

The preparation of this chart was financed in part through an urban planning grant from the Housing and Home Finance Agency, under the provisions of Section 70L of the Housing Act, of 1954, as amended.

Urban Planning Grant: Project No. Iowa P-1

Prepared under the Contract for the Iowa Development Commission by: Anderson Engineering Company City Planning Consultants

from the Zoning Commission within forty-five (45) days, it shall be assumed that approval of the application has been given by the said Commission.

## SECTION 17 - PARKING AND LOADING AREAS

A. OFF-STREET LOADING SPACES REQUIRED. In any C-1 or M district, in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of ten thousand (10,000) square feet.

1. Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length.

2. Such space may occupy all or any part of any required yard or court space.

B. OFF-STREET PARKING AREA REQUIRED. In any district except the C-2 District, in connection with every industrial, commercial, business, trade, institutional, recreational, or dwelling use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule:

1. Automobile sales and service garages - fifty (50) percent of floor area.

2. Banks, business and professional offices - fifty (50) percent of floor area.

3. Bowling alleys - five (5) spaces for each alley.

4. Churches and schools - one (1) space for each eight (8) seats in a principal auditorium. When no auditorium is involved, one (1) space for every two (2) employees.

5. Dance halls, assembly halls - two hundred (200) percent of floor area used for dancing or assembly.

6. Dwelling - one (1) parking space for each family or dwelling unit.

7. Funeral homes, mortuaries - one (1) parking space for each five (5) seats in the principal auditorium.

8. Furniture and appliance stores, household equipment or furniture repair shops, over one thousand (1,000) square feet of floor area - fifty (50) percent of floor area.

9. Hospitals - one (1) space for each four (4) beds.
10. Hotels, lodging houses - one (1) space for each two (2) bedrooms.
11. Manufacturing plants - one (1) space for each three (3) employees on the maximum working shift.
12. Restaurants, beer parlors, and night clubs, over one thousand (1,000) square feet floor area - two hundred (200) percent of floor area.
13. Retail stores, super markets, etc. , over two thousand (2,000) square feet floor area - two hundred and fifty (250) percent of floor area.
14. Retail stores, shops, etc. , under two thousand (2,000) square feet floor area - one hundred (100) percent of floor area.
15. Sports arenas, auditoriums, other than in schools - one (1) parking space for each six (6) seats.
16. Theaters, assembly halls with fixed seats - one (1) parking space for each six (6) seats.
17. Wholesale establishments or warehouses - one (1) parking space for every two (2) employees.

In case of any building, structure, or premises, the use of which is not specifically mentioned herein, requirements for a use which is so mentioned and to which said use is similar shall apply.

Off-street parking areas may be established in any "R" District that immediately joins a "C" or "M" district, or is directly across an alley from a "C" or "M" district, provided such parking shall be accessory to and for use of one or more business or industrial establishments located in the adjoining "C" or "M" district; provided, however, that such transitional use shall not extend more than one hundred (100) feet from the boundary of the less restricted zone.

Off-street parking areas, except residential parking areas, shall be surfaced with Portland cement concrete or asphaltic material or shall be dust-proofed in some other manner as may be approved by the City Council and shall be maintained in a dust-free condition.

**SECTION 18 - ADMINISTRATION AND ENFORCEMENT - BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE**

1. Administration and Enforcement. An administrative official designated by the City Council shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the City Council may direct.

If the administrative official shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions,

alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

2. Building Permits Required. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the administrative official. No building permit shall be issued except in conformity with the provisions of this Ordinance, except after written order from the Board of Adjustment.

3. Application for Building Permit. All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance.

4. Certificates of Zoning Compliance for New, Altered, or Non-Conforming Uses. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the administrative official stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the administrative official. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this Ordinance, owners or occupants of non-conforming uses or structures shall have one (1) year to apply for certificates of zoning compliance. Failure to make such application within one (1) year shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Ordinance.

Certificates of zoning compliance shall be applied for coincidentally with the application for a building permit, and shall be issued within ten (10) days after the lawful erection or alteration of the building is completed in conformity with the provisions of this Ordinance.

A temporary certificate of zoning compliance may be issued by the administrative official for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will

protect the safety of the occupants and the public.

The administrative official shall maintain a record of all certificates of zoning compliance, and copies shall be furnished upon request to any person.

Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance and punishable under Section 24 of this Ordinance.

See Section 21 for schedule of fees.

5. Expiration of Building Permit. If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the administrative official, and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

6. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance. Building permits or certificates of zoning compliance issued on the basis of plans and applications, approved by the administrative official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this Ordinance, and punishable as provided by Section 24 hereof.

## SECTION 19 - BOARD OF ADJUSTMENT - PROCEDURE, POWERS, AND DUTIES

1. Board Created. A Board of Adjustment is hereby established which shall consist of five (5) members. The terms of office of the members of the Board and the manner of their appointment shall be as provided by Statute.

2. Meetings. Meetings of the Board shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, 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 on 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 presence of three (3) members shall be necessary to constitute a quorum.

3. Appeals. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within ten (10) days by filing with the administrative officer and with the Board a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official certifies to the Board after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the administrative officer, and on due cause shown.

4. Fee for Appeal. See Section 21 for schedule of fees.

5. Hearings, Notice. The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board, the appellant shall pay a fee of five (5) dollars to be credited to the general fund of the City.

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

7. Powers - Special Exceptions. To permit the following exceptions to the district regulations set forth in this Ordinance subject to the requirements of this section:

a. To permit erection and use of a building or the use of premises or vary the height and the regulations in any location for a public service corporation for public utility purposes or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.

b. To permit the extension of a use into a district where it would be otherwise prohibited, in a case where a district boundary line is so located that a lot or plot is in more than one district.

To hear and decide only such other special exceptions as the Board is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special

exceptions when not in harmony with the purpose and intent of this Ordinance. A special exception shall not be granted by the Board unless and until:

a. A written application for special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.

b. Notice of public hearing shall be given at least ten (10) days in advance of public hearing. The owner of the property for which special exception is sought or his agent and any other affected property owners shall be notified by mail. Notice of hearing shall also be posted on the property for which special exception is sought.

c. The public hearing shall be held. Any party may appear in person, or by agent or attorney.

d. The Board shall make a finding that it is empowered under the section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

In granting any special exception, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance and punishable under Section 24 of this Ordinance. The Board may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

8. Powers - Variances. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board unless and until:

a. a written application for a variance is submitted demonstrating:

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

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

(3) that the special conditions and circumstances do not result from the actions of the applicant;

(4) that granting the variance requested will not confer on

the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

b. Notice of public hearing shall be given at least ten (10) days in advance of public hearing. The owner of the property for which variation is sought or his agent and any other affected property owners shall be notified by mail.

c. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

d. The Board shall make findings that the requirements of this section have been met by the applicant for a variance.

e. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

f. The Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 24 of this Ordinance.

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

9. Decisions of the Board of Adjustment. In exercising the above mentioned powers, the Board may, so long as such action is in conformity with the terms of this Ordinance, 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 powers of the administrative official from whom the appeal is taken.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter

upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

10. Appeals from Decision of the Board of Adjustment. Any taxpayer, or any officer, department, board or bureau of the City, or any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review.

SECTION 20 - DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF ADJUSTMENT, CITY COUNCIL, AND COURTS ON MATTERS OF APPEAL

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by Statute.

It is further the intent of this Ordinance that the duties of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance, the City Council shall have only the duties of (1) considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law, (2) of establishing a schedule of fees and charges as stated in Section 21 below, (3) considering applications for special permits for exceptions to prohibited uses as specified in Section 16 of this Ordinance, and (4) considering applications for uses listed in the M-2 Heavy Industrial District.

SECTION 21 - SCHEDULE OF FEES

The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure for certificates of zoning compliance, appeals and other matters pertaining to this Ordinance. The schedule of fees listed below shall be posted in the office of the administrative official, and may be altered or amended only by the City Council.

No permit, certificate, special exception, or variance shall be issued unless or until such costs, charges, fees, or expenses listed below have been paid in full, nor shall any action be taken on proceedings before the Board of

Adjustment unless or until preliminary charges and fees have been paid in full.

1. Certificate of Zoning Compliance - New Structure.  
The building permit fee shall include the Certificate of Zoning Compliance.

Change of Use.

|                                |        |
|--------------------------------|--------|
| Residential Use                | \$2.50 |
| Any use other than residential | \$5.00 |

2. Appeal - Board of Adjustment. \$5.00
3. Change in Zoning \$10.00

## SECTION 22 - AMENDMENTS

The City Council may, from time to time, on its own action or on petition, after public notice and hearings as provided by law, and after report by the Zoning Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the City Council.

Whenever any person, firm or corporation desires that any amendment or change be made in this Ordinance, including the text and/or map, as to any property in the City, and there shall be presented to the Council a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of fifty (50) percent of the area of all real estate included within the boundaries of said tract as described in said petition, and in addition, duly signed by the owners of fifty (50) percent of the area of all real estate lying outside of said tract but within two hundred (200) feet of the boundaries thereof, and intervening streets and alleys not to be included in computing such two hundred (200) feet, it shall be the duty of the Council to vote upon such petition within ninety (90) days after the filing of such petition with the City Clerk.

In case the proposed amendment, supplement, or change be disapproved by the Zoning Commission, or a protest be presented duly signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, extending the depth of one lot or not to exceed two hundred (200) feet therefrom or of those directly opposite thereto, extending the depth of one lot or not to exceed two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least four-fifths (4/5) of all the members of the Council. Whenever any petition for an amendment, supplement, or change of the zoning or regulations

herein contained or subsequently established shall have been 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 (1) year shall have elapsed from the date of the filing of the first petition.

Before any action shall be taken as provided in this part, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the City Clerk the sum of ten (10) dollars to cover the approximate costs of this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

#### SECTION 23 - COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

#### SECTION 24 - ENFORCEMENT, VIOLATIONS, AND PENALTIES

1. Enforcement. All departments, officials, and employees of the City who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure, or purpose if the same would not conform to the provisions of this Ordinance.

2. Penalties for Violation. Violations of the provisions of this Ordinance, or failure to comply with any of its requirements, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 25 - SEPARABILITY CLAUSE

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 26 - EFFECTIVE DATE

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



# CITY OF BOONE, IOWA



anderson engineering company  
planning consultants  
DES MOINES IOWA

## Legend

|     |                                  |   |
|-----|----------------------------------|---|
| R-1 | single family residence district |  |
| R-2 | 1 & 2 family residence district  |  |
| R-3 | multi-family residence district  |  |
| C-1 | commercial district              |  |
| C-2 | commercial district              |  |
| M-1 | light industrial district        |  |
| M-2 | heavy industrial district        |  |

FOR REFERENCE PURPOSES ONLY  
For more precise information  
consult the office of the Zoning  
Administrator or the Official  
Zoning Map.

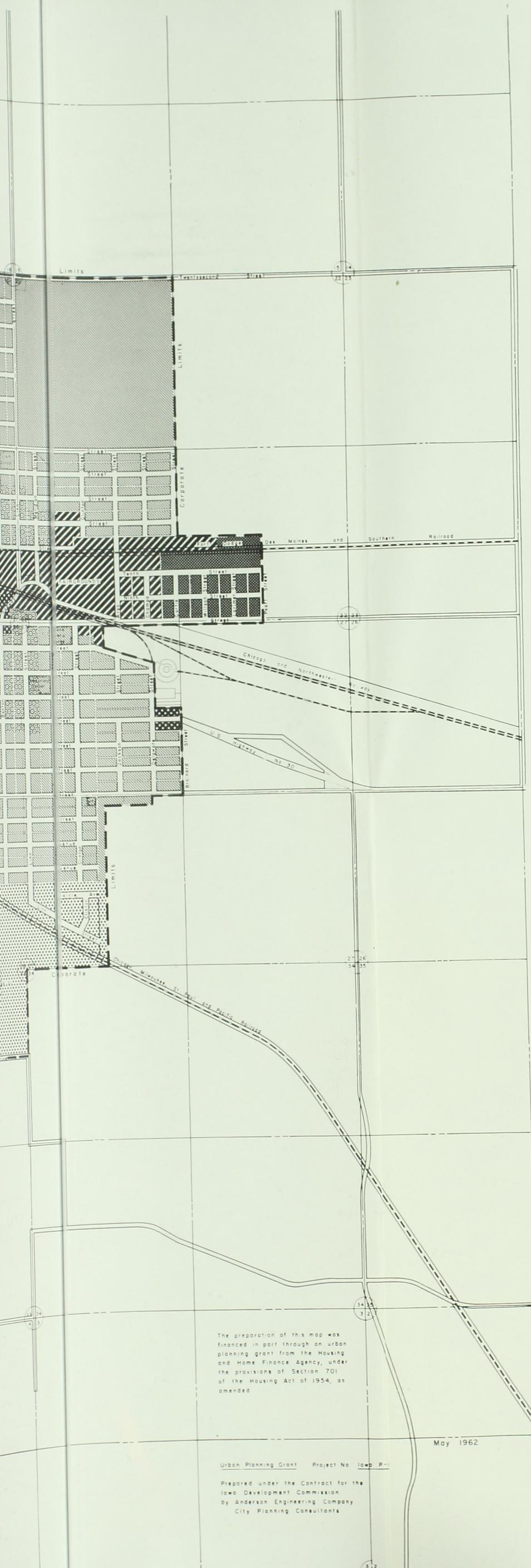
## ZONING MAP

The preparation of this map was  
financed in part through an urban  
planning grant from the Housing  
and Home Finance Agency, under  
the provisions of Section 701  
of the Housing Act of 1954, as  
amended.

May 1962

Urban Planning Grant Project No. Iowa P-1  
Prepared under the Contract for the  
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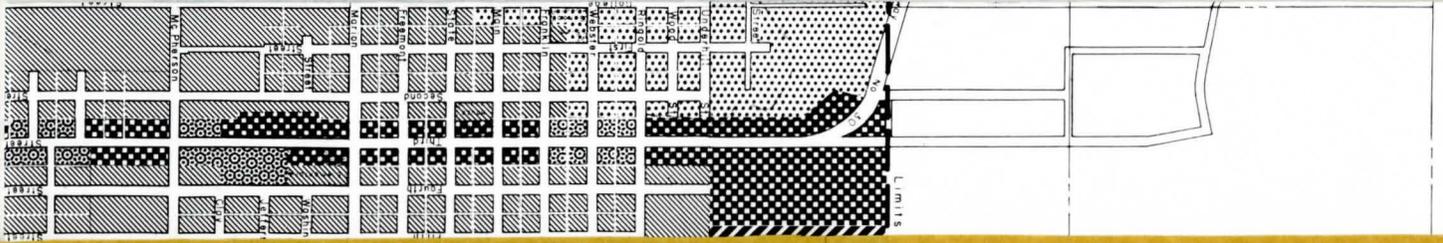
aneco



M - 2 heavy industrial district



SECTION 2E - SEPARABILITY CLAUSE





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