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ALBIA ZONING ORDINANCE

SECTION 1 PURPOSE.

To provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, morals, safety and general welfare in the City of Albia, Iowa.

SECTION 2 DEFINITIONS.

For use in this chapter certain terms or words used herein shall be interpreted or defined as follows:

Purpose. For the purpose of the ordinance, certain terms or words are used in a limited or special sense, as herein defined. Words used in the present tense include the future, words in a singular number include the plural, and words in the plural number include the singular; the word "shall" is mandatory and not directory.

Accessory Use or Structure. A subordinate use or structure detached from but located on the same lot as the principal structure. The accessory use or structure is incidental and accessory to the use of the principal structure.

Alley. A public way less than 21 feet in width affording secondary means of access to abutting property.

Automobile Repair:

Major. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; over-all painting or paint shop; vehicle steam cleaning.

Minor. Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks not exceeding 1 1/2 tons capacity, but not including any operation specified under "Automobile Repair -- Major".

Basement. A story having part but not more than 50% of its height below the average grade of the adjoining ground (as distinguished from a "cellar"). A basement shall be counted as a story for the purpose of height measurement.

Bed and Breakfast Inn. A private residence which provides lodging and meals for guests, in which the host or hostess resides and which provides no more than four guest units. The facility can advertise as a bed and breakfast home, but not as a hotel, motel, or restaurant. A bed and breakfast home can serve food only to overnight guests. A bed and breakfast home may serve or offer alcoholic beverages to overnight guests. All guest rooms must have an operable smoke detector. There shall be one off street parking space per guest unit and a minimum of two off street parking spaces for the host or hostess. A bed and breakfast home may have one unlit advertising sign not to exceed two square feet.

Block-Front. A portion of a street on a particular side of the street without a separation by a cross-street or alley

Boarding House. An establishment with lodging for three or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu.

Building. Any structure for the shelter or enclosure of persons, animals, or chattels.

Cellar. A story having 50% or more of its height below the average grade of the adjoining ground. A cellar shall be counted as a story, for purposes of height measurement, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.

District. Any section of the city within which the zoning regulations are uniform.

Drive-In Facility. An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile.

Dwelling. A building or portion thereof occupied or intended to be occupied exclusively for residence purposes, but not including a tent, cabin, trailer, or a room in a hotel or motel.

Dwelling Group. Two or more detached dwellings located on a parcel of land in one ownership.

Dwelling, Single Family, attached. One of two or more residential buildings having a common party wall separating dwelling units.

Dwelling, Single Family, detached. A residential building containing not more than one dwelling entirely surrounded by open space on the same lot.

Dwelling, Three Family. A residential building used for occupancy by no more than three families living independently of each other and containing three dwelling units.

Dwelling, Four Family. A residential building used for occupancy by no more than four families living independently of each other and containing four dwelling units.

Dwelling, Multi-Family. A building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

Essential Services. The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Family. One or more persons related by blood, marriage or adoption, together with his, her, or their domestic servants, maintaining a common household in a dwelling.

Garage, Private. A detached accessory building or portion of a principal building used for the storage of self-propelled passenger vehicles or trailers of the occupants of the premises and/or not more than one truck of a rated capacity not exceeding 1 1/2 tons.

Garage, Public. Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed, and/or stored for compensation.

Garage, Storage. Any building or premises used for housing only of motor driven vehicles pursuant to previous arrangements and not to transients, and, at which, automobile fuels and oils are not sold, and motor driven vehicles are not being equipped, repaired, hired, or sold.

Height. In the case of a wall, or part of a building, the vertical distance from the average established curb grade in front of the lot or from the average finished grade at the building line, if higher, to the average height of the top of the cornice of a flat roof, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.

Highway or Primary Thoroughfare. An officially designated federal or state numbered highway or other road designated as a highway or primary thoroughfare on the Transportation Plan as officially adopted and amended from time to time by the Planning Commission and City Council.

Home Occupation. A secondary use carried on by a member of the family residing on the premises and which is conducted entirely within the residence where there is no evidence of such occupation being conducted on the premises by virtue of storage, displays, excessive noise, odors, or electrical disturbances. Customer parking must be provided inconspicuously on the premises. No sign is permitted. One (1) name plate meeting the following requirements is permitted:

- a. Must not be larger than one and five tenths square feet;

- b. Must be placed flat against the side of the residence, or posted within two (2) feet and parallel with the residence;
- c. Must not be illuminated.

Not more than one (1) person other than members of the immediate family residing on the premises may be employed. Not more than one-half of the total floor area of the premises may be devoted to the home occupation. No mechanical equipment may be used on the premises except such that is permissible for purely domestic or household purposes. Nothing can be sold or offered for sale that has not been produced on the premises.

A property owner, or tenant, desiring to carry on a home occupation must first apply for a home occupation permit with the Zoning Administrator and pay a fee of \$25.00. The application shall set forth a description of the occupation, a parking plan, a description of any sign to be used in connection with the occupation, the amount of floor area to be used for the home occupation, and a description of all equipment expected to be used to carry on the business. The Zoning Administrator's decision regarding the issuance of a Home Occupation Permit may be appealed pursuant to Section 20 of this Ordinance.

Hotel. A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

Land Use Plan. The comprehensive long-range plan for the desirable use of land in the community, as officially adopted and as amended from time to time by the Planning and Zoning Commission and City Council; the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive changes in the zoning of land to meet changing community needs, in the subdividing and use of undeveloped land, and in the acquisition of land for such public purposes as streets, parks, schools, and other public buildings or public uses.

Lodging House. A building where, for compensation, lodging is provided for three (3) or more persons.

Lot. A parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a building and its accessory buildings, is sufficient to provide the yards and courts required by the ordinance.

Lot, Corner. A lot of which at least two adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

Lot Area. The horizontal area within the lot lines of the lot.

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

Lot Width. The mean horizontal distance across the lot between side lot lines at the building line measured at right angles to the depth.

Lot Lines. Lines bounding a lot, as defined herein.

Lot of Record. A lot which is a part of a subdivision, the map of which has been recorded in the office of the county recorder of Monroe County; or a parcel of land, the deed to which has been recorded in the office of the county recorder of Monroe County prior to the adoption of these regulations.

Mobile Home. Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A "mobile home" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. If a mobile home is placed outside a mobile home park, the home is to be assessed and taxed as real estate. A mobile home is not a manufactured or modular home as that term is defined in this code.

Mobile Home Park. Any site, lot, field, or tract of land under common ownership upon which two or more occupied or unoccupied mobile homes, manufactured homes, modular homes or a combination of the homes, recreational vehicle or structure or vehicle suitable or intended for habitation are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park. The term "mobile home park" shall not be construed to include mobile homes, buildings,

tents, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students. A mobile home park must be classified as to whether it is a residential mobile home park or a recreational mobile home park or both. The mobile home park residential landlord tenant Act only applies to residential mobile home parks.

Manufactured Home. A factory built structure built under the authority of 42 United States Code Section 5403, is required by federal law to display a seal from the United States department of Housing and Urban Development, and was constructed on or after June 15, 1976 to be used as a place for human habitation. If a manufactured home is placed in a mobile home park, the home must be titled and is subject to the mobile home square foot tax. If a manufactured home is placed outside a mobile home park, the home is to be assessed and taxed as real estate. A mobile home is not a modular or manufactured home.

Modular Home. A factory-built structure built on a permanent chassis which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, and must display the seal issued by the State Building Code Commissioner. If a modular home is placed in a mobile home park, the home is subject to the annual tax as required by Section 435.22 of the Iowa Code. If a modular home is placed outside a mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate.

Motel. A building or group of buildings containing apartments and/or rooming units, each of which maintains a separate entrance. Such building or group of buildings is designed, intended, or used primarily for the accommodation of automobile travelers and provides automobile parking conveniently located on the premises.

Motor Fuel Station. A place where minor automobile repair is conducted and where gasoline, diesel oil, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling and the sale of automobile accessories on the premises.

Non-conforming Use. A building, structure, or premises lawfully occupied at the time of the enactment of the ordinance by a use that does not conform with the provisions of the ordinance for the district in which it is located; also, such use resulting from changes in zoning districts or in textual provisions made hereafter.

Parking Area, Accessory. An area of one or more parking spaces located on the same property as the building, structure, or premises it is intended to serve, or on adjoining or nearby property other than the public right-of-way, and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.

Permanent Foundation. A foundation that consists of load-bearing walls, constructed of concrete, that are buried at least 42" deep. This permanent foundation shall be in the form of a solid wall located under the exterior walls of the structure, or a pier that supports the alternative structure construction of manufactured homes, as to support and secure the structure. In all installation, the mobile home, manufactured home, or modular home shall be attached to the permanent foundation in such a manner as to prevent lateral movement, settling, or heaving. The permanent foundation system must be visually compatible with the aesthetics of surrounding residential structures. The term "visually compatible" as used herein means that the foundation has a similar appearance and is constructed of similar materials as the foundations of like dwellings in the area.

Sign. Any structure or device on which letters, illustrations, designs, figures, or symbols are painted, printed, stamped, raised, attached, or outlined for visual communication. This device is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or the ceiling or roof next above such floor; provided that, for the purpose of determining the required dimensions of yards and courts, then the average story height of a building exceeds 12 feet, each 12 feet or fraction thereof of the total building height shall be considered a separate full story or fractional story respectively, except the first story which may be 15 feet high.

Story, Half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his or her family, shall be deemed a full story.

Street. Any public way set aside as a permanent right-of-way for vehicular or pedestrian access 21 feet or more in width if it existed at the time of the enactment of the ordinance; and any such public way created after enactment of the ordinance, provided it is 60 feet or more in width.

Structural Alteration. Any change in the supporting members of a building including but not limited to bearing walls, load-bearing partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

Structure. Anything constructed, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground.

Yard, Front. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified. A corner lot shall have two front yards.

Front Yard, Least Depth. The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the front lot line.

Yard, Rear. An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

Rear Yard, Least Depth. The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the rear lot line. In the case of an irregular, triangular or gore-shaped lot, a line 10 feet in length entirely within the lot, parallel to and a maximum distance from the front lot line shall be considered the rear lot line.

Yard, Side. An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

Side Yard, Least Width. The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the nearest side lot line.

SECTION 3 ESTABLISHMENT OF DISTRICTS.

For the purpose of the ordinance, the following districts are designated:

“R-1”	One-Family Residence Districts
“R-2”	One, Two, Three and Four-Family Residence Districts
“R-3”	Multi-Family Residence Districts
“B-1”	Retail Business Districts
“B-2”	General Business Districts
“I-1”	Industrial Districts

SECTION 4 OFFICIAL ZONING MAP.

As shown by the official zoning map, the city is divided into six (6) classes of districts. The boundaries of these districts are hereby established as shown on the official zoning map of the city, and said map and all notations, references and other information shown thereon shall be and are hereby made a part of this ordinance by reference. The official zoning map, signed by the mayor and properly attested by signature of the clerk and date of adoption, shall be and remain on file in the office of the city clerk.

1. Boundaries. The Boundaries of these districts are hereby established as shown on a map entitled "Zoning Map", which accompanies and is hereby made a part of this ordinance. The district boundary lines on said map are intended to follow lot lines, and centerlines of streets or alleys, the centerlines of streets or alleys projected, railroad right-of-ways, or the corporate limit lines, all as they existed at the time of enactment of the ordinance; but where a district boundary line does not clearly coincide with lot lines, it shall be determined by scaling.
2. Divided Lots. Where a district boundary line divides a lot which was in single ownership and of record at the time of enactment of the ordinance, the rules applying to the less restricted portion of such lot shall be considered as extending to the entire lot. If the more restricted portion of such lot is more than 50 feet beyond said dividing district boundary line, such less restricted use shall be limited to the portion of the lot lying within 50 feet of said boundary line.

3. Interpretations. Questions concerning the exact location of district boundary lines shall be determined by the Board of Adjustment according to rules and regulations which it may adopt, as hereinafter provided under Section 19 Board of Adjustments.
4. Annexed Areas. All territory which may hereafter be annexed to the community shall be classed automatically as being in a "R-1 Residential District until such classification shall have been changed by amendment of the ordinance as provided hereinafter.

Revised 9-5-2000

SECTION 5 GENERAL PROVISIONS.

The following are the general provisions to be considered in this zoning ordinance:

1. Zoning Affects Every Structure and Use. Except as hereinafter provided, no building, structure or land shall hereafter be used and no building or part thereof or structure shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired, except in conformity with the regulation herein specified for the class of District in which it is located.
2. Continuing Existing Uses. Any building, structure, or use lawfully existing at the time of enactment of the ordinance may be continued, except certain non-conforming uses as provided under non-conforming uses in Section 5 General Provisions. Nothing in the ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by any competent authority.
3. Non-Conforming Uses. Except as hereinafter provided under the designated exceptions below.
 - a. Damaged Structures. Any non-conforming building or structure which has been or may be damaged by fire, flood, explosion earthquake, war, riot, or an act of God, may be reconstructed and used as before if it be done within 12 months of such calamity, unless damaged more than 50% of its fair market value, as determined by the Board of Adjustment, at the time of such damage, in which case reconstruction shall be in accordance with the provision of the ordinance.
 - b. Discontinued Use or Changed Use. The following shall not be devoted again to non-conforming use: buildings, structures, or premises where a non-conforming use has been or may be discontinued for more than one year; buildings, structures or premises that have been changed or may be changed to a use permitted in the district in which they are located.
 - c. Conformity Period. Any building or structure devoted to a non-conforming use with a fair market value of less than \$500, as determined by the Board of Adjustment, may be continued for a period not to exceed three years after enactment of the ordinance, whereupon such non-conforming use shall cease and thereafter such building or structure shall be removed or changed to a conforming use.
 - d. Exceptions. The foregoing provision under the Non-Conforming Uses subsections a, b, c, and d under Section 5 General Provisions, insofar as these limit reconstruction's or require certain uses to cease or buildings or structures to be removed or changed, shall not be applicable where any such building, structure or use would be conforming under the Comprehensive or Land Use Plan as defined herein.
4. Street Frontage - Minimum Requirements. No lot created after the adoption of the ordinance shall contain any building used as a dwelling unless it abuts at least 37.5 feet on a street or have a permanent exclusive non-obstructed easement of access not less than 37.5 feet wide to a street.
5. Lot Area Requirements.
 - a. Existing Lots of Record. In any district where dwellings are permitted, a one-family detached dwelling may be constructed on any size lot officially recorded at the time of enactment of the ordinance, provided that (1) the owner does not own any adjoining property; and (2) the proposed yard spaces satisfy requirements stipulated for the district in which said lot is located. Requirements may be modified by the Board of Adjustment as set forth hereinafter.
 - b. Lots Unserved by Sewer and/or Water. In any district where neither water supply nor public sanitary sewer is accessible, the otherwise specified lot area shall be a minimum 20,000 square feet with width requirements of 100 feet. If, however a public water and sanitary sewer supply systems are accessible and

will be installed, these requirements shall be 10,000 square feet and 66 feet respectively. The City Engineer or his or her equivalent shall certify that said areas will be large enough to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

6. Numbers of Uses on One Lot. No lot shall contain more than one principal use.
7. Accessory Buildings in Residence Districts.
 - a. Size of Structure. An accessory building shall be erected in and occupy less than 30% of a required rear yard. A private garage may be located within fifty (50) feet of any front lot line, but not closer than the projected front line of the dwelling. An accessory building shall be only erected in the side or back yard of the lot. Accessory buildings shall be distanced at least five feet from all lot lines. Accessory buildings may be erected as a part of the main building, or may be connected thereto by a breezeway or similar structure, providing said buildings comply with all yard requirements for any main or principal building. An accessory building which is not a part of the main building may occupy a maximum of 30% of the rear or side yard, shall not exceed sixteen and one-half (16 ½) feet in height and shall not exceed thirteen hundred (1300) square feet in total area.

In the R-1 or R-2, Residential Districts a private garage may be constructed in the side yard or rear yard on the same lot with the main or principal building, or on a lot adjoining the lot on which the main or principal building is located, either as a separate building or attached to the main or principal building. When wholly or partially within the limits of the side yard and attached to the main or principal building, such garage shall be considered a part of the main or principal building and shall conform to all yard and space requirements as specified in this zoning ordinance for main buildings.
 - b. Topography. Where the natural grade of a lot at the front wall of the principal building is more than 8 feet above the average established curb grade in front of the lot, a private garage may be erected within any yard or court, but not within 10 feet of any property line, provided that at least one-half of the height of such private garage shall be below the level of the yard or court.
 - c. Attached Garage or Carport. A garage or carport attached directly to the dwelling or connected by a breezeway or similar structure shall become a part of the principal building and shall comply with all yard requirements of the dwelling.
8. Adjoining Lots Under One Ownership. Where two adjoining lots are under one ownership, an accessory building may be constructed on one lot if the adjacent lot contains the principal structure. The accessory structure must comply with the regulations contained in this ordinance regarding size and location on the lot.
9. Required Yard Cannot be Reduced or Used by Another Building.
 - a. Area. No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by the ordinance. If already less than the minimum required it shall not be further reduced. Each building or structure shall have its own open space as required in this ordinance and such open space shall not be included as part of the open space to any other building or structure.
 - b. Garages and Parking. The space used for a private garage and parking area shall be considered as part of the open space required about a principal building and the same rules shall apply as to size. Such space shall not be reduced or included as part of any required open space for another building or structure.
10. Conversion of Dwelling. The conversion of any building or dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the ordinance. Such conversion will be permitted only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to: lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to further requirements as may be specified hereinafter within the Section applying to each district.
11. Transitional Uses in "R" Districts. In any "R-1", "R-2", or "R-3" District a transitional use shall be permitted on a lot the side lot line of which adjoins, either directly or across an alley, any "B" or "I" Districts. The permitted transitional uses for any such lot in an "R-1" District shall be any use permitted in the "R-2" District and for any such

lot in an "R-2" District any use permitted in the "R-3" District. In the case of any such lot in an "R-1", "R-2", or "R-3" District, the requirements governing lot area per dwelling unit, off-street parking, yards and other open spaces shall be the same as for the district respectively next listed in Section 3 Establishment of Districts. Any transitional use authorized under this section shall not extend more than 100 feet from the side lot line of the lot abutting on the zoning district boundary line.

Revised 10-21-02

12. Minimum Ground Floor Area for Dwellings.

- a. One-Story Dwellings. A one-story dwelling shall contain not less than 720 square feet of usable ground floor area, exclusive of open porches, garages or steps.
- b. Multi-Story Dwellings. A 1 1/2 or two-story dwelling shall contain not less than 600 square feet of ground floor area, exclusive of open porches, garages, or steps.

13. Traffic Visibility Across Corner Lots. In any "R" District on any corner lot, no fence, structure or planting shall be erected or maintained within 20 feet of the "corner" so as to interfere with traffic visibility across the corner.

14. Essential Services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the community, it being the intention hereof to exempt such essential services from the application of the ordinance.

15. Off-Street Parking and Loading. In any district spaces for off-street parking and for loading or unloading shall be provided in accordance with the provisions of Section 14 Special Provisions.

16. Validity of Existing Building Permits. Nothing herein contained shall require any change in the over-all layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of the ordinance. Such construction, conforming with approved plans, shall have been started prior to the effective date of the ordinance and completion thereof carried on in a normal manner within the subsequent six-month period and not discontinued until completion, except for reasons beyond the builder's control.

SECTION 6 "A-I" AGRICULTURAL DISTRICTS

RESERVED FOR FUTURE USE.

SECTION 7 "R-1" ONE FAMILY RESIDENCE DISTRICTS.

The following are provisions of the R-1 One Family Residence Districts:

1. Permitted Principal Uses.

- a. One-family detached dwellings.
- b. Public parks, playgrounds, and recreational areas.
- c. Essential services as defined herein and municipal administrative or public buildings or properties, except such uses as storage yards, warehouses, garages, or other uses customarily conducted as gainful business, provided any building is located not less than 20 feet from any lot in an "R" District.
- d. Cemeteries of 10 acres or more in size.
- e. Churches, chapels, or parish houses located not less than 20 feet from any side lot line in any "R" District.
- f. Any building or structure occupied or used for preschool, elementary, junior high or high schools, and public libraries located not less than 20 feet from any side lot line.
- g. Transformer stations and booster or pressure regulating stations, without service yard or storage.
- h. A manufactured home or modular home only if it is installed upon a permanent foundation as defined herein.
- i. Two, three and four-family dwellings pursuant to a conditional use permit issued pursuant to Chapter 15A of the Albia Zoning Ordinances.

- j. Expansion of an existing nonconforming commercial or industrial use in a residential area or the expansion of an existing nonconforming industrial use in a commercial area may be allowed by a conditional use permit if the following conditions exist:

- 1. The area at the time of the application for the conditional use permit is a lawful nonconforming use.
- 2. If the existing nonconforming use is a commercial use, the area is located immediately adjacent to or adjoining an existing commercial district or industrial district.
- 3. If the existing nonconforming use is industrial, the area is located immediately adjacent to or adjoining an existing industrial district.

2. When Authorized by Board of Adjustment.

- a. Privately operated country clubs, golf courses, swimming clubs, riding stables, and similar recreation uses provided that any principal or accessory building in connection therewith shall be located not less than 200 feet from any lot in an "R" District.

3. Permitted Accessory Uses.

- a. Private garages or parking areas.
- b. Living quarters of persons employed on the premises.
- c. Office of a physician, dentist, lawyer, architect, engineer, clergyman, accountant, or similar enterprises; or customary incidental home occupations including home day cares, beauty shops, barber shops; or dancing or music schools with more than one pupil at a time. No more than one room within the dwelling shall be used for such purposes.
- d. Home occupations as defined in Section 2 of this Ordinance after issuance of a permit by the Zoning Administrator.
- e. Signs as regulated by Section 13.

- 4. Height Regulations. No principal structure shall exceed 2 1/2 stories or 35 feet in height from the average established curb grade in front of the lot or the average finished grade at the building line, if higher, and no accessory structure shall exceed one story or 15 feet in height, except as provided in Section 16 Additional Requirements, Exceptions, and Modifications.

Revised 6-6-05

- 5. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Section 16 Additional Requirements, Exceptions, and Modifications, inclusive. Each lot shall have a minimum lot area of 7,500 square feet.

	Minimum Lot Width	Minimum Front Yard Depth	Minimum Side Yard Widths		Minimum Rear Yard Depth
			Least Width	Sum Least Widths	
1 and 1 1/2 stories	66'	25' or conforming	8'	16'	35'
2 and 2 1/2 stories	66'	25' or conforming	8'	16'	35'

Accessory Buildings must be at least 5 feet from the rear lot lines and 3 feet from the side lot lines.

SECTION 8 "R-2" ONE, TWO, THREE AND FOUR-FAMILY RESIDENCE DISTRICTS.

The following are provisions of the R-2 One, Two, Three and Four-Family Residence Districts:

1. Permitted Principal Uses.
 - a. Any use or structure permitted and as regulated in the permitted principal uses of Section 7 “R-1” One-Family Residence Districts, except as hereinafter modified.
 - b. Two, Three and Four-Family dwellings.
 - c. A manufactured home or modular home only if it is installed upon a permanent foundation as defined herein.”
2. When Authorized by Board by Adjustment.
 - a. Any use as regulated in Section 7.2 "R-1" One Family Residence Districts, except as hereinafter modified.
 - b. Dwelling Groups
 - c. Parking areas accessory to a use in an adjoining less restricted district, when abutting or directly across an alley, subject to the applicable conditions stipulated in Section 19 Board of Adjustments, and such further conditions as may be stipulated by the board.
 - d. Hospitals, sanitariums, and nursing homes provided that any such buildings shall be at least 50 feet from any lot in any "R" District. Hospitals shall be located on lots of five acres or more, sanitariums on lots of ten acres or more and nursing homes on lots of 20,000 square feet or more.
 - e. Residence development project exempt from district height regulations (See Section 14 Special Provisions).
3. Permitted Accessory Uses.
 - a. "R-1" Residence District accessory uses.
 - b. Signs as regulated by Section 13.
4. Height Regulations. No principal structure shall exceed 2 1/2 stories or 35 feet in height from the average established curb grade in front of the lot or from the average finished grade at the building line, if higher, and no accessory structure shall exceed one story or 15 feet in height, except as provided in Section 16 Additional Requirements, Exceptions, and Modifications.
5. Lot Area, Frontage, and Yard Requirements. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Section 16 Additional Requirements, Exceptions, and Modifications, inclusive. Each one-family residence shall be located on a lot containing at least 6,000 square feet. Each structure containing more than one family shall be located on a lot having an area of 4,000 square feet for each family.

	<u>Minimum Lot Width</u>	<u>Minimum Front Yard Depth</u>	<u>Minimum Side Yard Widths</u>		<u>Minimum Rear Yard Depth</u>
			<u>Least Width</u>	<u>Sum Least Widths</u>	
1 and 1 1/2 stories	66'	25'	8'	16'	35'
		<+ or conforming+>			
2 and 2 1/2 stories	66'	25'	8'	16'	35'
		<+or conforming+>			

Accessory Buildings must be at least 5 feet from the rear lot lines and 3 feet from the side lot lines.

(Revised 11-15-04)

SECTION 9 "R-3" MULTI-FAMILY RESIDENCE DISTRICTS.

The following are provisions of the R-3 Multi-Family Residence Districts:

1. Permitted Principal Uses.

- a. Any use or structure permitted and as regulated in permitted principal uses in Section 8 "R-2" One, Two, Three and Four-Family Residence Districts, except as hereinafter modified.
- b. Dwellings for any number of families.
- c. Boarding and lodging houses.
- d. A manufactured home or modular home only if it is installed upon a permanent foundation as defined herein or a mobile home, manufactured home or modular home within an authorized mobile home park

2. When Authorized by Board of Adjustment.

- a. Any use as regulated in Section 8.2 "R-2" One, Two, Three and Four-Family Residence Districts, except as hereinafter modified.
- b. Office of civic, religious or charitable organizations and financial or insurance institutions conducting their activities primarily by mail and not handling merchandise or rendering services on the premises.
- c. Physicians' and dentists' offices and private clinics for human care, professional offices of architects, engineers, lawyers, and the like; offices devoted to real estate, insurance, management, and similar enterprises when conducting their activities primarily by mail or telephone and not displaying or handling merchandise on the premises.
- d. Mobile home parks subject to the following conditions:
 - (1) The mobile home park shall be located on a parcel of ground at least five acres in size and each boundary line of the park shall be at least 200 feet from any residential structure located outside the park unless separated therefrom by a natural or artificial barrier.
 - (2) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - (3) Each mobile home, manufactured home, or modular home space shall be large enough to provide a distance of 10 feet between any trailer or structure on the space and the lot line, a front yard of 15 feet and a rear yard of 10 feet.
 - (4) All mobile home, manufactured home, or modular home spaces shall abut upon a driveway of not less than 20 feet in width which shall have unobstructed access to a public street.
 - (5) Walkways not less than two feet wide shall be provided from the trailer spaces to the service buildings.
 - (6) All driveways and walkways in the park shall be hard surfaced and lighted at night with electric lamps of not less than 25 watts each, spaced at intervals of not more than 100 feet.
 - (7) Each mobile home park shall provide service buildings to house such toilet, bathing, and other sanitary facilities and such laundry facilities as may be prescribed.
 - (8) An electrical outlet supplying at least 110 volts shall be provided for each mobile home, manufactured home, or modular home space.
 - (9) Adequate sanitary facilities and supply of pure water shall be provided to each mobile home, manufactured home, or modular home space.
 - (10) Each park shall comply with the regulations set forth by the General Assembly of Iowa.
 - (11) Tiedowns for each mobile home, manufactured home, or modular home as required of State law.

3. Permitted Accessory Uses.

- a. "R-2" Residence District accessory uses.
- b. Signs as regulated by Section 13.

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4. Height Regulations. No principal structure shall exceed five stories or 60 feet in height, at the required front, side and rear yard lines, other than as provided in Section 16 Additional Requirements, Exceptions, and Modifications except that one foot may be added to the height permitted for each foot that the building is set back from the required yard lines and that one foot be added to the minimum lot width for each one foot that the building exceeds five stories

or 60 feet in height. For buildings exceeding the five stories or 60 feet, a sprinkler system must be installed for fire protection.

5. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Section 16 Additional Requirements, Exceptions, and Modifications, inclusive. Each structure shall be located on a lot containing at least 5,000 square feet. Each structure containing more than one family shall be located on a lot having an area of 2,000 square feet for each family.

	Minimum Lot Width	Minimum Front Yard Depth	Minimum Side Yard Widths		Minimum Rear Yard Depth
			Least Width	Sum Least Widths	
1 story	50'	30'	6'	12'	30'
2 stories	52'	32'	8'	17'	30'
3 stories	55'	35'	10'	22'	35'
4 stories	65'	40'	12'	27'	40'
5 stories	75'	45'	14'	33'	45'

Over 5 stories (See Sub-section 9.5 of "R-3" Districts yard and width requirements)

Accessory Buildings must be at least 5 feet from the rear lot lines and 3 feet from the side lot lines.

SECTION 10 "B-1" RETAIL BUSINESS DISTRICTS.

The following are provisions of the B-1 Retail Business Districts:

1. Permitted Principal Uses.
 - a. Any use or structure permitted and as regulated in Section 9 "R-3" Multi-Family Residence Districts, except hereinafter modified.
 - b. Any *retail business establishment*, such as appliance store, auto accessory store, bakery with baking limited to goods for retail sales on the premises, book or stationery store, cafe or restaurant, camera or photographic supply shop, candy or ice cream store, delicatessen, drug store, fabric shop, floor-covering store, florist shop, furniture store including incidental upholstery, gift shop, grocery store, haberdashery or women's ready-to-wear shop, hardware or paint store, hobby shop, jewelry store, meat market, shoe store and variety store.
 - c. Any *service establishment*, such as a bank or other financial enterprise, barber or beauty shop, business or professional office, clothes cleaning or laundry pick-up station, funeral home, theater, and self-service laundry.
 - d. Animal hospitals, veterinary clinics or kennels, provided that buildings or enclosures in which animals are kept shall be at least 100 feet from any lot in any "R" District.
 - e. Bus terminal.
 - f. Business or trade school.
 - g. Commercial parking lot.
 - h. Department store.
 - i. Electrical and shoe repair shops.
 - j. Hotel.

- k. Meeting hall, club or fraternal organization where alcohol is not served.
- l. Messenger or telegraph service stations.
- m. Music and dancing studio.
- n. Public parking lot, customer and other accessory parking area, subject to the applicable provisions of Section 14 Special Provisions.
- o. Storage garages.
- p. Auto dealership sales showrooms.
- q. Libraries and museums.
- r. The following uses when occupying a completely enclosed building located at least 100 feet from any "R" District:
 - (1) Dance hall, bar or cocktail lounge, night club, and similar enterprise.
 - (2) Furniture upholstery.
 - (3) Printing, publishing, engraving or lithographing shop.
 - (4) Laundry and dry cleaning shop.
 - (5) Plumbing shops.
- s. Any other use that is determined by the Board of Adjustment to be of the same general character as the forgoing permitted uses, but not including any use which may become noxious or offensive in a "B-1" Retail Business District.

2. Permitted Accessory Uses.

- a. Accessory uses customarily incidental to a permitted use, including signs as regulated by Section 13.

3. Height Regulations. No structure shall exceed three stories or 45 feet in height, except as provided in Section 16 Additional Requirements, Exceptions, and Modifications.

4. Yard Requirements. The following minimum requirements shall be observed, subject to the additional requirements, exception and modifications in Section 16 Additional Requirements, Exceptions, and Modifications.

	<u>Minimum Front Yard Depth</u>	<u>Minimum Side Yard Depth</u>	<u>Minimum Rear Yard Depth</u>
Dwelling		(same as in "R-3" Districts)	
Other Permitted Uses	None	None, except where adjoining an "R" District, then same as the least width required in that "R" District.	None, except where adjoining and "R" District, then same as "R" District.

(Revised 9-5-2000)

SECTION 11 "B-2" GENERAL BUSINESS DISTRICTS.

The following are provisions of the B-2 General Business Districts:

1. Permitted Principal Uses.

- a. Any use or structure permitted and as regulated in Section 10 "B-1" Retail Business Districts, except as hereinafter modified.
- b. Tourist homes.

- c. Building material sales yards, if enclosed on all sides by an eight-foot high solid fence.
 - d. Wholesale businesses and warehouses.
 - e. Hotels or motels, subject to the provisions of Section 14 Special Provisions.
 - f. Drive-in facility establishments.
 - g. Farm implement sales and service.
 - h. Frozen food lockers.
 - i. Motor fuel stations subject to the conditions stipulated in Section 14 Special Provisions.
 - j. Greenhouses.
 - k. Commercial baseball field, boat house, golf driving range, skating rink, swimming pool, or similar open air recreational uses and facilities, but not within 200 feet of any "R" District.
 - l. The following uses provided no part of a building where any activity is conducted shall have any openings other than stationary windows or required fire exits within 100 feet of any "R" District.
 - (1) Automobile, truck, trailer, and farm implement establishments for display, hire, sales, including sales lots.
 - (2) Bottling of soft drinks or milk, or distribution stations.
 - (3) Bowling alley, pool hall or billiard parlor, dance hall, bar or cocktail lounge, night club and similar enterprises.
 - (4) Carpenter shop, electrical, heating, ventilating or plumbing shop, furniture upholstering shop, printing, publishing, engraving or lithographing plant, laundry and dry cleaning shop, sign painting shop, and similar establishments.
 - m. Recreational vehicle park, subject to a conditional use permit pursuant to Sec. 15A of the Albia Zoning Ordinances.
 - n. Any other use that is determined by the Board of Adjustment to be of the same general character as the foregoing permitted uses, but not including any use which may become noxious or offensive in a "B-2" District.
2. Permitted Accessory Uses.
- a. "B-1" Retail Business District accessory use.
 - b. Other accessory uses customarily incidental to a permitted principal use, including signs as regulated by Section 13.
3. Height Regulations. No structure shall exceed three stories or 45 feet in height, except as provided in Section 16 Additional Requirements, Exceptions, and Modifications.
4. Lot Area, Frontage, and Yard Requirements. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Section 16 Additional Requirements, Exceptions, and Modifications, inclusive.

	Minimum Lot Area	Minimum Lot Area Per Family	Minimum Front Yard DepthWidths	Minimum Side Yard Depth	Minimum Rear Yard
Dwellings			(Same as "R-3" Districts)		
Other Permitted Uses	None	None	None	None, except where adjoining an "R" District then same as the least width required in that "R" District	None, except where ad- joining an "R" District then same as "R" District

Revised 9-5-2000

SECTION 12 "I-1" INDUSTRIAL DISTRICTS.

The following are provisions of the I-1 Industrial Districts:

1. Permitted Principal Uses.

- a. Any use or structure permitted and as regulated in permitted principal uses of Section 11 "B-2" General Business Districts, except as hereinafter modified.
- b. The following uses if located not less than 100 feet from any "R" District, provided any such operations are enclosed by a solid wall or fence not less than six feet in height:
 - (1) Builder's or contractor's plant or storage yard.
 - (2) Building material sales and storage yard, including concrete mixing.
 - (3) Lumber yard, including millwork.
 - (4) Open yard for storage and sale of feed, fertilizer, or fuel.
- c. The following uses, providing no part of a building occupied by such uses shall have openings other than stationary windows or required exits within 100 feet of any "R" District:
 - (1) Automobile repair garage doing major repair, including tire retreading or recapping, battery service and repair.
 - (2) The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, milk and food products.
 - (3) The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, plastics, precious or semi-precious metals or stone, rubber, textiles, wood and yarn.
 - (4) The manufacture or assembly of electrical appliances, electronic instruments and devices, phonographs, radio and televisions sets, electric and neon signs, refrigerators and stoves.
- d. Railroad freight stations, trucking or motor freight terminals, provided that service yards or docks are at least 100 feet from any lot in any "R" District.
- e. Sanitary landfills, in accordance with county and state regulations, except that no sanitary landfill shall be operated within 1,320 feet of any "R" District.
- f. Any other use not in conflict with enacted laws of the State of Iowa or city regulating nuisances that is determined by the Board of Adjustment to be of the same general character as the foregoing permitted uses, but not including any use which may become noxious in an "I-1" District or offensive or emitting or likely to emit substantial amounts of dust, odor, gas, smoke, or noise. In determining the character of such use, the Board shall refer to the special exceptions and interpretation of the map in Section 19 Board of Adjustments.

- g. Auto salvage and wrecking operations, industrial metal and waste salvage operations, and junk yards, but only when located inside a building or when wholly enclosed by a wooden fence not less than eight (8) feet in height and in which the openings or cracks are less than fifteen (15) percent of the total area.

2. Permitted Accessory Uses.

- a. "B-2" Business District accessory uses.
- b. Other accessory uses customarily incidental to a permitted principal use, including signs as regulated by Section 13.

3. Prohibited Uses.

- a. Dwellings, except for watchman or caretaker on the premises.
- b. Schools, hospitals, clinics, and other institutions for human care, except when incidental to a permitted principal use.
- c. Generation, storage, or handling of nuclear or radioactive materials.
- d. None of the following specific uses shall be permitted unless approved by the council after a review and report from the Zoning Commission, subject to such requirements as it may deem necessary to protect adjacent property and prevent objectionable or offensive conditions:
 - (1) Chemicals, petroleum, coal, and allied products:
 - a) Acids and derivatives
 - b) Acetylene
 - c) Ammonia
 - d) Carbide
 - e) Caustic Soda
 - f) Cellulose and cellulose storage
 - g) Chlorine
 - h) Coke oven products (including fuel gas) and coke oven products storage
 - i) Creosote
 - j) Distillation, manufacture, or refining of coal, tar, asphalt, wood, and bones
 - k) Explosives (including ammunition and fireworks) and explosives storage
 - l) Fertilizer (organic)
 - m) Fish oils and meal
 - n) Glue, gelatin (animal)
 - o) Hydrogen and oxygen
 - p) Lampblack, carbonblack, and boneblack
 - q) Nitrating of cotton or other materials
 - r) Nitrates (manufacture and natural) of explosive nature and storage
 - s) Petroleum, gasoline, and lubricating oil refining and wholesale storage
 - t) Plastic materials and synthetic resins
 - u) Potash
 - v) Pyroxylin
 - w) Rendering and storage of dead animals, offal, garbage, or waste products
 - x) Turpentine and resin
 - y) Wells, gas and oil
 - (2) Clay, stone, and glass products:
 - a) Brick, firebrick refractories, and clay products (coal fired)
 - b) Cement, lime, gypsum, or plaster of Paris
 - c) Minerals and earth; quarrying, extracting, grinding, crushing, and processing
 - (3) Food and beverage:
 - a) Fat rendering
 - b) Fish curing, packing, and storage
 - c) Slaughtering of animals
 - d) Starch manufacture
 - (4) Metals and metal products:
 - a) Aluminum powder and paint manufacture
 - b) Blast furnace, cupolas

- c) Blooming mill
- d) Metal and metal ores, reduction, refining, smelting, and alloying
- e) Scrap metal reduction
- f) Steel works and rolling mill (ferrous)
- (5) Wood and paper products:
 - a) Match manufacture
 - b) Wood pulp and fiber, reduction and processing
- (6) Unclassified industries and uses:
 - a) Hair, hides, and raw fur, curing, tanning, dressing, dyeing, and storage
 - b) Stockyard or commercial feed lot

4. Yard Requirements. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Section 16 Additional Requirements, Exceptions, and Modifications, inclusive (Revised 9-5-2000)

<u>Height Permitted Uses</u>	<u>Minimum Front Yard Depth</u>	<u>Minimum Side Yard Widths</u>	<u>Minimum Rear Yard Depth</u>
4 stories or 50' in height	Same as B-2	Same as B-2	Same as B-2

SECTION 13 SIGN AND AWNING REGULATIONS.

The following are provisions of signs and awnings:

1. Purpose of Sign Regulations. The purpose of this section is to provide that signs and awnings are safely constructed and kept in a safe condition, and that signs shall not be located so as to cause a safety hazard. It is intended to protect values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of designated areas, and provide a more enjoyable and pleasing community. All signs for which permits are issued shall be designed to preserve the architectural integrity of the building and shall be in keeping with the restoration concept of the Albia central business district.
2. Sign Specifications. As applicable to this section, the following words and terms are hereby defined:
 - a. Agricultural Sign. Any sign not exceeding four square feet in area indicating the type of plant being grown or the type of fertilizer/herbicide used.
 - (1) These signs may be used only within an agricultural realm.
 - (2) Agricultural signs do not require a permit for use.
 - b. Awning. A device attached to buildings by means of movable metal frames. It shall also mean all metal and/or wood projections also referred to as canopies and marquees.
 - (1) Movable awnings supported throughout on metal frames may extend over the sidewalk portion of a public street a distance not to exceed two-thirds (2/3) of the width of the sidewalk space; provided that every such awning frame shall not be less than seven feet six inches (7'6") from the sidewalk immediately below, and that any fringe attached to the awning shall not be less than seven feet (7') from the sidewalk immediately below.
 - (2) Permanent canopies or marquees, except those already in existence at the time of passage of this ordinance, shall not be permitted.
 - c. Billboard. Any flat surface twenty (20) square feet or more in area, erected on a framework or attached to posts, buildings, or other structures, and used for the display of bills, posters or other advertising matter, posted, tacked, or fastened thereto. Billboards of any kind are prohibited in the central business district and residential districts. The central business district is described as commencing at the corner of North "A" Street and "B" Avenue West, thence east to North 3rd Street, thence south to 2nd Avenue East, thence west to South "A" Street, thence north to the place of beginning. In the central business district, any service station, super market or car dealer located in the central business district shall be allowed one freestanding sign advertising their product and/or service.
 - d. Free Standing Sign. A sign permanently supported by one or more uprights, braces, poles, or other similar structural components when utilizing earth, rock, the ground, or any foundation set in the ground as a primary holding base and not attached to or enclosed by any building.

- e. Ground Sign. Any sign the structure of which is erected upon or supported by the ground with a surface area of twenty (20) square feet or less.
- (1) Poster boards or ground signs are prohibited in the following locations:
 - a) Closer to any street line or established building line than a distance equal to the height of such sign above the ground.
 - b) Within five hundred feet (500') of any railroad crossings, where the sign will interfere with or obstruct the view of persons approaching the street intersection.
 - c) Within two hundred feet (200') of any street intersection where the sign will interfere with or obstruct the view of persons approaching the street intersection.
 - d) In any location which will interfere with the lighting of any street, alley, or public place, or interfere with any public utility service.
 - (2) An open space at least one foot (1') high shall be maintained between the poster board or ground sign and the ground.
 - (3) All poster boards and ground signs shall be constructed and supported to withstand a horizontal wind pressure of thirty pounds (30) per square foot of surface. All structural parts, posts and braces shall be able to withstand all induced stresses using unit stress values of fifty percent (50%) of the allowable unit stress values commonly used for such materials.
- f. Illuminated Signs. (Revised 3-4-02)
- (1) Whenever any sign is illuminated by electricity or equipped in any way with electrical devices, these devices shall conform in all respects to the provisions of this code.
 - (2) No flashing signs of any type are permitted.
- g. Poster Board. Any flat surface under twenty (20) square feet in area, erected on a framework or attached to posts, buildings, or other structures, and used for the display of bills, posters or other advertising matter produced on paper sheets, cloth or other materials and posted, tacked, or fastened thereto.
- (1) Poster boards or ground signs are prohibited in the following locations:
 - a) Closer to any street line or established building line than a distance equal to the height of such sign above the ground.
 - b) Within five hundred feet (500') of any railroad crossings, where the sign will interfere with or obstruct the view of persons approaching the street intersection.
 - c) Within two hundred feet (200') of any street intersection where the sign will interfere with or obstruct the view of persons approaching the street intersection.
 - d) In any location which will interfere with the lighting of any street, alley, or public place, or interfere with any public utility service.
 - (2) An open space at least one foot (1') high shall be maintained between the poster board or ground sign and the ground.
 - (3) All poster boards and ground signs shall be constructed and supported to withstand a horizontal wind pressure of thirty pounds (30) per square foot of surface. All structural parts, posts and braces shall be able to withstand all induced stresses using unit stress values of fifty percent (50%) of the allowable unit stress values commonly used for such materials.
- h. Projecting Sign. Any sign fastened to, suspended from, or supported by a building or structure so as to project therefrom at an angle.
- (1) Signs fastened to, suspended from or supported by a building or structure so as to project therefrom at an angle shall not extend more than three feet (3') beyond the street line.
 - (2) Projecting signs shall not contain an exposed surface area on one side exceeding six square feet (6 sq. ft.).
 - (3) Projecting signs shall have a clear space of not less than seven feet six inches (7'6") below all parts of the sign. Projecting signs extending into the limits of an alley shall have a clear space of not less than sixteen feet (16') above the alley grade.
 - (4) The distance between the parallel surfaces of a double faced sign shall not exceed three inches (3").
 - (5) All projecting signs shall be securely supported by metal brackets attached to the walls of the building with through bolts, expansion bolts or lag screws, and shall be firmly, braced and held in place by means of soft iron or steel cables, provided with turn buckles for tightening when so required.
- i. Real Estate Sign. Signs used for advertising the sale or lease of a building or lot, upon which the same are located, where the signs are not permanently attached to buildings or the ground.

- (1) These signs may be used in a temporary nature during the time the property is for sale or to lease.
 - (2) Real estate signs shall be removed upon which time the building or lot for sale or lease on the premises is sold or leased out.
 - j. Roof Sign. The term "Roof Sign" shall mean any sign placed on or above the roof of any building or structure.
 - (1) Roof signs of any kind are prohibited.
 - k. Sign. Any structure or device on which letters, illustrations, designs, figures, or symbols are painted, printed, stamped, raised, attached, or outlined for visual communication. This device is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency.
 - l. Sign Area: Display surface included within the framework of any sign measured from the outside of the framework. The total area shall include:
 - (1) Faces of all permanent exterior signs visible from a public way
 - (2) The area of permanent signs placed upon the surfaces of windows and doors.
 - (3) The area within the outline enclosing the lettering, modeling, or insignia of signs integral with the wall and not designed as a panel.
 - m. Street Line. The place where the public sidewalk begins and the private property line ends.
 - n. Temporary Signs. Signs used for advertising special events which are not permanently attached to buildings or the ground.
 - (1) May be used for advertising special events but will be limited to three (3) days use in any six month period. Size requirements will not apply to temporary signs but all other requirements must be followed.
 - o. Wall Sign. Any sign with its face parallel to and projecting not more than six (6) inches from the wall to which it is attached.
 - (1) Signs placed against the exterior walls of buildings shall not exceed more than six (6) inches from the wall surface to which they are attached.
 - (2) Wall signs attached parallel to the face of a building shall not exceed forty square feet (40 sq. ft.) in area, for any twenty feet (20') of frontage on the building, nor shall more than one of these signs be attached to each face of the building.
 - (3) Wall signs shall not extend beyond the ends of the wall surface on which they are placed.
 - (4) Wall signs shall be securely attached to structural members of buildings with metal brackets, expansion bolts or lag screws.
3. Permits Required. Every person shall obtain a permit from the city zoning administrator before erecting a projecting sign, wall sign, poster board or ground sign. A committee may be appointed to review such permits for recommendation to the city zoning administrator. The Historic Preservation Committee may review the permits in the Downtown Historical District of Albia.
4. District Sign Allowances.
- a. Agricultural District Signs.
 - (1) Agricultural signs
 - (2) Signs not exceeding twenty square feet in area pertaining to a permitted recreational use or areas of scenic beauty, provided such signs shall be set back at least ten feet from any right-of-way, and there shall be a distance of three hundred (300) feet between any such signs.
 - (3) Signs accessory to roadside stands shall be limited to two signs per lot with no sign being larger than ten square feet, set back at least ten feet from the right-of-way of any highway, street, or road.
 - (4) Real estate signs, not exceeding two per lot and set back at least four feet from the right-of way of any highway, street, or road.
 - b. Residential District Signs.
 - (1) Awnings, ground signs, illuminated signs, poster boards, projected signs, temporary signs, and wall signs not to exceed twelve square feet in total sign area. These signs must be set back at least twenty (20) feet from the right-of-way of any highway, street, or road.

- (2) Real estate signs, not exceeding two per lot and set back at least four (4) feet from the right-of-way of any highway, street, or road.
 - (3) One nameplate not exceeding four square feet for each dwelling.
 - (4) Agricultural signs are not allowed in any residential district.
- c. **Business District Signs.**
- (1) Awnings, ground signs, illuminated signs, poster boards, projected signs, temporary signs, and wall signs not to exceed 100 square feet in total sign area.
 - (2) Real estate signs, not exceeding two per lot.
 - (3) Agricultural signs are not allowed in any business district.
 - (4) Historical District Signs may be stipulated by the Albia Historical District Commission
- d. **Industrial District Signs.**
- (1) Awnings, ground signs, illuminated signs, poster boards, projected signs, temporary signs, and wall signs not to exceed 100 square feet in total sign area.
 - (2) Real estate signs, not exceeding two per lot.
 - (3) Agricultural signs are not allowed in any industrial district.
4. **Restricted Area, Unlawful Signs, Non-Conforming Signs.** No sign of any type, or any part thereof, whether or not the same is an integral part of the building or structure, shall be affixed or placed upon any building or structure unless the front face of such sign shall be parallel to the face of the building or structure to which it is affixed in front of which it is placed. Said parallel sign shall not extend more than six (6) inches from the front of the building or structure, and if said parallel sign is affixed to a permanent canopy or marquee, said sign shall not extend further out than the furthest extension of the canopy or marquee. The above restrictions shall apply to all buildings and structures in the central business district of the City of Albia, Iowa. An exception of the above shall be that any service station, supermarket or car dealer located in the above areas shall be allowed one freestanding sign advertising their product and/or service.
5. **Means of Egress.** Signs shall not be so placed as to obstruct or interfere with a required doorway, window, fire escape, passage-way to a fire escape, or other means of egress.
6. **Removal of Certain Signs.** Any sign or part thereof now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found, within thirty (30) days written notification from the city council, and upon failure to comply with such notice within the time specified in such order, the city council is hereby authorized to cause removal of such signs, and any expense incident thereto shall be paid by the owner of the building or structure to which said sign is attached.
7. **Signs Prohibited.** Any sign or sign structure which meets one of the following circumstances is hereby strictly prohibited.
- a. Structurally unsafe.
 - b. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidated or abandonment.
 - c. Not kept in good repair.
 - d. In any way constitutes a hazard or a detriment to traffic safety by obstructing the vision of drivers, or the visibility of any traffic sign or control device on public streets and roads.
8. **Penalty.** Unless otherwise provided herein, any person who violates any of the provisions of this section shall be guilty of a simple misdemeanor.

SECTION 14 CENTRAL COMMERCIAL HISTORIC DISTRICT SIGN AND AWNING REGULATIONS

The following are provisions of signs and awnings only in the central commercial historic district:

1. Purpose of Sign Regulations. The purpose of this section is to provide that signs and awnings are safely constructed and kept in a safe condition, and that signs shall not be located so as to cause a safety hazard. It is intended to protect values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of designated areas, and provide a more enjoyable and pleasing community. All signs for which permits are issued shall be designed to preserve the architectural integrity of the building and shall be in keeping with the restoration concept of the Albia Square and Central Commercial Historic District.

2. Sign Specifications. As applicable to this section, the following words and terms are hereby defined:
 - a. Awning. A system of movable metal framework which may exist in the up or down position covered with vinyl or canvas material attached to the exterior of a building. The word awning may also describe a framework of the same construction permanently fixed in the down position.
 - (1) Movable and permanent awnings supported throughout on metal frames may extend over the sidewalk portion of a public street a distance not to exceed two-thirds (2/3) of the width of the sidewalk space; provided that every such awning frame shall not be less than seven feet six inches (7'6") from the sidewalk immediately below, and that any fringe attached to the awning shall not be less than seven feet (7') from the sidewalk immediately below.
 - (2) Such awning frames shall be covered with canvas duck material in colors chosen to enhance the owner's and neighboring buildings.

 - b. Billboard. Any flat surface twenty (20) square feet or more in area, erected on a framework or attached to posts, buildings, or other structures, and used for the display of bills, posters or other advertising matter, posted, tacked, or fastened thereto.
 - (1) Billboards of any kind are prohibited.

 - c. Canopies or Marquees. The word canopy or marquee shall include all types of awning systems that are fixed permanently in the down position, with a heavy metal or wood frame construction and exterior coverings including vinyl, canvas, wood, and metal materials. Heavy wood or metal construction of canopy and marquee framework consists of frames constructed of anything larger than one and one-half inch (1.5") diameter metal piping or two inch by two inch (2" x 2") wood materials.
 - (1) Permanent canopies or marquees, except those already in existence at the time of passage of this ordinance, shall not be permitted.

 - d. Free Standing Sign. A sign permanently supported by one or more uprights, braces, poles, or other similar structural components when utilizing earth, rock, the ground, or any foundation set in the ground as a primary holding base and not attached to or enclosed by any building.

 - e. Ground Sign. Any sign the structure of which is erected upon or supported by the ground with a surface area of twenty (20) square feet or less.
 - (1) Poster boards or ground signs are prohibited in the following locations:
 - a) Closer to any street line or established building line than a distance equal to the height of such sign above the ground.
 - b) Within five hundred feet (500') of any railroad crossings, where the sign will interfere with or obstruct the view of persons approaching the street intersection.
 - c) Within two hundred feet (200') of any street intersection where the sign will interfere with or obstruct the view of persons approaching the street intersection.
 - d) In any location which will interfere with the lighting of any street, alley, or public place, or interfere with any public utility service.
 - (2) An open space at least one foot (1') high shall be maintained between the poster board or ground sign and the ground.

- (3) All poster boards and ground signs shall be constructed and supported to withstand a horizontal wind pressure of thirty pounds (30) per square foot of surface. All structural parts, posts and braces shall be able to withstand all induced stresses using unit stress values of fifty percent (50%) of the allowable unit stress values commonly used for such materials.
- f. Illuminated Signs.
- (1) Whenever any sign is illuminated by electricity or equipped in any way with electrical devices, these devices shall conform in all respects to the provisions of the National Electric Code.
 - (2) No flashing signs of any type are permitted.
- g. Poster Board. Any flat surface under twenty (20) square feet in area, erected on a framework or attached to posts, buildings, or other structures, and used for the display of bills, posters or other advertising matter produced on paper sheets, cloth or other materials and posted, tacked, or fastened thereto.
- (1) Poster boards or ground signs are prohibited in the following locations:
 - a) Closer to any street line or established building line than a distance equal to the height of such sign above the ground.
 - b) Within five hundred feet (500') of any railroad crossings, where the sign will interfere with or obstruct the view of persons approaching the street intersection.
 - c) Within two hundred feet (200') of any street intersection where the sign will interfere with or obstruct the view of persons approaching the street intersection.
 - d) In any location which will interfere with the lighting of any street, alley, or public place, or interfere with any public utility service.
 - (2) An open space at least one foot (1') high shall be maintained between the poster board or ground sign and the ground.
 - (3) All poster boards and ground signs shall be constructed and supported to withstand a horizontal wind pressure of thirty pounds (30) per square foot of surface. All structural parts, posts and braces shall be able to withstand all induced stresses using unit stress values of fifty percent (50%) of the allowable unit stress values commonly used for such materials.
- h. Projecting Sign. Any sign fastened to, suspended from, or supported by a building or structure so as to project therefrom at an angle with a surface area no greater than seven and one-half square feet.
- (1) Signs fastened to, suspended from or supported by a building or structure so as to project therefrom at an angle shall not extend more than three feet (3') beyond the street line.
 - (2) Projecting signs shall not contain an exposed surface area on one side exceeding six square feet (6 sq. ft.).
 - (3) Projecting signs shall have a clear space of not less than seven feet six inches (7'6") below all parts of the sign. Projecting signs extending into the limits of an alley shall have a clear space of not less than sixteen feet (16') above the alley grade.
 - (4) The distance between the parallel surfaces of a double faced sign shall not exceed three inches (3").
 - (5) All projecting signs shall be securely supported by metal brackets attached to the walls of the building with through bolts, expansion bolts or lag screws, and shall be firmly, braced and held in place by means of soft iron or steel cables, provided with turn buckles for tightening when so required.
- i. Real Estate Sign. Signs used for advertising the sale or lease of a building or lot, upon which the same are located, where the signs are not permanently attached to buildings or the ground.
- (1) These signs may be used in a temporary nature during the time the property is for sale or to lease.
 - (2) Real estate signs shall be removed upon which time the building or lot for sale or lease on the premises is sold or leased out.
- j. Roof Sign. The term "Roof Sign" shall mean any sign placed on or above the roof of any building or structure.
- (1) Roof signs of any kind are prohibited in the Albia Historic Commercial District.
- k. Sign. Any structure or device on which letters, illustrations, designs, figures, or symbols are painted, printed, stamped, raised, attached, or outlined for visual communication. This device is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency.

- l. Sign Area. Display surface included within the framework of any sign measured from the outside of the framework. The total area shall include:
 - (1) Faces of all permanent exterior signs visible from a public way
 - (2) The area of permanent signs placed upon the surfaces of windows and doors.
 - (3) The area within the outline enclosing the lettering, modeling, or insignia of signs integral with the wall and not designed as a panel.

- m. Street Line. The place where the public sidewalk begins and the private property line ends.

- n. Temporary Signs. Signs used for advertising special events which are not permanently attached to buildings or the ground.
 - (1) May be used for advertising special events but will be limited to three (3) days use in any six month period. Size requirements will not apply to temporary signs but all other requirements must be followed.

- o. Wall Sign. Any sign with its face parallel to and projecting not more than six (6) inches from the wall to which it is attached.
 - (1) Signs placed against the exterior walls of buildings shall not exceed more than six (6) inches from the wall surface to which they are attached.
 - (2) Wall signs attached parallel to the face of a building shall not exceed forty square feet (40 sq. ft.) in area, for any twenty feet (20') of frontage on the building, nor shall more than one of these signs be attached to each face of the building. Where ever possible, wall signs shall be placed in the areas constructed as transoms originally.
 - (3) Wall signs shall not extend beyond the ends of the wall surface on which they are placed.
 - (4) Wall signs shall be securely attached to structural members of buildings with metal brackets, expansion bolts, lag screws, or similar fasteners.
 - (5) No vacuformed or signs of similar construction be allowed under this section.

3. Permits Required. Every person shall obtain a permit from the Albia Historic Preservation Commission before erecting a projecting sign, wall sign, poster board or ground sign. Such permit will require submission of a drawing of the sign proposed with all appropriate measurements needed to determine compliance with this ordinance. The Albia Historic Preservation Commission may review the permits for the Albia Square and Central Commercial Historic District when necessary.

4. Restricted Area, Unlawful Signs, Non-Conforming Signs. No sign of any type, or any part thereof, whether or not the same is an integral part of the building or structure, shall be affixed or placed upon any building or structure unless the front face of such sign shall be parallel to the face of the building or structure to which it is affixed in front of which it is placed. Said parallel sign shall not extend more than six (6) inches from the front of the building or structure, and if said parallel sign is affixed to a permanent canopy or marquee, said sign shall not extend further out than the furthest extension of the canopy or marquee. The above restrictions shall apply to all buildings and structures in the Commercial Historic District of the City of Albia, Iowa. An exception of the above shall be that any service station, supermarket or car dealer located in the above areas shall be allowed one freestanding sign advertising their product and/or service.

5. Means of Egress. Signs shall not be so placed as to obstruct or interfere with a required doorway, window, fire escape, passage-way to a fire escape, or other means of egress.

6. Removal of Certain Signs. Any sign or part thereof now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found, within thirty (30) days written notification from the city council, and upon failure to comply with such notice within the time specified in such order, the city council is hereby authorized to cause removal of such signs, and any expense incident thereto shall be paid by the owner of the building or structure to which said sign is attached.

7. Signs Prohibited. Any sign or sign structure which meets one of the following circumstances is hereby strictly prohibited.
 - a. Structurally unsafe.
 - b. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidated or abandonment.

- c. Not kept in good repair.
 - d. In any way constitutes a hazard or a detriment to traffic safety by obstructing the vision of drivers, or the visibility of any traffic sign or control device on public streets and roads.
8. Penalty. Any failure to conform to this section of the City of Albia Zoning Ordinance shall result in a municipal infraction in accordance with the Albia City Code of Ordinances.
9. Albia Square and Central Commercial Historic District Boundaries. The boundaries of the Central Commercial Historic District are shown on the map attached to the zoning map.

SECTION 15 SPECIAL PROVISIONS.

The following are the special provisions to be considered in this zoning ordinance:

1. Off-Street Parking Areas and Loading Spaces.
- a. Off-Street Loading. In all districts, in connection with every building or part thereof hereafter erected, having a gross floor area of 2,500 square feet or more, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building at least one off-street loading space accessible from an alley, easement of access, or, when there is no such alley or easement of access, from a street plus one additional such loading space for each 10,000 square feet or major fraction thereof of gross floor area so used in excess of 15,000 square feet. Such space may occupy all, or any part of a required rear yard, or, with authorization of the Board of Adjustment, part of any other yard or court space on the same premises.
 - b. Off-Street Parking. In all districts except "B-1", off-street accessory parking areas, in the open or in a garage, shall be provided in connection with the uses set forth hereinafter and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas, in the case of "R" Districts and for dwellings in other districts, shall be on the premises intended to be served; and in the case of "B-1" or "I-1" Districts, premises intended to be served or on adjoining or nearby property within 100 feet of any part of said premises and in the same or less restricted district.
 - c. Number of Parking Spaces Required.

<u>Use</u>	<u>Parking Spaces Required</u>
Automobile or Machinery Sales and Service Garages	1 for each 1,000 square feet of floor area plus one for each full-time employee
Banks, Business & Professional Offices	1 for each 200 square feet of floor area
Bowling Alleys	6 for each alley
Churches and Schools	1 for each 4 seats in principal auditorium
Convenience Stores-Drug, Grocery, Hardware, and similar stores	1 for each 300 square feet of floor area devoted to sales plus 1 for each full-time employee
Dance Halls and Assembly Halls without fixed seats	1 for each 50 square feet of floor area used for assembly or dancing
Drive-In Facility Establishments	Not less than 1/3 of the total ground area be devoted exclusively to parking and accesses ways.

Dwellings -	
Single-Family Detached	2 for each dwelling unit
All Other	1 1/2 for each dwelling unit
Food Pick-Up Establishments	Minimum of 1 plus 1 for each 100 square feet of floor area
Funeral Homes, Mortuaries	6 per chapel room or parlor or 1 per 50 square feet of rooms used for services, whichever is greater
Hospitals, Nursing Homes and similar care centers	1 for each 5 beds plus 1 for each 2 doctors and employees
Manufacturing Plants, Research, or Testing Laboratories, Bottling Plants	1 for each 3 employees on maximum working shift
Medical or Dental Clinics	1 for each 200 square feet of floor area plus 1 for each full-time employee and 1 for each doctor
Motels	1 for each unit, plus 1 for each 2 employees on maximum shift
Motor Fuel Stations	1 for each employee on duty plus 1 for each service bay
Service Establishments- Barber Shops	2 for each chair plus 1 for each 2 employees on maximum shift
Beauty Shops	1 for each dryer plus 1 for each 2 employees on maximum shift
Coin-Operated Laundries and/or Dry Cleaning Establishments	1 for each 3 washers and/or cleaning machines plus 1 for each 2 employees on maximum shift
Restaurants	1 for each 3 seats plus 1 for each 2 employees on maximum shift
Shoppers' Goods-Appliance Household Equipment, Furniture and similar stores	1 for each 500 square feet of floor area plus 1 for each full-time employee
Taverns or Bars	1 for each 2 seats plus a for each 2 employees on maximum shift
Theaters	1 for each 4 seats
Wholesale Establishments	1 for each 4 employees on maximum work shift

In the case of any use which is not specifically mentioned herein, the provisions for a similar use which is mentioned shall apply.

d. Units of Measurement. The following shall apply as the unit of measurement for parking spaces:

- (1) Parking Space. Each parking space rectangular in shape shall not be less than 8 1/2 feet wide and 20 feet long, or not less than 170 square feet in area exclusive of access drives or aisles.
 - (2) Loading Space. Each loading space shall not be less than 10 feet wide, 40 feet in length and 14 feet in height, exclusive of access and turning area.
 - (3) Floor Area. In the case of merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons or clients, but shall not include areas used principally for non-public purposes, such as toilet or rest rooms, utilities, or dressing rooms.
 - (4) Hospital Bassinets. In hospitals, bassinets shall not be counted as beds.
 - (5) Benches in Place of Public Assembly. In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 20 inches of such seating facilities shall be counted as one seat for the purposes of determining requirements for off-street parking facilities under this ordinance.
- e. Development Standards. Off-street accessory parking areas shall be of usable shape, and shall be improved, in accordance with requirements of the City Engineer, or his or her equivalent, with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises in and "R" District.
- f. Exceptions. The following exceptions to parking spaces are permitted:
- (1) The Board of Adjustment may authorize on appeal a modification, reduction, or waiver of the foregoing requirements, if it should find that in the particular case the peculiar nature of the use, or other exceptional situation or conditions would justify such modifications, reduction or waiver.
 - (2) The Zoning Commission, in consultation with other city departments and agencies concerned, shall make studies as found advisable of various areas in the city for the purpose of determining the areas within which there is need for the establishment of off-street parking facilities to the City Council. This report shall include recommendations on the type, size, location and other pertinent features of the proposed off-street parking facilities and the area they are intended to serve.
2. Designated Flood Hazard Area. All buildings and land within a designated flood hazard area as defined by the Department of Housing and Urban Development shall be limited to the following uses:
- a. The growing of agricultural crops and nursery stock gardening.
 - b. The keeping of agricultural livestock in accordance with the municipal ordinance relating thereto.
 - c. Public Recreation.
 - d. No building shall be erected, converted, or enlarged on any parcel of land without the approval of the Zoning Board of Adjustment.
3. Garages, Motor Fuel Stations, and Car Washes.
- a. No building, structure or premises shall be used, erected or altered which is intended or designed to be used as a public garage, automobile repair shop, motor fuel station, or car wash having an entrance or exit for vehicles in the same block-front and within 200 feet of any school, public playground, church, hospital, public library or institution for dependents or for children, and no such entrance or exit shall be located within the same block-front and within 20 feet of any "R" District; nor shall any part of such public garage, automobile repair shop, motor fuel station, or car wash be located within 100 feet of any building or grounds of any of the aforesaid public or institutional uses.
 - b. All activities incidental to the sale of gasoline or oil such as battery and tire repair, car washing and greasing shall be conducted within the building and there shall be no storage or accumulation of

miscellaneous equipment, machinery or motor vehicles, disabled or otherwise, outside of the principal structure.

c. No above ground storage for volatile or explosive fuels will be permitted.

4. Trailers, Recreational Vehicles and Tents.

a. The parking of a trailer or recreational vehicle, or erections of a tent in any district, except in an approved trailer park or camp ground, for 48 hours or longer shall be prohibited, except for small utility trailers and except that a camping, utility or boat trailer, with or without boat, may be stored in rear yards, provided that no living quarters shall be maintained or any business conducted in connection therewith while such trailer is parked or stored.

b. In any district, the wheels of any trailer or recreational vehicle shall not be removed except for repairs, nor shall such trailer be otherwise permanently fixed to the ground by any person, firm or corporation in a manner that would prevent ready removal of said trailer.

c. The parking, storage, or keeping of a garbage truck or other vehicles designed or actually being used to carry, haul, or transport garbage, solid waste or other refuse is prohibited in the corporate limits of the City, except in areas designated as I-1, Industrial.

5. Hotels or Motels.

a. No vehicular entrance to or exit from any hotel or motel, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or on another street, which the premises in question do not abut.

b. The following regulations shall be complied with:

- (1) Any lot to be used for a motel shall be not less than 15,000 square feet in area and shall contain not less than 1,000 square feet of lot area per sleeping unit. All buildings and structures on the lot shall occupy in the aggregate not more than 25% of the area of the lot.
- (2) All areas used for automobile access parking shall comply with the provisions of off-street parking areas and loading spaces under Section 14 Special Provisions.
- (3) All areas not used for access, parking, circulation, buildings and services shall be completely landscaped and the entire site maintained in good condition.
- (4) No enlargements or extensions to any motel shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.

Revised 6-3-96

SECTION 15A CONDITIONAL USE PERMITS.

The following are the special provisions to be considered in this zoning ordinance:

1. Any use listed as a conditional use in this Ordinance shall be permitted only on application to the Zoning Administrator, review and recommendation of the Planning and Zoning Commission, and issuance of the Conditional Use Permit by the Albia City Council. The applicant for a conditional use permit shall fill out and submit to the Zoning Administrator an application for Conditional Use Permit. When such permit is submitted, a fee of \$100 shall be paid in order for the application to receive consideration by the Planning and Zoning Commission. The Zoning Administrator and the Planning Commission prior to the consideration of the permit shall conduct a thorough site evaluation.

2. The City Zoning Administrator and the Planning Commission shall consider:

- (1). The maintenance of the public health, safety and welfare;
- (2). The location of the site with respect to existing and proposed access roads;
- (3). Its compatibility with adjacent land uses;
- (4). Its compatibility with the intent of the zoning district in which such use is proposed;

- (5). The prevention and control of water pollution;
 - (6). Existing topography and drainage features and vegetative cover on the site;
 - (7). The erosion potential of the site based upon the degree and direction of slope, soil type and existing vegetative cover;
 - (8). The amount of liquid waste to be generated and the adequacy of the proposed or existing sewage treatment system;
 - (9). The visibility of structures and other facilities;
 - (10). Adequacy of the site for water supply and on-site sewage treatment systems.
3. Upon consideration of the factors listed above, the Planning and Zoning Commission may attach such conditions, in addition to those required elsewhere in this Ordinance, that it deems necessary for the furtherance of the purposes set forth in this Ordinance. Such conditions attached to Conditional Use Permits may include, but shall not be limited to:
- (1). Increased yards and setbacks;
 - (2). Periods and/or hours of operation;
 - (3). Minimum number of off-street parking spaces;
 - (4). Type of construction;
 - (5). Deed restrictions;
 - (6). Landscaping and vegetative screening;
 - (7). Specified sewage treatment and water supply facilities;
 - (8). Location of signs and parking;
 - (9). Any other reasonable requirements necessary to fulfill the purposes and intent of this Ordinances.
4. An applicant for a Conditional Use Permit may be required to furnish the Planning Commission, in addition to the information required for the building or other permit, the following:
- (1). A plan of the proposed project area showing contours, soil types, ground water conditions, bedrock, slope, and vegetative cover;
 - (2). Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, open spaces and vegetative cover;
 - (3). Plans of buildings, sewage treatment facilities, water supply systems, and arrangements of operations;
 - (4). Specifications for areas of proposed grading, filling, lagooning, dredging, or other topographic alterations;
 - (5). Other pertinent information necessary to determine if the proposal meets the requirements and intent of this ordinance.
5. The final permit shall be issued by the City Council.
6. The Commission shall fix a reasonable time for the hearing of an application. The notice shall give at least four days and not to exceed twenty days notice of the time and place of such hearing by insertion in a newspaper published in the community. In addition the Commission shall also give notice delivered by first class mail at least five days before the time fixed for such hearing to the applicant, the Zoning Administrator, and the respective owners of record of property adjoining or adjacent to the premises in question. Any party may appear at such hearing in person or by agent or by attorney. The Commission shall decide the application or appeal within a reasonable time.

SECTION 16 ADULT USES.

1. Definitions for Adult Uses

Adult Uses: Adult Uses include Adult Amusement or Entertainment, Adult Book Store or Gift Shop, Adult Hotel or Motel, Adult Photo Studio, Adult Theater, Adult Video Store, and Massage Parlor.

Adult Amusement or Entertainment: An amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to "Specified Sexual Activities": or "Specified Anatomical Areas", as defined herein, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.

Adult Book Store or Gift Shop: An establishment having as a substantial and significant portion of its stock in trade books, magazines and other periodicals or goods and items held for sale which are characterized by their emphasis on matters depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined herein.

Adult Hotel or Motel: A building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis or on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined herein, for observation by the individuals therein.

Adult Photo Studio: An establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing "Specified Sexual Activities" or "Specified Anatomical Areas" as defined herein.

Adult Theater: A theater wherein a substantial and significant portion of the materials presented are distinguished or characterized or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined herein, for observation by patrons herein.

Adult Video Store: A video store wherein a substantial and significant portion of the materials presented are distinguished or characterized or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined herein.

Massage Parlor: Any building, room, place or establishment, where manipulated massage or manipulated exercise is practiced upon the human body for pay with an emphasis on "Specified Sexual Activities" or "Specified Anatomical Areas", as defined herein, by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse and practical nurse operating under a physician's direction, physical therapist, phiropidist, registered speech pathologist and physical or occupational therapist who treat only patients recommended by a licensed physician and operate only under such physician's direction, whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bath houses. The term shall not include a regular licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.

Minors: Any person under the age of twenty-one years.

Specified Anatomical Areas: Less than completely and opaquely covered human genital, pubic region, buttocks; and a female breast below a point above the top of the areola; and human male genitals in a discernibly turgid state--even if completely and opaquely covered.

Specified Sexual Activities: Patently offensive acts, exhibitions, representations, depictions or descriptions of: (1) human genitals in a state of sexual stimulation or arousal; (2) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts; (3) intrusion, however slight, actual or simulated, by an object, any part of an animal's body, or any part of a person's body into genital or anal openings of a person's body; (4) cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated; (5) flagellation, mutilation or torture, actual or simulated, in a sexual context.

2. General Regulations

- a. Adult Uses. Adult uses near a personal residence, a public or parochial school, licensed day care facility, church, public park, or any dwelling (one-family, two-family, or multiple family dwellings) has a

deleterious effect on both the business and residential segments of the city. The establishment of more than two (2) adult uses within one thousand (1,000) feet of each other compounds this deleterious effect. Control of Adult Uses is needed to allow an acceptable level of such uses while maintaining neighborhoods which meet the expectations of the general public.

- (1) An Adult Use shall not be located within one thousand (1,000) feet of any public or parochial school, licensed day care facility, church, public park, or any dwelling (one-family, two-family, or multiple family dwellings).
 - (2) One thousand (1,000) feet restrictions shall be computed by measurement from the nearest property line of the land used for another adult use or be located within one thousand (1,000) feet of any public or parochial school, licensed day care facility, church, public park, or any dwelling (one-family, two-family, or multiple family dwellings) to the nearest entrance of the building in which adult uses are to occur, using a route of direct measured horizontal distance.
 - (3) All building openings, entries, windows, etc., shall be covered or screened in such a manner as to prevent a view of the interior from any public or semi-public area. Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from the pedestrian sidewalks, walkways, or from other public or semi-public areas.
- b. Minors. No minor as defined by this section shall be permitted in any establishment in which Adult Uses are permitted.
 - c. Alcohol. No alcohol shall be permitted in any establishment in which adult uses are permitted, unless such is specifically allowed pursuant to Iowa Law. This prohibition applies equally to the proprietor and the patrons of the establishment involved.
3. A violation of this section shall result in those penalties applicable to a Municipal Infraction pursuant to the Code of Ordinances of the City of Albia, Iowa.

SECTION 17 ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS.

The following are additional requirements, exceptions, and modifications to be considered in this zoning ordinance:

1. The requirements and regulations specified here-to-fore in the ordinance shall be subject to the additional requirements, exceptions, modifications and interpretations in the following.
2. Height Limits. Height limitations stipulated elsewhere in this report shall not apply to the following:
 - a. Barns, silos, or other farm buildings or structures on farms, provided these are not less than 50 feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than 4 feet above the limited height of the building. However, if, in the opinion of the Building Inspector or his or her equivalent, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustment.
 - b. Places of public assembly such as churches, schools, and other permitted public and semi-public buildings not to exceed five stories or 60 feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
 - c. Bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the Board of Adjustment.
3. Front Yard Exceptions and Modifications.
 - a. Front Yard Requirements Do Not Apply. To bay windows or balconies occupying in the aggregate not more than 1/3 of the front wall; to chimneys, flues, belt courses, leaders, sills, pilasters, uncovered porches, plantings, or similar features not over three feet high above the average finished grade and distant five feet from every lot line.

- b. Permitted Variations. In any district where the average depth of two or more existing front yards on lots within 100 feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lots shall not be less than the average of said existing front yards or the average depth on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any "R" District shall be at least 15 feet and need not exceed 60 feet.

4. Side yard Exceptions and Modifications.

- a. Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have at least width equal to that required in the more restrictive district. Where a lot in an "I" or "B" District abuts a lot in and "R" District, the side yard shall be increased by three feet for each story that the building proposed on such lot exceeds the height limit of said "R" District.
- b. Side Yards Shall be Increased. In width by two inches for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds 40 feet in any "R-1" District, or 50 feet in and "R-2" District.
- c. Side Yards May be Reduced. By three inches from the otherwise required least width of each side yard for each foot by which a lot of record at the time of enactment of the ordinance is narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than 2 1/2 stories, and in case the owner of record does not own any adjoining property; provided, however, and irrespective of the provision of structures or projections into side yards of Section 16 Additional Requirements, Exceptions, and Modifications that no side yard shall be narrower at any point than three feet.
- d. Side yards May be Measured to the Center Line of Adjoining Alleys. But in no case shall a building or structure for which a side yard is required be erected within five feet of such alley.
- e. On a Corner Lot. The least width of a side yard along the side street lot line shall be equal to the required front yard along the side street.
- f. Structures or Projections into Side yards May be Permitted as Follows: Fences, plantings or walls not over five feet above the average natural grade. Fire escapes, three feet from side lot line. Bays and balconies not more than three feet from the building. The sum of the lengths of such projection shall not exceed 1/3 of the length of the wall of the main building.
 - (1) Chimneys, flues, belt courses, leaders, sills, pilasters and lintels, ornamental features, cornices, eaves, gutters and the like, into or over a required side yard not more than 1 1/2 feet.
 - (2) Terraces, steps, uncovered porches, stoops, or similar features, not higher than the elevation of the ground story of the building and distant three feet from a side lot line.

5. Rear Yard Exceptions and Modifications.

- a. Rear yards May be Reduced. By three inches from the required least depth for each foot by which a lot at the time of enactment of the ordinance is less than 100 feet deep, in the case of a building not higher than 2 1/2 stories, and in case the owner of record does not own adjoining property to the rear; provided however, that no required rear yard shall be less than 10 feet deep.
- b. Rear Yards May be Measured to the Center Line of Adjoining Alleys. But in no case shall a building or structure be erected within five (5) feet of such an alley.
- c. Structures or Projections into Rear Yards May be Permitted as Follows. Fences, plantings or walls not over five feet above the average natural grade. Fire escapes hanging no lower than six feet above the natural grade, unless they are permanently affixed to the ground. Bays and balconies, not more than three feet above the natural grade. The sum of the lengths of such projections shall not exceed 1/2 of the width of the rear wall. Chimneys, flues, belt course, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required rear yard not more than 1 1/2 feet.

1. Administration. It shall be the duty of the person designated by the mayor and City Council as administrative officer to administer and enforce the regulations contained herein. This person is designated the Zoning Administrator.
2. Appointment of Zoning Administrator. The Zoning Administrator shall be appointed by the City Council. It shall be the duty of the Zoning Administrator to enforce this ordinance. All departments, officials, and public employees of the City of Albia, Iowa vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this ordinance and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this ordinance. Any permit or license, issued in conflict with the provisions of the ordinance, shall be null and void.
3. Powers and Duties of the Zoning Administrator. The Zoning Administrator shall enforce the ordinance, and in addition thereto and the furtherance of said authority shall:
 - a. Receive all applications for permits required by this ordinance and take action on the application.
 - b. Investigate all appropriate facts and conditions of the application and upon positive analysis shall issue all zoning certificates and maintain records thereof.
 - c. Issue all occupancy permits and make and maintain records thereof.
 - d. Ensure inspection of buildings, structures, and use of land to determine compliance with the terms of the ordinance.
 - e. Maintain permanent and current records of the ordinance, including, but not limited to, all maps, amendments, uses on review, variances, etc.
 - f. Provide and maintain a public information service relative to all matters arising out of the ordinance.
 - g. Forward to the City Council and the Zoning Commission all applications for amendments to the ordinance.
 - h. Transmit to the Board of Adjustment applications for appeals, variances, uses on review, or other matters on which the Board of Adjustment is required to pass under the ordinance.
 - i. Initiate, direct, and review from time to time a study of the provisions of the ordinance and make reports of his or her recommendations to the Zoning Commission, Board of Adjustment, or City Council.
 - j. Issue home occupation permits as provided herein.
4. Filing Plans. Every application of a Construction Permit shall be filed with the Zoning Administrator, accompanied by plans in duplicate, drawn to scale on the form, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact locations, size and height of any building or structure to be erected or altered; in the case of a proposed new building or structure or proposed alteration of an existing building or structure as would substantially alter its appearance, drawings or sketches showing the front, side, and rear elevations of the proposed building or structure, or of the structure as it will appear after the work for which a permit is sought shall have been completed; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and when no buildings are involved, the locations of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance.

One (1) copy of such application and plans shall be returned to the applicant when such plans shall have been approved by the Zoning Administrator, together with such Construction Permit as may be granted. All dimensions shown on these plans related to the location and size of the lot to be built upon, shall be based on actual survey. The lot and the location of the building hereon, shall be staked out on the ground before construction is started.
5. Certificate of Approval. In every case where the lot is not provided with the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by Certificate of Approval by the Zoning Administrator of the proposed method of disposal of sanitary wastes and proof of conformance to state and federal public health and water pollution codes.

6. Construction Permit. It shall be unlawful for any owner, leasee, or tenant to use or permit the use of any structure, building, or land, or part thereof, hereafter created, erected, changed, converted, or enlarged, wholly or partly until a Construction Permit shall show that such building or premises or a part thereof, and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary wastes, conform with all the requirements of this ordinance.
7. Building Plan Required - Fee. All applications for Construction Permits shall be accompanied by a plat drawn to scale, showing the actual dimensions of the lots to be built upon, the size and location of the building to be erected and such other information as may be necessary to provide for the enforcement of these regulations. No Construction Permit shall be issued until a fee of one percent (1%) of the total project, not to exceed one hundred dollars (\$100), shall have been paid.
8. Posting of Permits. All permits shall be clearly posted readily visible from the public street abutting the front lot line.
9. Certificate of Occupancy. It shall be unlawful for any owner, leasee, or tenant to occupy any structure, building or land, or part thereof, hereafter erected, created, changed, converted, or enlarged, until a certificate of occupancy shall have been issued by the Zoning Administrator after inspection. Such Certificate of Occupancy shall show and certify that such building, structure, or premises has been constructed, altered or improved in compliance with the provisions of the ordinance, and all other applicable codes or ordinances and all conditions and requirements, if any, stipulated by the Board of Adjustment or other proper authority.
10. Administrator to Act Within 30 Days. The Zoning Administrator shall act upon all such applications on which he is authorized to act by the provisions of the ordinance within thirty (30) days after they are filed in full compliance with all the applicable requirements. He shall either issue a Building Permit within said thirty (30) days or shall notify the applicant in writing of the refusal to issue such Certificate and the reasons therefore. Failure to notify the applicant in case of such a refusal within said thirty (30) days shall entitle the applicant to a Construction Permit unless the applicant consents to an extension of time.
11. Records of the Zoning Administrator. The Zoning Administrator shall keep accurate records pertaining to actions necessary to carry out the duties in this ordinance. These records shall be on file for public inspection.

SECTION 19 PLANNING AND ZONING COMMISSION.

There shall be a City planning and zoning commission, herein after referred to as the commission, consisting of seven (7) members, who shall be citizens of the City and qualified by knowledge or experience to act in matters pertaining to the development of a City plan and who shall not hold any elective office in the City government, appointed by the Council.

1. Planning and Zoning Commission Appointments. In order to avail itself of the powers conferred by this ordinance, the City Council shall appoint a commission, to be known as the Zoning Commission, to recommend the boundaries of the various original districts, and appropriate regulations and restrictions to be enforced therein. Where a City Planning Commission already exists, it may be appointed as the Zoning Commission.
2. Term of Office. The term of office of the members of the commission shall be five (5) years. The terms of not more than one-third of the members will expire in any one year.
3. Vacancies. If any vacancy shall exist on the commission caused by resignation, or otherwise, a successor for the residue of said term shall be appointed in the same manner as the original appointee.
4. Compensation. All members of the commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the Council.
5. Powers and Duties. The commission shall have and exercise the following powers and duties:
 - a. Selection of officers. The commission shall choose annually at its first regular meeting one of its members to act as chairman and another as vice-chairman, who shall perform all the duties of the chairman during the chairman's absence or disability.
 - b. Adopt Rules and Regulations. The commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.
 - c. Annual Report. The commission shall each year make a report to the Mayor and Council of its proceedings, with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year.
 - d. Appointment of Assistants. Subject to the limitations contained in this section as to the expenditure of funds, the commission may appoint such assistants as it may deem necessary and prescribe and define their respective duties and fix and regulate the compensation to be paid to the several persons employed by it.
 - e. Comprehensive Plan. The commission shall have full power and authority to make or cause to be made such surveys, studies, maps, plans, or charts of the whole or any portion of the City or of any land outside thereof, which in the opinion of the commission bears relation to the comprehensive plan and shall bring to the attention of the Council and may publish its studies and recommendations.
 - f. Comprehensive Plan: Preparation. For the purpose of making a comprehensive plan for the physical development of the City, the commission shall make careful and comprehensive studies of present conditions and future growth of the City and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.
 - g. Comprehensive Plan: Public Hearing. Before adopting a comprehensive plan as referred to in the preceding paragraph, or any part of it, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the City not less than seven (7) or more than twenty (20) days before the date of hearing. However, in no case shall the public hearing be held earlier than the next regularly scheduled Council meeting following the published notice. The adoption of the plan or part or amendment thereof shall be by resolution of the Commission carried by the affirmative vote of not less than two-thirds (2/3) of the members of the Commission. After adoption of said plan by the Commission an attested copy thereof shall be certified to the Council and the Council may approve the same. When said plan or any modification or amendment thereof shall receive the approval of the Council, the said plan until subsequently modified or amended as herein authorized shall constitute the official City plan.

- h. Comprehensive Plan: Amendments. When the comprehensive plan has been adopted, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the commission for its recommendations. If the commission disapproves the proposed change it may be adopted by the Council only by the affirmative vote of at least three-fourths (3/4) of the members of the Council.
- i. Recommendations of improvements. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.
- j. Review and Comment on Plats. All plans, plats, or re-plats of subdivision or re-subdivisions of land embraced in the City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the City, shall first be submitted to the commission and its recommendations obtained before approval by the Council.
- k. Review and Comment of Street and Park Improvements. No plan for any street, park, parkway, boulevard, traffic-way, riverfront, or other public improvement affecting the City Plan shall be finally approved by the City or the character or location thereof determined, unless such proposal shall first have been submitted to the commission and the commission shall have had thirty (30) days within which to file its recommendations thereon.
- l. Zoning. The commission shall have and exercise all the powers, and duties and privileges in preparing and amending the City zoning code as provided by Chapter 414 of the Code of Iowa.
- m. Fiscal Responsibilities. The commission shall have full, complete and exclusive authority to expend for and on behalf of the City all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the City for City planning and zoning purposes.
- n. Limitation on Entering Contracts. The commission shall have no power to contract debts beyond the amount of its income for the present year.

SECTION 20 BOARD OF ADJUSTMENT.

1. Creation, Membership and Procedure. A Board of Adjustment consisting of five or seven members which are appointed by the City Council as provided by Chapter 414.8 of the 1981 Code of Iowa is hereby created. Members of a five-member board shall be appointed for a term of five years, except that when the board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members of a seven-member board shall be appointed for a term of five years, except when the board shall first be created two members shall be appointed for a term of five years, two members for a term of four years, one for a term of three years, one for a term of two years, and one for a one-year term. A majority of members of the Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The appropriate appointing authority may remove any member of the Board of Adjustment for cause and after public hearing.
 - a. Organization. The board shall elect its own officers and shall have the power to adopt rules and regulations for its own governments, not inconsistent with law or with the provisions of the ordinance or any other ordinances of the city. Meetings shall be held at the call of the Chairperson and at such other times as the board may determine. In the absence of the Chairperson, the acting Chairperson may administer oaths and compel attendance of witnesses.
 - b. Meetings. Meetings of the board shall be open to the public, minutes shall be kept of the proceedings, showing the action of the board and the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and records shall be made of the board's examination and other official action, all of which shall be filed immediately in the office of the board as a public record.
 - c. Quorums. Three members of a five-member board shall constitute a quorum, and four members of a seven-member board shall constitute a quorum. The board shall act by resolution, and the concurring votes of three members of a five-member board, and four members of a seven-member board shall be necessary to reverse any order, requirements, decision or determination of the Building Inspector, or to decide in favor of an applicant any matter upon which it is required to pass under the ordinance or to effect variation in the requirements of the ordinance.
 - d. Assisting Board. The board may call on the city departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the board as may reasonably be required.
2. Applications and Appeals.
 - a. Applications. An application to the board, in cases in which it has original jurisdiction under the provision of the ordinance, may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau. Such application shall be filed with the Zoning Administrator, together with a fee of one percent (1%) of the total project, not exceeding one hundred dollars (\$100), who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application to the board. Should the applications be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.
 - b. Appeals. An appeal to the board may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau affected by any ruling of the Zoning Administrator such appeal shall be taken within a reasonable time, as prescribed by the rules of the board, by filing with the Zoning Administrator a notice or appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board such notice of appeal, together with all the plans and papers constituting the record upon which the action appealed from was taken. A fee of twenty-five dollars (\$25) shall also accompany the appeal. Should the appeal be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.
 - c. Hearings. The board shall fix a reasonable time for the hearing of an application or of an appeal. It shall give at least four days and not to exceed twenty days notice of the time and place of such hearing by insertion in a newspaper published in the community, and shall also give notice delivered by first class mail at least five days before the time fixed for such hearing to the applicant or appellant and to the Zoning Administrator, and to the respective owners of record of property adjoining or adjacent to the premises in question. Any party may appear at such hearing in person or by agent or by attorney. The board shall decide the application or appeal within a reasonable time.

- d. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the board that by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by order which may, on due cause shown, be granted by the board on application, after notice to the Zoning Administrator or by court of record.
3. Powers of the Board. The board shall have jurisdiction in matters and shall have the specific and general powers provided in this ordinance and by the Code of Iowa.
- a. Special Exceptions and Interpretation of Map. The board shall have the power to hear and decide, in accordance with the provisions of the regulation, requests or applications for special questions upon which the board is authorized to pass.
- b. Special Exceptions. In addition to permitting the special exceptions heretofore specified in this ordinance, the board shall have authority to permit the following:
- (1) Non-Conforming Uses. The substitution for a non-conforming use, another non-conforming use, if no structural alterations except those required by law are made; provided, however, that any use so substituted shall be of the same or a more restricted classification.
 - (2) Temporary Uses and Permits.
 - a) The temporary use of a building or premises in any district for a purpose of use that does not conform to the standards prescribed by the regulations, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a 12-month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.
 - b) The temporary use of a building or premises in undeveloped sections for a purpose that does not conform to the standards prescribed by the regulations, provided that such structure or use is of a true temporary nature, is promotive of or incidental to the development of such undeveloped sections, and does not involve the erection of substantial buildings. Such permit shall be granted in the form specified under subsection 2a. above.
 - (3) Interpretation of Map. Where the street or lot layout actually on the ground or as recorded, differs from the street and lot lines indicated on the zoning map, the board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of the regulations for the particular section or district in question.
 - (4) Certain Industries in "I-1" Districts. In determining whether certain uses shall be located in and "I-1" District, the board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a special exception, the board shall determine whether the proposed exception or use would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and physiological effect. The board may utilize and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering research organizations, and can be applied to the proposed use to assist in reaching a fair and objective decision. Upon authorizing a special use and/or exception, the board may impose such requirements and conditions in addition to those expressly stipulated in this report for the particular special use and/or exception as the board may deem necessary for the protection of adjacent properties and public interest.
- c. Administrative Review and Variances. The Board of Adjustment also shall have the power to do the following:
- (1) Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Zoning Administrator in the enforcement of the regulation.
 - (2) Variances. To authorize an appeal in specific cases, such variance from the terms of the regulations as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the regulations will result in unnecessary hardship, and so

that the spirit and purpose of the regulations shall be observed and substantial justice done as follows:

- a) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulations, or by reason of exceptional topographic conditions, or other extraordinary and exceptional situation or condition of such piece of property, or of the use or development of property in question, the literal enforcement of the provisions of the regulations would result in peculiar and exceptional practical difficulties or exceptional and undue hardships, and so that the spirit and purpose of the regulations shall be observed and substantial justice done. In authorizing a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or uses as it may deem advisable in the interest of the furtherance of the purposes of the regulations.
- b) No such variance in the provision or requirements of the regulations shall be authorized by the board unless the board finds beyond reasonable doubt that all of the following conditions exist:
 - i) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply to other properties or class of uses in the same zoning district.
 - ii) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.
 - iii) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of the regulations or the public interest.
- c) No grant or variance shall be authorized unless the board specifically finds the condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation, under an amendment of the regulations, for such conditions or situations.
- d) The board shall have no power to authorize a variance for the establishment of a non-conforming use where none previously existed.
- e) In considering a request for a variance from the regulations concerning signs, the board shall give consideration and arrive at a finding on the following:
 - i) Shape and area of lot in question.
 - ii) Bulk and floor area of the main building or structure.
 - iii) Set-back of proposed sign from all property lines.
 - iv) Zoning and use of surrounding parcels.
 - v) Unusual or exceptional topography.
 - vi) Compatibility with general intent of the zoning regulations to encourage development without detracting from the use and enjoyment of surround property.

- d. Action of Board. In exercising its powers, the board may, in conformity with the provisions of the Code of Iowa, and of the regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determinations as, in the board's opinion, ought to be made, and to that end has all the powers of the officer from whom the appeal is taken.

4. Judicial Review. All final administrative decisions of the Board of Adjustment shall be subject to judicial review pursuant to the provision of Chapter 414, Code of Iowa, 1981, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

SECTION 21 DISTRICT CHANGES AND ORDINANCE AMENDMENTS.

1. Zoning Commission Approval. In accordance with the provisions of Chapter 414, Code of Iowa, the City Council may from time to time amend or change by ordinance the number, shape, or area of districts established on the Zoning Map or the regulations set forth in the ordinance; but no such amendment or change shall become effective unless the ordinance proposing such amendment or change shall first be submitted to the Zoning Commission for approval, disapproval or suggestions, and said Commission shall have been allowed a reasonable time, not less than 30 days, for consideration and report.
2. Hearings on Changes, Notice. Before submitting its recommendations and report to the Council, the Zoning Commission shall hold a public hearing on the proposed amendment, supplement or change. It shall give not less than 15 nor more than 30 days notice of the time and place of such hearing by publication in a newspaper published in the community and by mailing notices to all property owners directly involved, contiguous to or directly across a street or alley from the area proposed to be altered.
3. Amendment Petition. Any person desiring a change in zoning or property may make application therefor, and in so doing shall accompany the petition for such change in zoning, or the ordinance introduced for the purpose of changing such zoning, with a fee in the amount of fifty dollars (\$50) towards the cost of processing the application. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.
4. Public Filing Vote. During the 15 days prior to the public hearing the text or copy of the text of such ordinance or petition, together with the maps or plans or copies thereof shall be on file, for public examination, in the office of the Secretary of the Zoning Commission. No ordinance which differs from the recommendations made by the Zoning Commission shall become effective unless passed by not less than 3/4 of all members of the Council.
5. Protest. In case of a written protest against a proposed change in the boundaries of a district signed and acknowledged by the owners of 20% or more of either the frontage proposed to be altered, or of the frontage immediately adjoining or across an alley therefrom, or directly opposite the frontage proposed to be altered, is filed with the City Clerk, such amendment shall not be passed or become effective except by the favorable vote of 3/4's of all member of the Council.
6. Procedural Omissions. The failure to notify, as provided by this Section, shall not invalidate an ordinance, provided such failure was not intentional, and the omission of the name of any owner or occupant of property who may, in the opinion of the Zoning Commission, be affected by such amendment, supplement or change, unless such omission is intentional, shall not invalidate any ordinance passed hereunder, it being the intention of the Section to provide so far as may be for notice to the persons substantially interested in the proposed change that an ordinance is pending before the Council, proposing to make a change in zoning.

SECTION 22 PENALTY.

1. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land used in violation of the provisions of the regulations, the City Attorney, in addition to other remedies under the Code of Iowa, is hereby authorized to institute in action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use.
2. Any person, firm or corporation who violated, disobeys, omits, neglects, or refuses to comply with any of the provisions of the regulations shall be subjected to those penalties applicable to a Municipal Infraction pursuant to the Code of Ordinances of the City of Albia, Iowa.

SECTION 23 SEVERABILITY.

This ordinance and the various parts, sections, and paragraphs thereof are hereby declared to be severable. If any article, section, subsection, paragraph, sentence, or phrase of this ordinance is adjudged unconstitutional or invalid by any court or competent jurisdictions, the remainder of the ordinance shall not be affected thereby.