

CHAPTER 165

ZONING REGULATIONS

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

165.02 DEFINITIONS. For the purpose of this chapter, the following terms are defined. As used herein, the words “used” or “occupied” include the words “intended, assigned, or arranged to be used or occupied,” and the word “lot” includes the words “plot or parcel.”

1. “Accessory structure” means a detached subordinate structure, the use of which is customarily incidental to that of the main building or to the main building or use. Such a structure does not include dwelling units or living quarters. Accessory structures include, but are not limited to: small buildings (including portable storage sheds), fences, decks, porches, swimming pools, paved drive/parking, and signs.

(Ord. 700 – Aug. 19 Supp.)

2. “Accessory use” means a use subordinate to the main use of land or a building on a lot and customarily incidental thereto.

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

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

5. "Basement" means a story having part but not more than one-half (½) its height below grade. A basement is counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.
6. "Billboard" includes all structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure is placed on the wall or painted on the wall itself, and pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
7. "Board" means the Board of Adjustment of the City.
8. "Boardinghouse" means a building other than a hotel, where for compensation, meals and/or lodging are provided for four (4) or more persons.
9. "Building" means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
10. "Building, height of" means the vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip and gambrel roofs. On a corner lot, the height is the mean vertical distance from the average natural grade at the building line from the higher of the two (2) grades.
11. "Bulk stations" means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.
12. "Cellar" means that portion of a building having more than one-half (½) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
13. "District" means a section or sections of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and promises are uniform.
14. "Dwelling" means any building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer or trailer coach.

15. “Dwelling, single-family” means a building designed for or occupied exclusively for residence purposes by one family.
16. “Dwelling, multiple” means a dwelling or portion thereof designed for or occupied by more than two (2) families with separate housekeeping and cooking facilities for each.
17. “Dwelling, two-family” means a dwelling designed for or occupied exclusively by two families with separate housekeeping and cooking facilities for each.
18. “Family” means one or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five (5) persons.
19. “Frontage” means all the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
20. “Garage, private” means an accessory building, or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building, except that a one- or two-car capacity garage may be rented for the private vehicles of persons not residents on the premises.
21. “Garage, public” means any building or premises, other than a private garage, used for equipping, refueling, servicing, repairing, hiring, selling or storing motor-driven vehicles.
22. “Grade” means the average elevation of the finished ground at the exterior walls of the main building.
23. “Hotel” means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house or lodging house.
24. “Junkyard” means any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

25. “Lodging house” means a building where lodging, only, is provided for compensation for four (4) or more persons.
26. “Lot,” for zoning purposes, as covered by this chapter, is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated or private street, and may consist of:
- A. A single lot of record;
 - B. A portion of a lot of record;
 - C. A combination of complete lots of record, of complete lots of record and portions of lots of records, or of portions of lots of record;
 - D. A parcel of land described by metes and bounds; provided that in no case of division shall any residual lot or parcel be created which does not meet the requirements of this Code of Ordinances.
27. “Lot measurement” includes:
- A. “Depth” is the mean horizontal distance between the front and rear lot lines.
 - B. “Width” is considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard.
28. “Lot of record” means a lot which is part of a subdivision, the deed of which is recorded in the office of the County Recorder or a lot or parcel described by metes and bounds, the description of which has been so recorded.
29. “Lot types” are as follows:[†]
- A. “Corner lot” means a lot located at the intersection of two (2) or more streets.
 - B. “Interior lot” means a lot other than a corner lot with only one frontage on a street.
 - C. “Double frontage lot” means a lot other than a corner lot with frontage on more than one street other than an alley. Lots with frontage on two (2) nonintersecting streets may be referred to as “through” lots.

[†] **Editor’s Note:** Lot types are illustrated in Plate 1, on file in the City Clerk’s office.

- D. “Reversed corner lot” means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.
30. “Manufactured home” means a factory-built structure, built under the authority of 42 U.S.C. Sec. 5403, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development.
31. “Manufactured home community” means any site, lot, field or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community.
32. “Mobile home” means 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 also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals.
33. “Mobile home park” means any lot or portion of a lot upon which three (3) or more mobile homes or manufactured homes (or a combination of any of these homes) are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic and electrical services available.
34. “Modular home” means a factory-built structure 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 displays the seal issued by the State Building Code Commissioner.
35. “Motel” or “motor lodge” means a building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with garage attached or parking facilities conveniently located to each such unit.
36. “Nonconforming use” means use of a building or of land that does not conform to the regulations as to use for the district in which it is situated.

37. “Nursing or convalescent home” means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons, not including insane and other mental cases, inebriate or contagious cases.
38. “Parking space” means a permanently surfaced area of not less than two hundred fifty (250) square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.
39. “Sign” means any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, the following are not included in the application of the regulations herein:
- A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
 - B. Flags and insignia of any government except when displayed in connection with commercial promotion;
 - C. Legal notices, identification, information or directional signs erected or required by governmental bodies;
 - D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;
 - E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
40. “Sign, off-site” means a sign other than an on-site sign. (See also “billboards.”)
41. “Sign, on-site” means a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.
42. “Signs, number and surface area” includes:
- A. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable

doubt about the relationship of elements, each element shall be considered to be a single sign.

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

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

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

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

46. “Street line” means a dividing line between a lot, tract or parcel of land and a contiguous street.

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

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

49. “Tourist home” means a residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for automobile travelers.

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

51. “Yard, front” means a yard extending across the full width of the lot and situated between the front lot line and the building line. The depth of the front yard shall be measured between the building line and front lot line. Covered porches and garages, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

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

53. “Yard, side” means a yard extending from the front yard to the rear yard and measured between the side lot lines and the building.

165.03 ESTABLISHMENT OF DISTRICTS; ZONING MAP. For the purpose of this chapter, the following seven (7) classes of districts are hereby established within the City as shown on the Official Zoning Map which, together with any explanatory matter thereon, is hereby adopted by reference and declared to be a part a this chapter.

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

The Official Zoning Map shall be identified by the signature of the Mayor attested by the Clerk under the following words: *This is to certify that this is the Official Zoning Map referred to in the Code of Ordinances of the of the City of Bloomfield, Iowa, adopted _____*. If, in accordance with the provisions of this chapter and Chapter 414 of Code of Iowa, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, copies of such changes shall be filed with the Official Zoning Map promptly after the amendment has been approved by the Council. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, together with amending ordinances, shall be the final authority as the current zoning status of land and water areas, buildings and other structures in the City. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret

because of use, the Council may by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The Official Zoning Map shall be identified by the signature of the Mayor attested by the Clerk, under the following words: *This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Code of Ordinances of the City of Bloomfield, Iowa.*[†]

165.04 INTERPRETATION OF DISTRICT BOUNDARIES. In the cases where the exact location of a district boundary is not clear as shown on the Official Zoning Map, the following rules shall be used in determining the location of said district boundary:

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

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

circumstances not covered by subsections 1 through 5 above, the Board of Adjustment shall interpret the district boundaries.

165.05 APPLICATION OF DISTRICT REGULATIONS. The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure or land shall hereafter be used and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
 - A. To exceed the height,
 - B. To accommodate or house a greater number of families,
 - C. To occupy a greater percentage of lot area, or
 - D. To have narrower or smaller rear yards, front yards, side yards or other open spaces;

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

3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing as of April 1, 1963, shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

165.06 R-1 SINGLE-FAMILY RESIDENCE DISTRICT. In R-1 Districts the following regulations shall apply, except as otherwise provided herein:

1. Permitted Uses. Uses permitted in an R-1 District are as follows:
 - A. Single-family dwellings. No temporary buildings, trailers or mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes.
 - B. Modular homes.
 - C. Manufactured homes.
 - D. Duplexes.
 - E. Single apartment within principal dwelling.
 - F. Churches and accessory buildings.
 - G. Museums, libraries, parks, playgrounds, community centers and similar uses operated by the City.
 - H. Golf courses, country clubs, tennis courts and similar recreational uses, provided that any such use not be operated primarily for commercial gain.
 - I. Private swimming pools. *(Ord. 700 – Aug. 19 Supp.)*
 - J. Public and private schools and colleges for academic instruction.
 - K. Nursery schools, child nurseries.
 - L. See Section 165.23(2) of this chapter for Special Uses.
2. Accessory Uses. Accessory uses in an R-1 District include the following:
 - A. Signs on Site. Only one sign, not exceeding twelve (12) square feet in area, pertaining only to the lease, hire or sale of the building or premises on which said sign is located, which shall be removed not later than thirty days after said premises has been leased, hired or sold. Such sign may have attached to it another sign indicating that the property has been sold, which shall not exceed one square foot and shall not emit any flickering, flashing or glaring lights. Only one nameplate, affixed to the home, relative to a home occupation or a permitted use not exceeding two square feet in area, providing that no such sign or nameplate shall emit any flickering or glaring light. Also, only one

identification sign, appertaining only to temporary identification on the premises where a building is to be erected, identifying the type and use of the building to be constructed on the premises, the name of the owner and/or contractor or other information pertaining to the building project. Such temporary identification sign is not to be placed on the premises until a building permit has been issued for construction of the building, and not placed on the premises more than ninety days before actual construction is scheduled to begin, and the sign shall be removed as soon as, or before, the construction is completed or as soon as the building permit may be canceled, for reasons as provided in this chapter, by the administration official. Such sign is not to exceed thirty-two square feet.

B. Informational and Directional Signs – Off-site, Non-commercial. A religious, service, fraternal, educational or other similar nonprofit organization, corporation or society may erect off-site signs providing directional information only, provided that said sign may not exceed four square feet. Such sign may be erected only after obtaining the permission of the land owner upon which said sign is to be erected. No sign may be attached to or affixed to any City utility pole or sign post. Such sign may not be lower than four feet from ground level or higher than seven feet and the same may not be erected in such a fashion as to obstruct vehicular traffic vision.

C. On-site Signs – Noncommercial. A religious, fraternal service, educational or other similar nonprofit organization, corporation or society may erect on-site, signs not exceeding thirty-two square feet, providing information to the general public relative to the purposes and meeting times and dates.

D. Private garage, which may include living quarters of domestic servants employed on the premises and may include a one dwelling unit apartment but only if there is no apartment within the principal dwelling.

E. Normal accessory buildings and structures for a dwelling such as children's playhouses shall not be used for dwelling purposes, radio and television receiving antennas, barbecue pits, playground equipment, tennis courts, wind generators, communication dishes, recreational antennas and solar collectors.

F. Normal accessory buildings and structures for public recreational areas such as refreshment stands, playground

equipment, all-weather shelters, tennis courts, barbecue pits, swimming pools, etc.

G. Animals such as cats, dogs, birds, tropical fish, etc., which are normally allowed to run free or are housed within the dwelling. Horses, cows, sheep, chickens, hogs, etc. normally considered domestic, farm or wild and untamed animals shall be excluded.

H. Flower and vegetable gardening for noncommercial gain.

I. Greenhouses and horticultural nurseries for noncommercial gain.

J. Customary Home Occupations.

(1) Provisions for home occupations are intended to establish certain customary occupations of low commercial intensity in dwelling units while: (i) preserving the primary residential character of those sections of the City zoned for residential purposes; and (ii) minimizing any unusual traffic, congestion or similar disturbance of those residential areas.

(2) A customary home occupation includes any occupation or profession conducted entirely in a dwelling unit where the only goods or services rendered in connection with the said occupation are goods and services manufactured solely on the premises, and provided that:

a. No person other than members of the immediate family residing on the premises shall be engaged in such occupation.

b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than fifty percent of the area of any one floor of the dwelling unit, including the basement, shall be used in the conduct of the home occupation.

c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one non-illuminated sign not exceeding two square feet in area and mounted flat against the wall of the principal building.

d. No home occupation shall be conducted in any accessory building.

e. There shall be no stock in trade kept or any sale of commodities other than those necessary for the manufacturing of the product or rendering of the service in connection with the said occupation.

f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a one-family and two-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.

g. A certificate of compliance issued by the zoning enforcement officer shall be obtained before beginning any home occupation.

h. Beauty parlor and barbershop, when conducted as a home occupation solely by resident occupants in their place of abode and provided that not more than one-quarter of the area of one floor shall be used for such purpose; provided further, that such occupations shall not require external or internal alterations. An indirectly lighted sign of not over two square feet in area and attached flat against the principal building shall be permitted.

3. Minimum Lot Area. Minimum lot area in R-1 districts shall be 11,000 square feet for each dwelling together with its accessory buildings; however, where public sewer and water facilities are not available, a minimum of 20,000 square feet is required. If public water only is available, not less than 13,200 square feet shall be required.

4. Height Regulation. No principal structure in the R-1 District shall exceed three stories or 35 feet in height and no accessory building shall exceed one story or 15 feet in height.

5. Minimum Width Regulation. The minimum dimensions of the main body of a dwelling in R-1 districts shall not be less than 22 feet, 6 inches.

6. Frontage and Yard Requirements. The following minimum requirements shall be observed:

Minimum Lot Width	Minimum Front Yard Depth	Minimum Side Yard Widths		Minimum Rear Yard Depth
		Least Width	Sum Least Widths	
75 feet	35 feet	8 feet	18 feet	35 feet

7. State and Federal Requirements. In addition to the requirements set forth in this chapter, no building permits shall be issued unless the applicants comply with all State and Federal regulatory agency rules and regulations.

8. Exceptions. For exceptions in an R-1 District, see Section 165.23.

9. Off-Street Parking. For off-street parking requirements in an R-1 District, see Section 165.13.

10. Perimeter Foundation Requirement. A permanent perimeter foundation shall be required of all dwellings in R-1 Districts. A permanent perimeter foundation shall consist of footings and a concrete, cement block or stone which are fixed together by mortar or treated wood foundation. Provided, however, a manufactured home may be placed on a pier footing foundation system designed and constructed to be compatible with the structure and conditions of the site. The permanent perimeter foundation shall extend not less than four feet below grade. The zoning administrative official of the City shall inspect the proposed foundations prior to the construction or erection of the same. All dwellings or accessory buildings shall be affixed to said permanent perimeter foundation at least every eight linear feet around the entire perimeter.

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165.07 R-2 ONE- AND TWO-FAMILY RESIDENCE DISTRICT. In R-2 Districts, the following regulations shall apply, except as otherwise provided herein:

1. Permitted Uses. Uses permitted in an R-2 District are as follows:
 - A. Uses permitted in R-1 Districts. No temporary buildings, trailers or mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes.
 - B. Two-family dwellings.
 - C. Alterations and conversions of single-family dwellings into two-family dwellings in accordance with the lot area, frontage and yard requirements as set forth in this section.
 - D. See Section 165.23(2) of this chapter for special uses.
2. Accessory Uses. Accessory uses in an R-2 District shall include accessory uses as permitted and regulated in the R-1 District.
3. Building Height Limit. Building height limit in an R-2 District shall be the same as in an R-1 District.
4. Lot Area. Minimum lot area in an R-2 District shall be 8,000 square feet for each single-family dwelling and 9,000 square feet for each two-family dwelling; however, where public sewer and water facilities are not available, not less than 20,000 square feet. If public water only is available, not less than 10,000 square feet.
5. Lot Width. Minimum lot width in an R-2 District shall be 65 feet for a single-family dwelling and 70 feet for a two-family dwelling. Where public sewer and water facilities are not available, 100 feet. If public water only is available, 80 feet. The minimum width for corner lots platted after the effective date of this chapter shall be 75 feet.
6. Front Yard Depth. Minimum front yard depth in an R-2 District shall be 30 feet. When fronting on the right-of-way of a major thoroughfare shown on the official major thoroughfare plan, the front yard shall be measured from the proposed right-of-way line.
7. Side Yard Width. Minimum side yard with in an R-2 District shall be 8 feet on one side with a total of the two side yards of 15 feet for a dwelling and 15 feet on each side for any other principal building. On lots of record at the time of adoption or amendment of this chapter having a width less than 60 feet, the side yards may be reduced as follows, for a single-family dwelling only:

- A. One side yard may be reduced to not less than ten percent (10%) of the lot width.
 - B. The sum of both side yards may be reduced to not less than twenty-five percent (25%) of the lot width.
 - C. On corner lots, only the interior side yard may be reduced below 8 feet.
8. Rear Yard Depth. Minimum rear yard depth in an R-2 District shall be 35 feet for a dwelling and 45 feet for any other building.
9. Exceptions. For exceptions in an R-2 District, see Section 165.23.
10. Off-Street Parking. For off-street parking requirements in an R-2 District, see Section 165.13.
11. Minimum Width Regulations. The minimum dimensions of the main body of a dwelling in R-2 Districts shall not be less than 22 feet, 6 inches.
12. Perimeter Foundation Requirement. A permanent perimeter foundation shall be required of all dwellings in R-2 Districts. A permanent perimeter foundation shall consist of footings and a concrete, cement block or stone which are fixed together by mortar or treated wood foundation. Provided, however, a manufactured home may be placed on a pier footing foundation system designed and constructed to be compatible with the structure and conditions of the site. The permanent perimeter foundation shall extend not less than four feet below grade. The zoning administrative official of the City shall inspect the proposed foundations prior to the construction or erection of the same. All dwellings or accessory buildings shall be affixed to said permanent perimeter foundation at least every eight linear feet around the entire perimeter.

165.08 R-3 MULTI-FAMILY RESIDENCE DISTRICT. In R-3 Multi-Family Residence Districts the following regulations shall apply, except as otherwise provided herein.

1. Permitted Uses. Uses permitted in an R-3 District are as follows:
 - A. Uses permitted in R-2 Districts. No temporary buildings, trailers or mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes.
 - B. Multiple dwellings.
 - C. Boarding and lodging houses, tourist homes.
 - D. Office of a dentist or physician.
 - E. Hospitals, clinics, nursing and convalescent homes, excepting animal hospitals and clinics.
 - F. Institutions of a religious, education or philanthropic nature.
 - G. Funeral homes.
 - H. See Section 165.23(2) of this chapter for special uses.
2. Accessory Uses. Accessory uses in an R-3 District shall include the following:
 - A. Accessory uses as permitted and regulated in the R-2 District.
 - B. Storage garages, where the lot is occupied by multiple dwelling, hospital or institutional building.
 - C. One sign only, not exceeding 24 square feet in area, pertaining to the office of medical professions, hospitals, clinics, nursing and convalescent homes, institutions of a religious, educational or philanthropic nature, and funeral homes in the building or premises on which said sign is located. Such sign shall not be lighted or illuminated in a manner which impairs the vision of a driver of any motor vehicle or obstruct the view of any street so as to constitute a danger or hazard in the operation of motor vehicles and the use of City streets. No such sign may imitate or resemble an official traffic-control sign or device. No such signs shall be located or erected without first obtaining a permit from the zoning administrative official of the City upon the proper application for such permit.

3. **Building Height Limit.** Building height limit in an R-3 District shall be three stories, but not exceeding 45 feet in height. Greater height shall be permitted provided that for each two feet of building height over 45 feet, one additional foot shall be added to each of the minimum yard widths specified in this section.
4. **Lot Area.** Minimum lot are in an R-3 District shall be as follows:
 - A. Single-family dwelling – 8,000 square feet,
 - B. Two-family dwelling – 9,000 square feet.
 - C. All other principal permitted uses – 10,500 square feet, plus an additional 2,000 square feet for each unit over three, in the case of multiple dwellings. (See also subsection 9 below.)
5. **Lot Width.** Minimum lot width in an R-3 District are as follows:
 - A. Single-family dwelling – 65 feet.
 - B. Two-family dwelling – 70 feet.
 - C. All other principal permitted uses – 75 feet. (See also subsection 9 below.)
6. **Front Yard Depth.** Minimum front yard depth in an R-3 District shall be 30 feet. When fronting on the right-of-way of a major thoroughfare shown on the official major thoroughfare plan, the front yard shall be measured from the proposed right-of-way line.
7. **Side Yard Width.** Minimum side yard with (each side) in an R-3 District shall be as follows:
 - A. Single-family dwelling – 7 feet.
 - B. Two-family dwelling – 9 feet.
 - C. Multi-family dwelling – 11 feet.

On lots of record at the time of adoption or amendment of this chapter having a width less than 65 feet, one side yard for a single-family dwelling only may be reduced to not less than five feet. On a corner lot, only the interior side yard may be so reduced.

8. **Rear Yard Depth.** Minimum rear yard depth in an R-3 District shall be 35 feet.
9. **Lots Not Served by Sewer and Water.** Lots not served by sewer and water in an R-3 District shall be regulated as follows:
 - A. Single-family and two-family dwellings – Where neither public sewer nor public water is available, 20,000 square feet lot

area and 100 feet lot width. Where public water only is available, 10,000 square feet lot area and 80 feet lot width.

B. All other principal permitted uses – Where public sewer is not available, special consideration shall be given to determine lot area and width requirements on the basis of soil percolation tests.

10. Exceptions. For exceptions in an R-3 District, see Section 165.23.

11. Off-Street Parking. For off-street parking requirements in an R-3 District, see Section 165.13.

12. Minimum Width Regulations. The minimum dimensions of the main body of a dwelling in R-3 Districts shall not be less than 22 feet, 6 inches.

13. Perimeter Foundation Requirement. A permanent perimeter foundation shall be required of all dwellings in R-3 Districts. A permanent perimeter foundation shall consist of footings and a concrete, cement block or stone which are fixed together by mortar or treated wood foundation. Provided, however, a manufactured home may be placed on a pier footing foundation system designed and constructed to be compatible with the structure and conditions of the site. The permanent perimeter foundation shall extend not less than four feet below grade. The zoning administrative official of the City shall inspect the proposed foundations prior to the construction or erection of the same. All dwellings or accessory buildings shall be affixed to said permanent perimeter foundation at least every eight linear feet around the entire perimeter.

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165.09 C-1 COMMERCIAL DISTRICT. In C-1 Districts the following regulations shall apply, except as otherwise provided herein.

1. Permitted Uses. Uses permitted in a C-1 District are as follows:
 - A. Uses permitted in R-3 Districts. No temporary buildings, trailers or mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes.
 - B. Any local retail business or service establishment such as the following:
 - Animal hospital, veterinary clinic or kennel.
 - Antique shop.
 - Automobile body and fender shop.
 - Baby store.
 - Bakery whose products are sold only at retail and only on the premises.
 - Barbershop or beauty parlor.
 - Bowling alleys.
 - Candy shops whose products are sold only at retail and only on the premises.
 - Clothes cleaning and laundry pickup.
 - Collection office of public utility.
 - Dairy store - retail.
 - Dance and/or music studio.
 - Drive-in eating and drinking establishments.
 - Drug store.
 - Filling station.
 - Florist shop.
 - Fruit and vegetable market.
 - Furniture store.
 - Garages, public.
 - Golf driving range and miniature golf course.
 - Gift shop.
 - Grocery and delicatessen.
 - Hardware store.
 - Hobby shop.
 - Hotel, motel or motor lodge.
 - Household appliances - sales and repair.
 - Ice storage and distributing station of not more than five-ton capacity.
 - Jewelry shop.
 - Launderette and similar businesses.
 - Paint and wallpaper store.
 - Post office substation.
 - Radio and television - sales and repair.

Real estate office.
 Restaurant, cafe and soda fountain.
 Shoe repair shop.
 Sporting goods.
 Tailor shop.
 Variety store.

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

D. See Section 165.23(2) of this chapter for special uses.

2. Accessory Uses. Accessory uses in a C-1 District shall include the following: accessory uses permitted in the R-3 District.

A. Sign – On-Site. Any exterior sign shall pertain only to a use conducted within the building or on the premises. No sign may encroach upon or overhang the street right-of-way. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle. No sign may obstruct the view of any street so as to render dangerous the use of the street. No sign may imitate or resemble an official traffic-control sign, signal or device. No sign may obscure or physically interfere with an official traffic-control sign, signal or device. Where the lot adjoins an R District, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the R District; however, this does not apply to the side of the building which is opposite that side adjoining the R District.

(1) Common Types of Signs.

a. On-premises signs. Signs advertising the principal product sold or the activity conducted on the property at the sign site. Signs concerning the sale or lease of the property upon which the sign is located.

b. Off-premises signs. Signs displaying messages of general advertising about products or service available at locations other than at the sign site.

c. Municipal recognition signs. Signs displaying a message of “welcome” or a similar community spirited message which are placed along the streets approaching the City.

- d. Church or service club sign. Small signs displaying a message relating to the facility location, services or meetings.
- (2) On-premises Sign Controls.
- a. The sign must be located on the same property as the advertised activity and within the limits of the regularly used buildings, structures, parking areas, storage and processing areas which are essential and customary to the conduct of business.
 - b. Such regularly used areas do not include narrow strips or land configurations that cannot be put to any reasonable use directly related to the advertised activity except for signing.
 - c. An on-premises sign message is limited to advertising only those products sold or activities conducted at the sign site.
 - d. All signs, except temporary special occasion signs, require a permit from the City, to be obtained upon application to the administrative official.
 - e. In no case shall any sign project more than four feet above the roof line or parapet wall and the total area of all signs pertaining to the business conducted in any building shall not exceed two square feet in an area for every foot occupied by the front of the building displaying such sign.
- (3) Perpendicular Signs. One perpendicularly attached sign pertaining to a permitted use within the building upon which it is attached. Said sign shall consist of no more than 25 square feet per side and shall be at least eight feet, six inches above the ground or sidewalk directly below. Said sign shall not extend beyond six feet horizontally from the building, nor shall the top of said perpendicular sign exceed 20 feet above the ground or sidewalk directly below. Said sign may be internally lighted or illuminated by one light per side affixed to the building, but said lighting may not be flickering. All other provisions of this section shall be applicable to a perpendicular sign, unless in conflict with the provisions of this subsection. Where a

C-1 lot adjoins or abuts a C-2 District lot, sign regulations pertaining to the C-2 District shall apply.

B. Sign – Off-site. Any exterior off-site sign shall conform to the following controls:

(1) Any off-premises sign must conform to the permit, zoning, size, lighting and spacing criteria of this Code of Ordinances.

(2) A permit must be obtained from the administrative official prior to the erection of the sign.

(3) The display area of a single face sign is limited to a maximum of 250 square feet.

(4) The double-faced sign must be on a common structure, as long as the two faces do not face the same direction. The maximum combined display area of the two faces is 500 square feet.

(5) Flashing, intermittent or moving lights are prohibited.

(6) Any new sign must be a minimum of 100 feet from any other off-premises sign facing in the same direction.

(7) Where the lot on which the off-site sign is located adjoins an R district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the R district; however, this does not apply to the side of the building which is opposite that side adjoining the R district.

(8) The overall height of any sign shall not exceed 35 feet.

(9) No sign will be placed any closer than 35 feet from any private property line, except where the property borders on a State or Federal highway property line, the setback distance shall be governed only by the rules and regulations of the State Department of Transportation.

C. All signs (both on-site and off-site) shall meet the *National Electric Code* if they use electricity. All signs (both on-site and off-site) shall be anchored firmly, shall be subject to inspection and control by the administrative official for safety, must be maintained at all times in a good state of repair and shall not be allowed to become unsightly.

- D. One post sign on each street on which a business abuts. The bottom of such post sign or surface area thereof shall be not less than 7.5 feet above the sidewalk or walkway or alley. The term “post sign” as defined in this section shall not be deemed to include any sign advertising the trade name, merchandise or service of any person, firm or corporation who pays a consideration, for the privilege of placing, maintaining or using any portion of the sign to the owner or occupant of the premises upon which the sign is erected or placed. The post sign may be located in the front yard but shall not extend over street right-of-way lines or otherwise obstruct or impair the safety of pedestrians or motorists.
- E. Any one business location shall have no more than one portable sign.
- F. Any sign which becomes obsolete by reason of the business being no longer active shall be removed by the owner within six months after the termination of the business.
3. Building Height Limit. Building height limit in a C-1 District shall be two and one-half stories, but not exceeding 35 feet in height.
4. Lot Area. Minimum lot area in a C-1 District shall be as follows: For a dwelling and any building containing any dwelling units – same as R-3 District. No requirements for any other building.
5. Lot Width. Minimum lot width in a C-1 District shall be as follows: For a dwelling and any building containing any dwelling units – same as in R-3 District. No requirement for any other building.
6. Front Yard Depth. Minimum front yard depth in a C-1 District shall be 25 feet. When fronting on the right-of-way of a major thoroughfare shown on the official major thoroughfare plan, the front yard shall be measured from the proposed right-of-way line.
7. Side Yard Width. No minimum side yard width is required in a C-1 District except that side yards shall be required for a dwelling and any building containing any dwelling units as required in the R-3 Districts. A side yard shall also be required on that side of a lot which adjoins any R-1, R-2 or R-3 District, which shall be no less than five feet.
8. Rear Yard Depth. Minimum rear yard depth in a C-1 District shall be 35 feet. For each foot that the front yard is increased over 25 feet, the rear yard may be decreased proportionately, except that where the rear yard adjoins the side lot line of a lot in an R District, there shall be a minimum rear yard of five feet required adjacent to said lot line.

9. Exceptions. For exceptions in a C-1 District, see Section 165.23.
10. Off-Street Parking and Loading. For off-street parking and loading requirements in a C-1 District, see Section 165.13.

165.10 C-2 COMMERCIAL CENTRAL BUSINESS DISTRICT. This District is intended only as the Central Business District of the City, and no property shall be zoned C-2 Commercial unless it lies adjacent to property zoned C-2 Commercial as a part of the Central Business District. Off-street parking and loading facilities and building setbacks are not required in this district to provide for intensive development of the land. Off-street parking facilities should be provided by the City or by private enterprise as a business. In the C-2 District, the following uses and regulations shall apply, except as may be provided in other sections of this chapter:

1. Permitted Uses. Principal permitted uses in the C-2 District are as follows:

A. Any use permitted in the C-1 commercial district, except for properties located within the Bloomfield Courthouse Square Commercial District as established by Section 24.12 of the Code of Ordinances of the City of Bloomfield. For properties within the Bloomfield Courthouse Square Commercial District, that portion of the First Floor (being the street level) of any building facing the square may only be used for authorized and permitted retail, wholesale and service business as defined in Section 165.10(1)(B) or as allowed by Section 165.23(2)(A), (C), (D) or (F). Residential uses of property within the Bloomfield Courthouse Square Commercial District shall be limited to the rear portion of the building (which may not exceed 50% of the square footage of the First Floor of the building). Uses of upper floors in the Bloomfield Courthouse Square Commercial District may include residential uses without any percentage restriction and may overlook the square but are otherwise subject to the limitations of this Section. Any residential use in the Bloomfield Courthouse Square Commercial District shall have a separate exterior entrance to the residential portion not located on the Street facing the square. *(Ord. 671 – Feb. 13 Supp.)*

B. Any retail or wholesale business and service business including the following uses:

Automobile body and fender repair shop, provided the same complies with any and all State and Federal rules or regulations relating to environmental requirements and certified by OSHA.

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

Bakeries.

Ballrooms and dance halls.

Bicycle and motorcycle shop - sales and repair.
 Billboards - off-site signs.
 Billiard parlors and pool halls.
 Bookbinding.
 Candy or confections manufacturing.
 Clothes dry cleaning.
 Commercial parking lots.
 Electric substations.
 Household equipment repair shops.
 Laundry.
 Lawn mower repair shop.
 Office building.
 Plumbing shop.
 Monument sales and engraving.
 Packaging of candy, confections and/or frozen foods.
 Printing and/or publishing business.
 Repair and storage garages.
 Sheet metal shop.
 Sign painting shop.
 Taverns with Class B beer permits.
 Tire repair shops.

C. See Section 165.23(2) of this chapter for special uses.

2. Accessory Uses. Accessory uses in the C-2 District include the following:

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

B. Accessory uses and structures customarily incidental to any permitted principal use.

C. Any exterior or roof sign, provided such sign does not project more than 12 feet above the roof line.

3. Building Height Limit. Building height limit in the C-2 District shall be four stories but not exceeding 60 feet.

4. Lot Area. Minimum lot area in the C-2 District shall be as follows: for a dwelling and any building containing any dwelling units – same as in R-3 District; no requirement for any other building.

5. Lot Width. Minimum lot width in the C-2 District shall be as follows: for a dwelling and any building containing any dwelling units – same as in R-3 District; no requirement for any other building.

6. Front Yard Depth. Minimum front yard depth in the C-2 District shall be as follows:

A. Dwellings – same as R-3 District.

- B. Other permitted uses – none required.

When fronting on the proposed right-of-way of a major thoroughfare shown on the official major thoroughfare plan, the front yard shall be measured from the proposed right-of-way line.

7. Side Yard Width. Minimum side yard width in the C-2 District shall be as follows:

- A. Dwellings – same as R-3 District.
- B. Other uses – none required except adjacent to an R District, in which case, not less than 15 feet.

8. Rear Yard Depth. Minimum rear yard depth in the C-2 District shall be as follows:

- A. Dwellings – same as R-3 District.
- B. Other permitted uses – none required, except when the rear lot line is immediately adjacent to the side lot line of a lot in an R District, in which case not less than 15 feet.

9. Exceptions. For exceptions in a C-2 District, see Section 165.23.

10. Off-Street Parking. For off-street parking requirements in a C-2 District, see Section 165.13.

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165.11 M-1 LIGHT INDUSTRIAL DISTRICT. In the M-1 Light Industrial District, the following regulations shall apply, except as otherwise provided herein:

1. Permitted Uses. Principal permitted uses in an M-1 District shall be as follows:

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

B. Any of the following uses:

Automobile assembly and major repair.

Creamery, bottling, ice manufacturing and cold storage plant.

Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals and food products, except fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.

Manufacturing, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as bone or cloth, cork, fiber, leather, paper, plastics, metals or stones, tobacco, wax, yarns and wood.

Manufacture of musical instruments, novelties and molded rubber products.

Manufacture or assembly of electrical appliances, instruments and devices.

Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.

Laboratories - experimental, film or testing.

Manufacture and repair of electric signs, advertising structures, light sheet metal products, including heating and ventilating equipment.

Blacksmith, welding or other metal shop, excluding drop hammers and the like.

Foundry casting lightweight nonferrous metals, or electric foundry not causing noxious fumes or odors.

Bag, carpet and rug cleaning; provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.

Enameling, lacquering or japanning.

Crematory - if located not less than 200 feet from any R District.

Portland concrete mixing, portland concrete products manufacture; provided, however, that asphalt concrete mixing plants or manufacture, temporary or permanent, shall not be a permitted use in an M-1 District.

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

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

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

Inflammable liquids, underground storage only.

Printing and/or publishing house.

Truck terminal or yard including repair.

Storage warehouse.

C. See Section 165.23(2) of this chapter for special uses.

2. Accessory Uses. Accessory uses in the M-1 District shall include the following:

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

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

3. Environmental Restrictions. No use shall be permitted to be established or maintained in an M-1 District which by reason of its nature or manner of operation is or may become hazardous, noxious or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, vibrations, refuse matter or water-carried waste.

4. Building Height Limit. Building height limit in an M-1 District shall be three stories but not exceeding 50 feet.

5. Lot Area. No minimum lot area is required in an M-1 District.

6. Lot Width. No minimum lot width is required in an M-1 District.

7. Front Yard Depth. Minimum front yard depth in an M-1 District is 30 feet. When fronting on the right-of-way of a major thoroughfare shown on the official major thoroughfare plan, the front yard shall be measured from the proposed right-of-way line.

8. Side Yard Width. No minimum side yard is required in an M-2 District except adjacent to an R District, in which case not less than 25 feet.
9. Rear Yard Depth. Minimum rear yard depth in an M-1 District shall be 40 feet, unless the rear lot line adjoins a railroad right-of-way, in which case, none required.
10. Exceptions. For exceptions in an M-1 District, see Section 165.23(2) of this chapter.
11. Off-Street Parking and Loading: For off-street parking and loading requirements in an M-1 District, see Section 165.13.

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165.12 M-2 HEAVY INDUSTRIAL DISTRICT. In the M-2 Heavy Industrial District, the following regulations shall apply, except as otherwise provided herein:

1. Permitted Uses. Principal permitted uses in an M-2 District are as follows:

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

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

(1) The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property.

(2) Such use shall not impair an adequate supply of light and air to surrounding property.

(3) Such use shall not unduly increase congestion in the streets, or public danger of fire and safety.

(4) Such use shall not diminish or impair established property values in adjoining or surrounding property.

(5) Such use shall be in accord with the intent, purpose and spirit of this chapter and the Comprehensive Plan of the City.

The uses subject to the above provisions are as follows:

Acid manufacture.

Asphalt concrete, mixing plants or manufacture, temporary or permanent

Cement, lime, gypsum or plaster of Paris manufacture.

Distillation of bones, coal tar, petroleum, refuse, grain or wood.

Dump.

Drilling for or removal of oil, gas or other hydrocarbon substance.

Explosives manufacture or storage

Fat rendering.
 Fertilizer manufacture.
 Garbage; offal or dead animal or fish reduction or dumping.
 Gas manufacture.
 Glue manufacture.
 Hog ranch.
 Mineral extraction, including sand and gravel.
 Petroleum or petroleum products refining.
 Rubber goods manufacture.
 Salvage yards, including auto wrecking and salvage, used parts sales and junk, iron or rags storage or baling. No portion of the front yard is to be used for the conduct of business in any manner whatsoever except for parking of customer or employee vehicles. Any premises on which such activities are carried on shall be wholly enclosed within a building or by a wooden, metal or masonry fence or wall not less than six feet in height and in which any openings or cracks are less than 15% of the total area.
 Smelting of ores.
 Stockyard or slaughter of animals, except poultry or rabbits.
 Tannery.
 Any other use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or may impose hazard to health or property.

C. See Section 165.23(2) of this chapter for special uses.

2. Environment Requirements and Other Required Conditions. The following are required in an M-2 District:

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

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

3. Building Height Limit. Building height limit in an M-2 District shall be three stories, but not exceeding 50 feet. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, radio or television towers, or necessary mechanical appurtenances or similar items and structures may be erected to a height not exceeding 100 feet, if the proposed structure has received a "Determination of No Hazard to Air Navigation" from the Federal Aviation Administration and

the Council has determined that the proposed structure does not create an undue risk to adjoining properties or the community.

(Ord. 689 – Dec. 17 Supp.)

4. Lot Area. No minimum lot area is required in an M-2 District.
5. Lot Width. No minimum lot width is required in an M-2 District.
6. Front Yard Depth. Minimum front yard depth in an M-2 District shall be 30 feet. When fronting on the right-of-way of a major thoroughfare shown on the official major thoroughfare plan, the front yard shall be measured from the proposed right-of-way line.
7. Side Yard Width. No minimum side yard is required in an M-2 District except adjacent to an R District, in which case not less than 100 feet as specified in subsection 2 of this section.
8. Rear Yard Depth. Minimum rear yard depth in an M-2 District shall be 40 feet, unless the rear lot line adjoins a railroad right of way, in which case, none required.
9. Exceptions. For exceptions in an M-2 District, see Section 165.23.
10. Off-Street Parking and Loading. For off-street parking and loading requirements in an M-2 District, see Section 165.13.

165.13 PARKING AND LOADING AREAS.

1. Loading Spaces Required in C-1, M-1 and M-2 Districts. In any C-1 or M District, in connection with every building or part thereof hereafter erected, having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space plus one additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 10,000 square feet.

A. Each loading space shall be not less than 10 feet in width and 35 feet in length.

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

2. Off-Street Parking Area Required. In all districts, except the C-2 District, in connection with every industrial, commercial, business, trade, institutional, recreational, or dwelling use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule:

A. Automobile sales and service garages, 50% of floor area.

B. Banks, business and professional offices, 50% of floor area.

C. Bowling alleys, five spaces for each alley.

D. Churches and schools, one space for each eight seats in a principal auditorium. When no auditorium is involved, one space for every two employees.

E. Dance halls, assembly halls, 200% of floor area used for dancing or assembly.

F. Dwelling, one parking space for each family or dwelling unit.

G. Funeral homes, mortuaries, one parking space for each five seats in the principal auditorium.

H. Furniture and appliance stores, household equipment or furniture repair shops with over 1,000 square feet of floor area, 50% of floor area.

- I. Hospitals, one space for each four beds.
- J. Hotels, lodging houses, one space for each two bedrooms.
- K. Manufacturing plants, one space for each three employees on the maximum working shift.
- L. Restaurants, beer parlors, and night clubs with over 1,000 square feet floor area, 200% of floor area.
- M. Retail stores, supermarkets, etc., with over 2,000 square feet of floor area, 250% of floor area.
- N. Retail stores, shops, etc. with under 2,000 square feet of floor area, 100% of floor area.
- O. Sports arenas, auditoriums, other than in schools, one parking space for each six seats.
- P. Theaters, assembly halls with fixed seats, one parking space for each six seats.
- Q. Wholesale establishments or warehouses, one parking space for every two employees.

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

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

4. Parking Area Surfacing and Maintenance. Off-street parking areas shall be surfaced with Portland cement concrete or asphaltic material or shall be dust-proofed in some other manner as may be approved by the Council and shall be maintained in a dust-free condition.

5. Access Drives to Areas in C or M Districts. Access drives to off-street parking areas in C or M districts shall be subject to written approval of the Council.

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165.14 VISIBILITY AT INTERSECTIONS IN R DISTRICTS. On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2½ and 10 feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 25 feet from the point of intersection of right-of-way lines.

165.15 FENCES, WALLS AND VISION CLEARANCE.

1. On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of 2½ feet and 10 feet above the centerline grades of the area described as follows: that area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines 25 feet from the point of intersection of said right-of-way lines.
2. In any district other than the M Districts, fences and walls not exceeding 6 feet in height are permitted within the limits of side and rear yards, and a fence or wall not exceeding 4 feet in height is permitted within the limits of front yards. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment.
3. Single-faced fences erected in residential zoning districts shall have their unfinished side (side with exposed posts) facing toward the property on which the fence is erected. Single-faced fences erected in nonresidential zoning districts shall have their finished side facing toward the residential district.
4. Fences and walls shall not exceed a height of 10 feet in the M Districts. Barbed or electrified wire shall be prohibited within any R District, if the property is not being used for agricultural purposes.
5. Enclosures. Except as otherwise provided, fenced enclosures shall be provided for outdoor, permanent, in-ground swimming pools and shall be subject to the following requirements:
 - A. The fence shall not be less than four feet in height. The fence shall be so constructed as not to allow a five-inch diameter sphere to pass through the fence. A principal or an accessory building may be used as part of such enclosure.
 - B. All gates and doors opening through an enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual

use, except that the door of any building which forms a part of the enclosure need not be so equipped.

(Subsection 5 – Ord. 700 – Aug. 19 Supp.)

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

165.17 ACCESSORY STRUCTURE RESTRICTIONS. All accessory structures and buildings must comply with the following restrictions.

1. No accessory structure shall be erected in any required court, or in any yard other than a rear yard, except as provided herein.
2. Accessory structures shall be distant at least five feet from the rear lot lines and two feet from the side lot lines, and on a corner lot, they shall conform to the setback regulations on the side street.
3. Accessory structures, except buildings housing animals or fowl, may be erected as part of the principal building or may be connected thereto by a breezeway or similar structure, provided all yard requirements for a principal building are complied with.
4. An accessory structure which is not a part of the main building shall not occupy more than 30% of the rear yard and shall not exceed 18 feet in height; however, this regulation shall not be interpreted to prohibit the construction of a 440-square-foot garage on a minimum rear yard.
5. No accessory structure shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory structure shall be used unless the main building on the lot is also being used.
6. All swimming and wading pools shall be constructed and equipped according to current ordinances of the City of Bloomfield, Iowa, *Code of Iowa* and all rules and regulations of the Iowa Department of Health. The location of the swimming and wading pools shall be approved by the City Council of the City of Bloomfield, Iowa, and/or the City of Bloomfield Code Enforcement Officer.

Definition of a Residential Swimming Pool. A water-filled enclosure accessory to a one or two family dwelling or townhouse structure, that is portable or permanently constructed, intended for swimming or

recreational bathing that has the ability to contain more than 24 inches in depth. This includes in-ground, above ground, and on-ground swimming pools, or spas.

A permit is required for any residential swimming pool/water-filled enclosure. The permit fees for said items are in Code Section 165.18. Said minimum requirements are as follows:

- A. In-ground pools must have a six-foot non-climbable fence that shall be equipped with a self-closing, self-latching, and outward opening gate.
- B. Pools cannot be located less than five feet from a side or rear lot line.
- C. Above ground pools shall have barriers such as a non-climbable gate that blocks the ladder from being climbed or the ladder shall be removed completely when not in use.
- D. The pool enclosure shall be sufficiently strong to make the pool inaccessible to small children.
- E. Pools shall not be permitted in the front yard of any residential or multi-family structure.
- F. Residential swimming pools will be subject to inspection by the Fire Department/Code Enforcement.

(Section 165.17 – Ord. 700 – Aug. 19 Supp.)

(Subsection 6 – Ord. 707 – Dec. 20 Supp.)

165.18 CORNER LOT REQUIREMENTS. The setback for all street sides of a corner lot shall be equal to the required front lot setback unless the setback has been established by existing building on the existing block and/or development, then that will establish the setback, whichever is greater.

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

165.20 EXCEPTIONS TO FRONT YARD REQUIREMENTS. In areas where some lots are developed with a front yard that is less than the minimum required for the district by this chapter or where some lots have been developed with a front yard greater than required by this chapter, the following rule shall

apply: Any new building or addition in front thereof shall not be closer to the street right-of-way than the average of the front yard of the first building on each side within a distance of 200 feet measured from building to building, except as follows:

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

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

165.22 ZONING ANNEXED AREAS. Any land annexed to the City after the effective date of these zoning regulations shall be zoned R-1 Residential until the Planning and Zoning Commission and Council have studied the area and adopted a final zoning plan for the area in accordance with this chapter. Said final zoning plan shall be adopted within six months of date of annexation.

165.23 EXCEPTIONS AND MODIFICATIONS.

1. Building Height Limit. The building height limitations of this chapter shall be modified as follows:
 - A. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, radio or television towers, or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances of the City.
 - B. Public, semi-public or public service buildings, hospitals, sanatoriums, or schools, when permitted in a district, may be erected to a height not exceeding 60 feet, and churches and temples, when permitted in a district, may be erected to a height

not exceeding 75 feet if the building is set back from each property line one foot in addition to the minimum yard requirements for every two feet of building height above the height limit otherwise provided in the district in which the building is constructed.

2. Special Uses. The Council, by special permit after public hearing, may authorize the location of any of the following buildings or uses in any district from which they are prohibited by this chapter. Notice of time and place of hearing shall be given to all affected property owners in advance of the hearing by placing notices in the United States mail.

A. Any public building erected and used by any department of the City, Township, County, State or Federal government.

B. Airport or landing field.

C. Community building or recreation center.

D. Hospitals, homes for the aged, nursing homes, nonprofit fraternal institutions provided they are used solely for fraternal purposes, and institutions of an educational, religious, philanthropic or eleemosynary character, provided that the building shall be set back from all yard lines a distance of not less than two feet for each foot of building height but not less than the yard requirements for the district in which located.

E. Mobile home parks, subject to the following minimum development requirements:

(1) Requirements for Park.

a. Front yard (to be measured from all streets on which park abuts) – 35 feet.

b. Side yard – 35 feet.

c. Rear yard – 35 feet.

d. Minimum area – one acre.

e. Drives – 25 feet in width, surfaced with asphalt or Portland cement concrete.

f. Sanitary facilities – connection with the municipal sewer system or adequate private sewage disposal facilities.

(2) Requirements for Mobile Home Spaces.

a. Minimum space size – 40 feet by 75 feet.

- b. Minimum space area – 3,000 square feet.
 - c. Off-drive parking – one parking space for each mobile home space.
 - d. Minimum front yard – 15 feet.
 - e. Minimum rear yard – 10 feet.
 - f. Minimum side yard – 5 feet.
- F. Preschools.
 - G. Cemetery.

Before issuance of any special permit for any of the above buildings or uses, the Council shall refer the proposed application to the Planning and Zoning Commission, which shall be given 45 days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the Commission has been filed; provided, however, if no report is received from the Commission within 45 days, it shall be assumed that approval of the application has been given by the Commission.

165.24 NONCONFORMING USES.

1. Intent. Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or used as grounds for adding other structures or uses prohibited elsewhere in the same district. To avoid undue hardship, nothing in this chapter should be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. “Actual construction” is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual

construction, provided that such work shall be diligently carried on until completion of the building involved.

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

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

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

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.

C. If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

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

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

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

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

D. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for two years, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

E. Where nonconforming use status applies to a structure and premises in combination, removal of the structure shall eliminate the nonconforming status of the land. Any nonconforming building or structure damaged more than 60% of its then fair market value exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot or act of God, shall not be restored or reconstructed and used as before such happening; but if less than 60% damaged above the foundation, it may be restored, reconstructed or used as before, provided that reconstruction shall be started within six months of such happening, and be built of like or similar materials.

5. Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

6. Special Uses. Any use for which a special exception is permitted, as provided in Section 165.23 of this chapter, shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

7. Registration Required. For registration of nonconforming uses, see Section 165.26 of this chapter.

165.25 BUILDING PERMITS.

1. Required. No building or other structure shall be erected, moved, added to or structurally altered without a permit therefor, issued by the administrative official. No building permit shall be issued except in conformity with the provisions of this chapter, except after written order

from the Board of Adjustment. Fees for building permits shall be as provided in Section 165.31. Any person who has started construction in the City without obtaining a building permit where a permit is required will need to stop construction and obtain the permit at a charge of one hundred dollars.

(Ord. 630 – May 07 Supp.)

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

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

4. Final Report and Determination. The administrative official shall make the final report and determination on the permit request within thirty days from the date said official receives permit request.

165.26 CERTIFICATE OF ZONING COMPLIANCE.

1. Certificates of Zoning Compliance Required. It is unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, until a certificate of zoning compliance has been issued therefor by the administrative official, stating that the proposed use of the building or land conforms to the requirements of this chapter.

2. Required For Nonconforming Structure or Use. No nonconforming structure or use shall be maintained, renewed, changed or extended until a certificate of zoning compliance shall have been

issued by the administrative official. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this chapter, provided that upon enactment or amendment of this chapter, owners or occupants of nonconforming uses or structures shall have one year to apply for certificates of zoning compliance. Failure to make such application within one year shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this chapter.

3. Application Restriction; Issuance. Certificates of zoning compliance shall be applied for coincidentally with the application for a building permit, and shall be issued within ten days after the lawful erection or alteration of the building is completed in conformity with the provisions of this chapter.

4. Temporary Certificate. A temporary certificate of zoning compliance may be issued by the administrative official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

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

6. Fees. See Section 165.31 for schedule of fees.

165.27 POWERS AND DUTIES OF ADMINISTRATIVE OFFICIAL.

An administrative official designated by the Council shall administer and enforce this chapter. The administrative official may be provided with the assistance of such other persons as the Council may direct. If the administrative official shall find that any of the provisions of this chapter are being violated, said official shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The administrative official shall order discontinuance of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to insure compliance with or to prevent violation of its provisions.

165.28 SCOPE OF PERMITS AND CERTIFICATES OF ZONING COMPLIANCE.

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use,

arrangement or construction at variance with that authorized shall be deemed violation of this chapter.

165.29 BOARD OF ADJUSTMENT.

1. **Membership.** A Board of Adjustment is established which shall consist of five members. The terms of office of the members of the Board and the manner of their appointment shall be as provided by statute.
2. **Meetings; Rules and Regulations.** Meetings of the Board shall be held at the call of the Chairperson, and at such other times as the Board may determine. Such Chairperson, or in the absence of the Chairperson, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of three members shall be necessary to constitute a quorum.
3. **Appeals.** Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within ten days by filing with the administrative officer and with the Board a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official certifies to the Board, after notice of appeal shall have been filed with said official, that by reason of facts stated in the certificate a stay would in the opinion of the administrative official cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application or notice to the administrative officer, and on due cause shown.
4. **Fee.** For fee for appeal see Section 165.31, Schedule of Fees.
5. **Hearing Required for Appeal.** The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent, or by attorney.

6. Administrative Review. The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative officer in the enforcement of this chapter.

7. Special Exceptions. The Board shall have the power to permit the following exceptions to the district regulations set forth in this chapter, subject to the requirements of this section:

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

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

C. To hear and decide only such other special exceptions as the Board is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter; or to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board unless and until:

(1) A written application for special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.

(2) Notice of public hearing shall be given in advance of public hearing. The owner of the property for which special exception is sought or said owner's agent and any other affected property owners shall be notified by mail. Notice of hearing shall also be posted on the property for which special exception is sought.

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

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

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

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

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

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

(2) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

(3) The special conditions and circumstances do not result from the actions of the applicant.

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

B. Notice of public hearing shall be given in advance of public hearing. The owner of the property for which the variance is sought or owner's agent and any other affected property owners shall be notified by mail.

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

D. The Board shall make findings that all requirements have been met by the applicant for a variance.

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

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

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

9. Decisions. In exercising its powers, the Board may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

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

165.30 DUTIES OF CITY COUNCIL AND CITY OFFICIALS. It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by statute. It is further the intent of this chapter that the duties of the Council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this chapter. Under this chapter the Council shall have only the duties of:

1. Considering and adopting or rejecting proposed amendments or the repeal of this chapter as provided by law;
2. Establishing a schedule of fees and charges as stated in Section 165.31; and
3. Considering applications for special permits for special uses as specified in Section 165.23(2) of this chapter; and
4. Considering applications for uses listed in the M-2 Heavy Industrial District.

165.31 FEE SCHEDULE.

1. Establishment. The Council shall establish a schedule of fees, charges and expenses, and a collection procedure for certificates of zoning compliance, appeals, and other matters pertaining to this chapter. The schedule of fees listed below shall be posted in the office of the administrative official, and may be altered or amended only by the Council.
2. Payment Required. No certificate, special exception, or variance shall be issued unless or until such costs, charges, fees, or expenses listed below have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.
3. Designated. The following fees shall be in effect:

A. Building Permit Fee (Residential):	
Small buildings (including portable storage sheds, fences, decks, porches, paved drive/parking areas, and signs).....	\$10.00
Above/Below ground pool	\$ 10.00
	<i>(Subsection A – Ord. 707 – Dec. 20 Supp.)</i>

B. Building Permit Fee (Commercial):

Any fence, paved driveway or parking, sign, any
 accessory building.....\$15.00
 Any building for the purpose of housing a business\$50.00

C. Light Industrial:

Any accessory building, paved drive/parking, sign.....\$25.00
 Any building housing industry\$75.00

D. Heavy Industrial:

Any accessory building, paved drive/parking, sign\$25.00
 Any building housing heavy industry\$100.00

E. Certificate of Zoning Compliance:

Any new business or industry to ensure compliance
 with zoning regulations for the area as designated\$10.00

F. Appeal to Board of Adjustment:

Upon filing appeal to Board, plus publication cost
 certified by publisher prior to hearing\$25.00

G. Amendments:

Change in District regulations or District boundary.....\$100.00

165.32 AMENDMENTS.

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

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

3. Procedure Following Disapproval or Denial. In case the proposed amendment, supplement, or change is disapproved by the Commission, or a protest presented duly signed by the owners of twenty percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, extending the depth of one lot or not to exceed 200 feet therefrom, or of those directly opposite thereto, extending the depth of one lot or not to exceed 200 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least four-fifths of all the members of the Council. Whenever any petition for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have been denied by the Council, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the Council until one year shall have elapsed from the date of the filing of the first petition.

4. Fee Required. Before any action shall be taken as provided in this chapter, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the Clerk a fee as specified in Section 165.31(3) of this chapter to cover the approximate cost of this procedure, and in addition thereto, shall pay the costs of publications certified by publisher prior to final determination of proposed amendment by the Council. Under no conditions or circumstances shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

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

EDITOR'S NOTE			
<p>The following ordinances have been adopted amending the Official Zoning Map described in Section 165.03 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.</p>			
ORDINANCE NO.	DATE ADOPTED	ORDINANCE NO.	DATE ADOPTED
231		582	
232		603	5-5-05
234		605	6-16-05
260		606	6-16-05
261		616	1-5-06
266		626	11-2-06
288		633	12-6-07
291		634	12-20-07
294		638	4-17-08
299		644	12-4-08
309		665	11-3-11
331		666	11-3-11
345		667	11-3-11
351		668	11-3-11
358		674	6-20-13
374		678	8-21-14
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