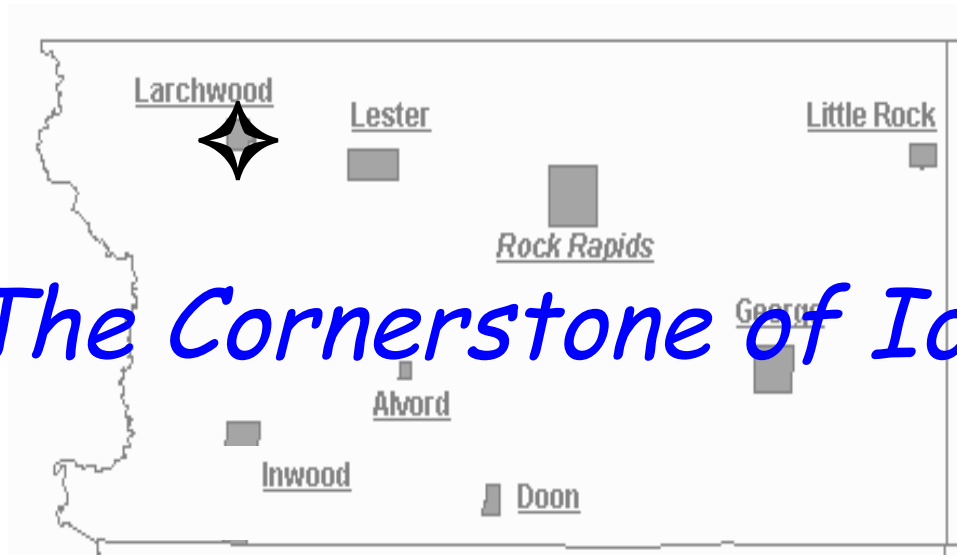


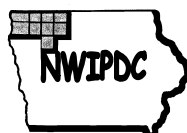
City of **LARCHWOOD**



"The Cornerstone of Iowa"

2011

ZONING REGULATIONS & SUBDIVISION REGULATIONS



Prepared with Planning Assistance from
**NorthWest Iowa Planning &
Development Commission**
Spencer, Iowa

City of Larchwood

ZONING ORDINANCE

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ORDINANCE NO. _____

REPLACES THE 1995 LARCHWOOD
ZONING ORDINANCE AND AMENDMENTS THERETO

**ZONING ORDINANCE OF THE CITY OF
LARCHWOOD, IOWA**

AN ORDINANCE to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and other purposes; to regulate and restrict the height of buildings and structures, the number and size of buildings and other structures; to establish the size of yards and other open spaces; to establish minimum lot areas; to regulate the density of population and the percentage of lot that may be occupied; to require off-street parking; to regulate the location, size, and number of signs; to divide the city into districts for such purposes; to provide for the administration and enforcement of its provisions; to confirm the Board of Adjustment; and to prescribe penalties for the violation of its provisions, all in accordance with Chapter 414, Code of Iowa; and to be known, and cited as

"The Zoning Ordinance of the City of Larchwood, Iowa".

WHEREAS, the City Council of the City of Larchwood, Iowa, deems it necessary to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers, to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid concentration of population; to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public improvements; to conserve the value of buildings, and encourage the most appropriate use of land throughout the city; all in accordance with the city's comprehensive land use plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
LARCHWOOD, IOWA:

ARTICLE I

Basic Provisions

Article 1: Basic Provisions

- Section 1.1. Short Title
- Section 1.2. Jurisdiction
- Section 1.3. Interpretation of Regulations
- Section 1.4. Validity and Severability Clause
- Section 1.5. Repeal of Conflicting Ordinances
- Section 1.6. Purpose

Section 1.1. SHORT TITLE.

This ordinance shall be known and may be cited and referenced as the “Zoning Ordinance of the City of Larchwood, Iowa”, to the same effect as if the full title were stated.

Section 1.2. JURISDICTION.

In accordance with the provisions of Chapter 414 of the Code of Iowa and amendatory acts thereto, this ordinance is adopted by the City of Larchwood, Iowa governing the zoning of all lands within the corporate limits of the city.

Section 1.3. INTERPRETATION OF REGULATIONS.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law, other rules, regulations, or ordinances, the provisions of this ordinance shall govern. This ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this ordinance shall govern.

Section 1.4. VALIDITY AND SEVERABILITY CLAUSE.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such ruling shall not affect the validity of the ordinance as a whole or any part thereof, not specifically included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

Section 1.5. REPEAL OF CONFLICTING ORDINANCES.

Effective on the effective date of this ordinance, all existing zoning ordinances and amendments thereto or parts of other ordinances in conflict with this ordinance are hereby repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof, and such ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

Section 1.6. PURPOSE.

The various zoning districts, created by this ordinance and the various articles and sections of this ordinance, are adopted for the purpose among others of:

1. Carry out the intent and spirit of the Larchwood Comprehensive Plan;
2. Promoting the public health, safety, morals, comfort, general welfare, and preserving the natural resources, scenic and historically significant areas of the city;
3. Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities which have similar needs and are compatible;
4. Encouraging classification of land use and distribution of land development within the city that will facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;
5. Helping to insure all residential, commercial, and industrial structures as well as other types of structures will be accessible to fire fighting and other emergency equipment;
6. Promoting the development of residential neighborhoods in which each dwelling is assured the provision of light, air, and open spaces;
7. Prohibit the formation or expression of nonconforming uses of land, buildings, and structures which adversely affect the character and value of desirable development in each district;
8. Help to prevent and minimize the effect of nuisance producing activities;
9. Conserving the taxable value of the land and buildings throughout the city;
10. Defining the powers and duties of the city government, Board of Adjustment and the Zoning Administrator.

ARTICLE II

Definitions/Use Classifications

Article 2: Definitions/Use Classifications

Section 2.1. Definitions

Section 2.2. Use Classifications

Section 2.1. DEFINITIONS:

For purpose of interpreting this ordinance certain words, terms and expressions are herein defined.

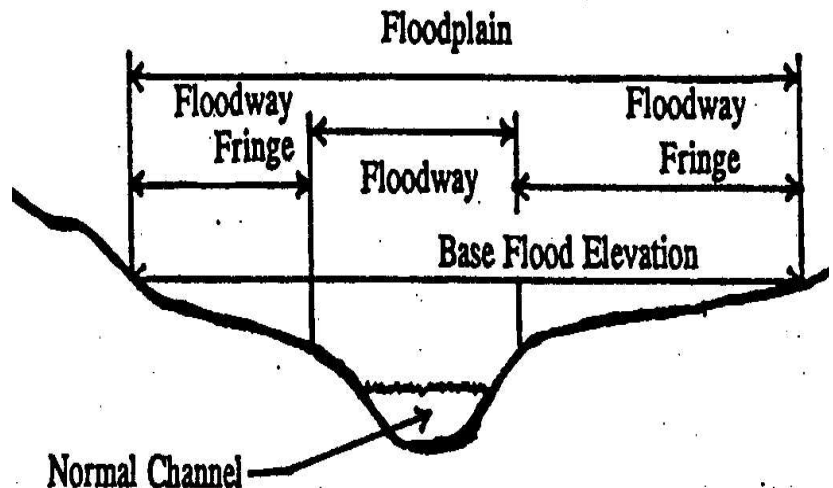
- Words used in the present tense shall include the future;
 - Singular shall include the plural and the plural includes the singular;
 - The word “may” is discretionary and the word “shall” is always mandatory;
 - The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
 - The words “used” or “occupied” include the words intended, designed or arranged to be used or occupied;
 - The word “includes” means including but not limited to.
1. **ACCESSORY USE (OR STRUCTURE):** A structure or use on the same zoning lot with and of a nature customarily incidental and subordinate to and serves the principal building, structure or use; is subordinate in area, extent, or purpose to the principal building or use served; and contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use.
 2. **ADDITION:** Any construction which increases the site coverage, height, length, width, gross floor area or cubic content of a structure or building.
 3. **ALLEY:** A public or private thoroughfare not more than thirty feet (30') in width, for the use of vehicles, which affords only a secondary means of access to abutting properties.
 4. **ALTERATION (STRUCTURAL):** Any change in the supporting members of a building, such as bearing walls, partitions, columns, beams or girders. The enlargement of the size or height of a building shall be construed to be a structural alteration.
 5. **ATTACHED:** Having one or more walls common with a principal building, or joined to a principal building by a covered porch or passageway, the roof of which is a part or extension of a principal building.
 6. **ATTIC:** A space under any roof, the finished floor of which is or would be at or entirely above the level of the wall plates of at least two (2) exterior walls, and the height of which, from the floor level to the highest point of the roof, does not exceed ten feet (10').
 7. **BASEMENT:** That portion of a building that is either partly or completely below grade. (*Building Officials and Code Administrators (BOCA) Basic/National Building Code*) Basements which are finished living space or utilized for bedroom space shall be counted for purposes of density and parking requirements for the overall property.

8. **BLOCK:** That property abutting on one side of a street, and lying within the two nearest intercepting or intersecting streets or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.
9. **BUILDABLE AREA (OR BUILDING ENVELOPE):** That portion of a zoning lot or parcel remaining for allowable buildings after required yard setbacks have been provided.
10. **BUILDING:** A structure completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete perimeter of the structure, which is permanently affixed to a lot or lots, and used or intended for shelter, support, or enclosure of persons, animals or property of any kind. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building.
11. **BUILDING, ACCESSORY:** A building which is subordinate to the main building on the lot, not attached thereto and used for purposes customarily incidental to those of the main building. Private detached garages are accessory buildings. Any accessory building shall be classified as a permanent building.
12. **BUILDING, HEIGHT OF:** The vertical distance from the curb level to the highest point of the roof. Where a building or dwelling is situated on ground above the curb level or where no curb grade is established, such height shall be measured from the level of the adjoining ground at the middle of the front wall.
13. **BUILDING, PRINCIPAL:** A building in which the primary or main use of the lot or parcel is conducted.
14. **BUILDING LINE:** The setback distance from the front property line, rear lot line, and side lot lines as provided in this ordinance.
15. **BUILDING WALL:** The wall of the principal building forming a part of the main structure. The foundation walls of unenclosed porches, steps, walks and retaining wall or similar structures, shall not be considered as building walls under the provisions of this ordinance.
16. **BUSINESS (or COMMERCIAL):** The engaging in the purchase, sale or exchange of goods or services, or the operation of offices for profit or recreational amusement enterprises
17. **CARPORT:** Space for the housing or storage of vehicles and enclosed on not more than two (2) sides by walls, and is attached to and considered a part of the principal building.
18. **CITY:** The City of Larchwood, Iowa
19. **COMMISSION (OR PLANNING COMMISSION):** The Larchwood Planning Commission.
20. **COMPREHENSIVE PLAN:** The policy statement by the Larchwood City Council relative to the desirable physical pattern of future community development. The plan consists of a series maps, charts, and written material representing in summary form the soundest conception to the city as to how it should grow in order to bring about the very best living conditions.

21. COUNCIL: The Larchwood City Council.
22. CURB LEVEL: The established curb grade adjacent to a lot.
23. DECK: A non-roofed unenclosed structure open on two (2) or more sides adjoined to a structure or building. Decks higher than twelve (12) inches above the average grade of the ground shall be subject to required yard setbacks.
24. DETACHED: Fully separated from any other building or structure, or joined to another building by structural members not constituting an enclosed or covered space.
25. DISTRICT (OR ZONING DISTRICT): A part, zone, or geographic area within the city limits in which certain zoning or development regulations apply.
26. DRIVEWAY: A surfaced area providing vehicular access between a street and an off-street parking or loading area.
27. DWELLING: Any building, or portion thereof which is designed, used or intended to be occupied for residential purposes, either permanently or transiently, but not including a tent, cabin, trailer, or factory-built home which is not located within a manufactured home subdivision or mobile home park. However, a dwelling shall include any factory-built home constructed to comply with the Iowa State Building Code for modular factory built structures.
28. DWELLING, EXISTING RELOCATED RESIDENTIAL: A residence or dwelling which presently exists and is proposed to be relocated upon a lot within a subdivision of Larchwood.
29. DWELLING, SINGLE FAMILY: A detached building that is arranged, designed for or intended to be occupied as the primary residence of one (1) family, having no party wall in common with an adjacent building, and of which is surrounded by open space or yards.
30. DWELLING, TWO FAMILY: A detached building that is arranged, designed for or intended to be occupied as the residence of two (2) families living independently of each other with separate entrances, housekeeping units and cooking facilities for each.
31. DWELLING, MULTI-FAMILY: An apartment house or dwelling used or intended to be used or occupied as the residence of three (3) or more families living independently of each other with separate entrances, housekeeping units and cooking facilities for each dwelling unit.
32. EASEMENT: A grant of one or more of the property rights by a property owner to and/or for use by the public, a corporation, or another person or entity.
33. ENCROACHMENT: Any obstruction or illegal or unauthorized intrusion in a delineated floodway, right-of-way, or on adjacent land.
34. ENGINEER, CITY: A qualified individual or firm designated by the City Council.
35. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by developers, public utilities or governmental agencies of underground or overhead gas, telecommunications, electrical, wastewater or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals,

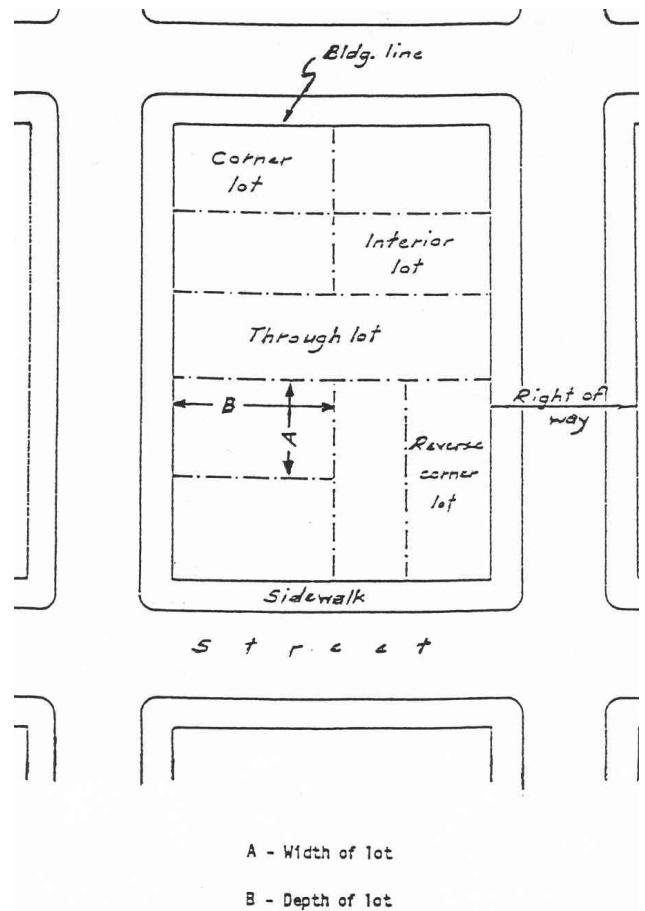
hydrants, and other similar equipment and accessories in connection with and necessary for the furnishing of adequate service by such public utilities, governmental agencies, and/or for the public health, safety or general welfare, but not including buildings.

36. **FAÇADE:** The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.
37. **FACTORY BUILT-STRUCTURE:** Is any structure, building, component, assembly or system which is of closed construction and which is made or assembled in manufacturing facilities, on or off the building site, for installation or assembly and installation, on the building site. Factory-built structures may also mean, at the option of the manufacturer, any structure or building of open construction, made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site. Factory-built structure also means “factory-built unit”.
38. **FAMILY:** A person living alone, or two (2) or more persons related by blood, marriage, adoption, guardianship, or otherwise duly authorized custodial relationship as verified by official public records such as drivers licenses, birth or marriage certificates living together as a single dwelling unit and sharing common living, sleeping, cooking, and eating facilities; however a family shall not include more than three (3) additional unrelated persons.
39. **FENCE:** Any artificially constructed barrier of fencing material or combination of materials as established in Section 11.6, and erected to enclose or screen areas of land.
40. **FOUNDATION:** *See* PERMANENT FOUNDATION.
41. **FLOOD:** The temporary overflowing of water onto land, usually void of surface water.
42. **FLOOD HAZARD AREA:** Any area on the edge of a water channel and is subject to flooding.
43. **FLOODPLAIN:** The channel and relatively flat area adjoining the channel of a natural stream or river, which has historically been or may have the potential to be covered by flood waters. (see figure at right)
44. **FLOODWAY:** The channel of a river or stream, and those portions of the floodplains adjoining the channels, which carry and discharge flood waters or flood flow so the water does not elevate beyond a designated height. (see figure at right)



45. **FLOOD FRINGE:** Those portions of the floodplain, other than the floodway, which can be filled, leveled, or otherwise obstructed without causing substantially higher flood levels or flow velocities. (see figure above)
46. **FLOOR AREA:** The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages, or space in a basement or cellar that is not living space or used for storage or other incidental uses.
47. **FRONTAGE:** All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
48. **GARAGE, PRIVATE:** An accessory building or portion of a building used only for the enclosed parking of or storage of one or more vehicles by the occupants of the premises or the leasing of space as provided herein, but in which no business services or industry connected with motor vehicles is carried on other than leasing of space.
49. **GRADE:** The lowest horizontal elevation of a finished surface of the ground, paving, sidewalk or curb at a point where the height is to be measured.
50. **HOME OCCUPATION:** An accessory use or occupation, profession, or activity that is clearly customary, incidental and secondary in use of a residential dwelling unit; and which and is conducted entirely within a dwelling unit by the inhabitants thereof and complies with the home occupation requirements outlined in Section 12.6.
51. **HOUSEHOLD:** A family living together in a single dwelling unit, with common access to all living and eating areas and all areas and facilities within the dwelling unit.
52. **HOUSING UNIT:** *See DWELLING*
53. **INCIDENTAL:** Subordinate and minor in significance and bearing a reasonable relationship with the primary use.
54. **JUNK (OR SALVAGE):** All old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
55. **JUNK VEHICLE OR JUNK MACHINERY:** Any vehicle, other machines or portions thereof not in running condition and/or not licensed for the current year as provided by law, or any other non-operating vehicle or machinery situated in a front yard of any lot or property and located in open view to the public for a period of more than sixty (60) days which, because of its defective or obsolete condition, or rotted, rusted or loose parts or in any other way constitutes a threat to the public health, welfare or safety. A mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

56. **JUNKYARD (or SALVAGE YARD):** Any open area of any lot or parcel where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including scrap metals or scrap materials, or the abandonment or dismantling of machinery, motor vehicles, or other vehicles, or parts thereof. A solid waste transfer station is not considered a junk yard or salvage yard for purposes of this ordinance.
57. **KENNEL, PRIVATE:** Any building(s) or land designed or arranged for the care of no more than two (2) domesticated dogs or and cats belonging to the owner of the principal structure or use, and kept for purposes of show, hunting, or pets.
58. **LAND USE:** A description of how land is occupied or utilized.
59. **LANDSCAPED:** An area devoted to or developed predominantly with plant materials or natural features including lawn, gardens, trees, shrubs, and other plant materials; and also including accessory outdoor landscape elements such as pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block or similar material (excluding driveways, parking, or storage areas), provided that the use of brick, stone or other inorganic materials shall not predominate over the use of natural materials.
60. **LOADING SPACE:** An area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.
61. **LOT:** A parcel of land as established by plat, subdivision, or as otherwise permitted by law, which may be owned, used, developed, or built upon, having its frontage upon one or more streets or an officially approved place.
62. **LOT AREA:** The net horizontal area bounding by front, side and rear lot lines, but excluding any portion of a flag (panhandle) lot providing access to a street and excluding any public or private easement or right of way providing access to another lot.
63. **LOT, CORNER:** A lot fronting on two (2) intersecting streets.
64. **LOT, INTERIOR:** A lot other than a corner lot.
65. **LOT, THROUGH:** An interior lot having frontage on two parallel or approximately parallel streets. Also known as a double frontage lot.
66. **LOT (or BUILDING) COVERAGE:** The area of a lot covered by buildings or roofed areas, excluding incidental projecting eaves and gutters, balconies, and similar features; and also



excluding ground level paving or decks below twelve inches in height, landscaping, and open recreational facilities.

67. **LOT DEPTH:** The distance from the front lot line to the rear lot line. In the case of a lot of irregular shape, the mean depth shall be the lot depth.
68. **LOT WIDTH:** The distance between the side lot lines. In the case of a lot of irregular shape, the mean width shall be the lot width.
69. **LOT LINES:** The property lines bounding a zoning lot.
70. **LOT LINE, FRONT:** In the case of an interior lot abutting on only one street, the “front lot line” is the street line of such lot. In the case of any other lot, the front lot line will be such street line as is located in front of the main entrance to the principal structure.

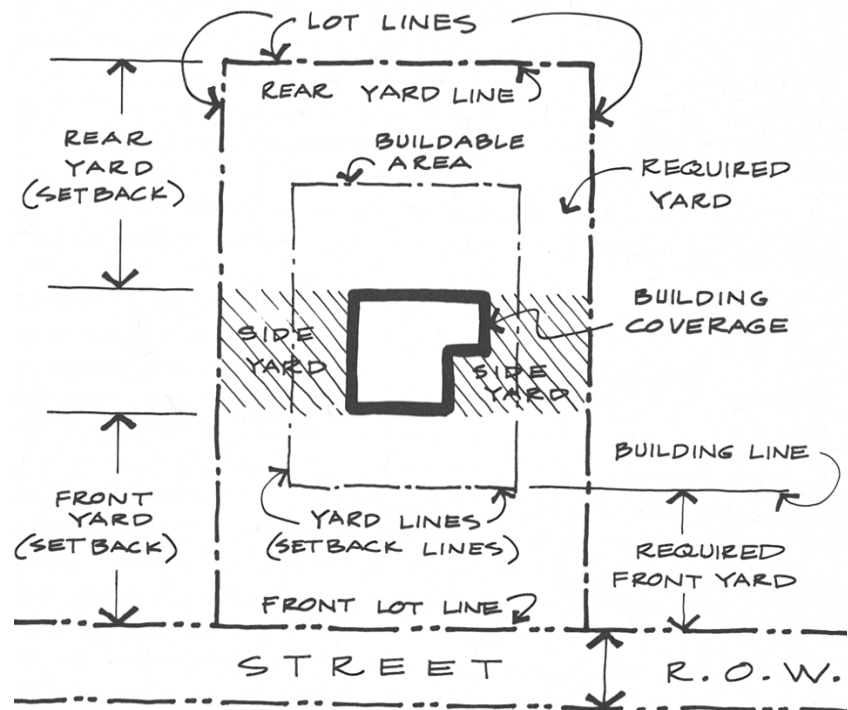


Image Source: *The New Illustrated Book of Development Definitions*,
Harvey S. Moskowitz & Carl G. Lindbloom, 1993

71. **LOT LINE, REAR:** That boundary line that is opposite and most distant from the front lot line.
72. **LOT LINE, SIDE:** Any boundary lines not a front line or a rear line.
73. **LOT OF RECORD:** A lot of which is part of a legal subdivision of the City of Larchwood, Iowa, the plat of which has been recorded in the office of the County Recorder; or a lot or parcel of land, the deed or valid contract of sale of which was recorded in the office of the County Recorder of Lyon County, Iowa prior to the effective date of this ordinance.
74. **MANUFACTURED HOUSING:** A factory-built structure which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, 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 certifying that it is in compliance with the Federal Manufactured Housing Construction Act of 1974. (*Code of Iowa, Sec. 435.1*)

75. **MOBILE HOME:** Any vehicle without motive power used or so manufactured or constructed as to permit it 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. (*Code of Iowa, Sec. 435.1*) All mobile homes shall be located within a mobile home park.
76. **MOBILE HOME PARK:** Any site, lot, field or tract of land upon which two (2) or more occupied 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. A mobile or manufactured home park shall not be construed to include mobile or manufactured, buildings, tents, or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students. (*Code of Iowa, Sec. 435.1*)
77. **MOBILE HOME SPACE:** An area within a mobile home park which is designed for and designated as the location for a single mobile home and the exclusive use of its occupants.
78. **MOBILE HOME OR MANUFACTURED HOUSING CONVERTED TO REAL PROPERTY:** A mobile home or manufactured housing which is located outside a manufactured housing community or a mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases: (*Code of Iowa, Sec. 435.26 & 435.35*)
- a. **Retailer's Stock:** Mobile homes or manufactured housing on private property as part of a retailer's or manufacturer's stock not used as a place of human habitation.
 - b. **Existing Homes:** A taxable mobile home or manufactured housing which is located outside of a manufactured housing community or mobile home park prior to the effective date of this ordinance shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement until the home is relocated.
79. **MODULAR HOME:** 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, as adopted pursuant to Section 103A.7 *Code of Iowa*, and must display the seal issued by the state building code commissioner. A modular home shall be considered real property. (*Code of Iowa, Sec. 435.1*)
80. **NONCONFORMING STRUCTURE (OR BUILDING):** A structure or building in size, dimensions, or location of which was lawful prior to the adoption or amendment to the zoning ordinance, but which fails to conform to present requirements of the zoning district.
81. **NONCONFORMING USE:** A lawful use of any land, building, or structure, other than a sign, that does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time such use was established.

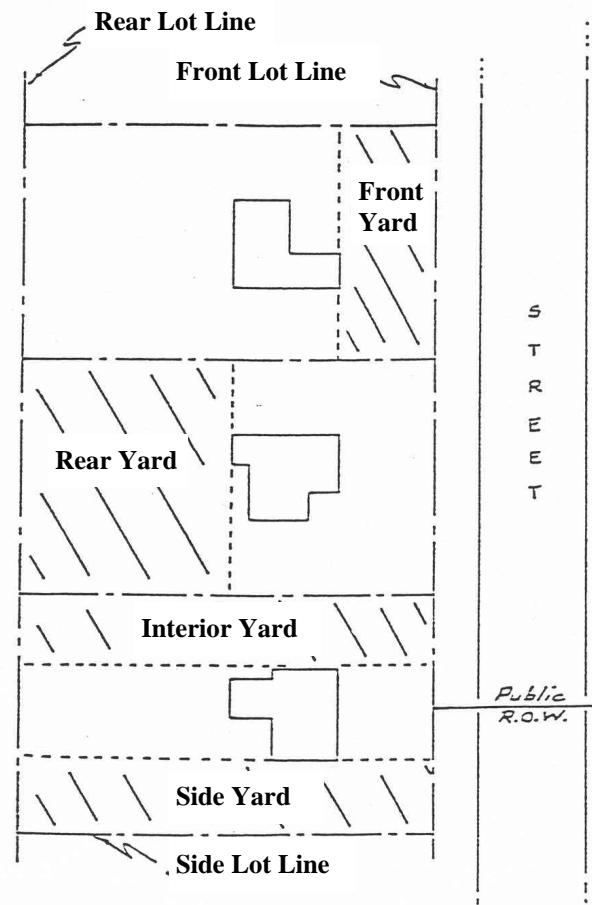
82. **OCCUPANCY (or OCCUPIED):** The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.
83. **OFF-STREET PARKING:** A facility, land or property not located on any public or private road, street or other thoroughfare providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit.
84. **OPEN SPACE:** Any parcel or area of land essentially unimproved and set aside, designated or reserved for the use or enjoyment of the owners, occupants, neighbors or the general public. Such open space is not occupied by structures or impervious surfaces.
85. **PARKING AREA:** An area on a lot or within a building, or both, including one or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, and meeting the requirements established by this ordinance. Parking areas shall include parking lots, garages, and parking structures.
86. **PARKING LOT:** An off-street, ground level open area usually improved for the temporary storage of motor vehicles. *See PARKING AREA.*
87. **PARKING SPACE:** An area, enclosed or unenclosed, having dimensions of not less than one hundred eighty square feet (180 sq. ft.), typically measuring 9' x 20' plus necessary maneuvering space for the parking of a motor vehicle, and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles. Space required for maneuvering incidental to parking shall not encroach upon any public right of way. Driveways for one and two family structures may be considered as parking spaces.
88. **PERMANENT FOUNDATION:** All residential structures, including mobile homes or manufactured housing located outside of a manufactured housing community or mobile home park, shall be placed on a continuous and permanent frost-free perimeter foundation which meets the support and anchorage requirements as recommended by the manufacturer or builder, but at a minimum shall meet State Building Code requirements. The structure must be permanently attached to the foundation. The foundation system must be visually compatible with permanent foundations systems of surrounding residential structures.
(*Code of Iowa, Sec. 414.28*)
89. **PLANNED UNIT DEVELOPMENT (PUD):** An area of minimum contiguous size specified in this ordinance developed according to plan as a single entity and containing one or more structures or land uses with appurtenant or adjacent common areas.
90. **PORCH, OPEN:** A roofed structure, open or screened on two (2) or more sides, projecting from the front, side or rear wall of the building.
91. **PRINCIPAL PERMITTED USE:** *See USE: 1. Principal Permitted Use.*
92. **PRIVATE PARKING LOT (OR AREA):** A parking area for the exclusive use of the owners, tenants, lessees or occupants of the lot on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.

93. **PROHIBITED USE:** Any use not permitted by right or by special exception in a zoning district.
94. **PROPERTY:** A lot, parcel, or tract of land together with buildings and structures located thereon.
95. **PUBLIC NOTICE:** A publication of the time and place of any public hearing typically not less than four (4) or not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the city. In the instances of publications amending or adopting changes to this zoning ordinance, the public notice notification period is not less than seven (7) or not more than twenty (20) days prior to the date of said public hearing.
96. **PUBLIC WAY:** An open or unoccupied public space more than thirty feet (30') in width which is permanently reserved for the purpose of access to abutting property.
97. **RECREATIONAL VEHICLE:** A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or for sporting and recreational purposes. The term recreational vehicle shall customarily or ordinarily be used for, but not limited to, vacationing, recreational purposes, travel trailers, pick-up campers, camping, motor coaches, converted trucks or buses, boats and boat trailers, and snowmobiles or all-terrain or off-road vehicles.
98. **RESIDENTIAL CONVENIENCE SERVICE:** A use or activity of a commercial nature conducted as an accessory use to multiple family residential or mobile home park residential use, and intended solely for the convenience of residents thereof.
99. **ROOMS, HABITABLE:** A room which provides the required area and window area to provide necessary light and ventilation of occupants, and shall be clean and sanitary at all times.
100. **SALVAGE YARD:** *See JUNKYARD.*
101. **SETBACK:** The required distance between any lot line and structure or the building walls of any building or deck more than 12" above grade.
102. **SETBACK LINE:** A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and defining that minimum distance between the building and property line which buildings and structures may not be placed.
103. **SITE DEVELOPMENT REGULATIONS:** The combinations of controls that establish the maximum size of a building and its location on the lot. Components of site development regulations include: size and height of building; location of exterior walls at all levels with respect to lot lines, streets, or other buildings; building coverage; gross floor area of building in relation to the lot area; open space; and amount of lot area provided per dwelling unit.
104. **SITE PLAN:** A plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and uses, and the principal site development features including parking, access, and landscaping and screening, proposed for a specific parcel of land or zoning lot.

105. SPOT ZONING: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan.
106. STREET: A public or private thoroughfare that affords the primary means of access to abutting property.
107. STREET, FRONT: The street or public place upon which a lot abuts. If a lot abuts upon more than one street or public place it shall mean the street designated as the front street in the owner's application for a building permit.
108. STREET (or ROAD) LINE: The dividing line between a zoning lot, tract or parcel of land and a contiguous road, street, alley or place.
109. STREET, PUBLIC: A public thoroughfare more than thirty feet (30') in width.
110. STREET, WALL: The wall of the building nearest the street under consideration.
111. STRUCTURE: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.
112. SUBSTANDARD LOT (or NONCONFORMING LOT): A lot of record that does not comply with currently applicable minimum area, width, or depth requirements for the zoning district in which it is located, but which complied or was conforming with applicable requirements when it was placed on record prior to the enactment of this zoning ordinance.
113. TEMPORARY STRUCTURE: A structure without any foundation or footings and that is removed when the designated time period, activity, or use has ceased.
114. USE: The conduct of an activity or the performance of a function or operation, on a site or in a building, structure or facility.
 - a. Accessory Use: A use or activity which is incidental to and customarily associated with a specific principal use on the same site.
 - b. Principal Use: Any use which is the primary function of a lot or building.
 - c. Permitted Use: Any use permitted as a matter of right or under a special exception when conducted in accordance with the regulations established by this ordinance; of which fulfills the primary function of a household, establishment, institution, or other entity.
 - d. Special Exception Use: A use allowable solely on a discretionary and conditional basis subject to a special exception use permit, and all other regulations established by this ordinance.
115. UTILITY: Any utility owned and operated by a governmental body or franchised by any governmental body.
116. VACANCY: Any unoccupied land, structure, or part thereof available or suitable for occupancy.

117. **VALUATION:** The one hundred percent (100%) valuation of a building or structure, as determined by the Lyon County Assessor.
118. **VARIANCE:** The relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions and peculiarity of the property and not the results of actions of the applicant, a literal enforcement of the zoning regulations would result in an unnecessary and undue hardship. A variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.
119. **YARD:** An open space on the same lot adjoining a lot line, containing only landscaping and such uses and facilities as may be permitted by this ordinance. In measuring a yard for the purpose of determining the depth of a front yard or rear yard, the least distance between the lot line and the nearest principal building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest principal building shall be used. A yard shall be measured exclusive of any dedicated or undedicated right-of-way.

- a. **Front Yard:** An area of yard extending across the full width of a lot and measured between the front lot line and the building wall or other supporting element thereof, other than the projection of typical steps and eaves. In the case of corner lots, the front yard shall be considered as the yard adjacent to the street where the principal building has its main entrance.
- b. **Interior Yard:** Any area of yard, not adjacent to a street, which is determined on the basis of an interior lot line.
- c. **Rear Yard:** An area of yard extending across the full width of a lot and measured between the rear lot line and the building or other supporting element other than steps or unenclosed balconies, but excluding any area located within the street side yard of a corner lot. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.



- d. Side Yard: An area of yard extending the depth of a lot from the front yard to the rear yard and measured between the side lot line and the nearest principal building. In the case of a corner lot, the street side yard shall extend from the front yard to the rear lot line.
120. **ZONING**: The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.
121. **ZONING ADMINISTRATOR**: The individual appointed by the City Council to administer and ensure compliance with this zoning ordinance and issue zoning/building permits.
122. **ZONING/BUILDING PERMIT**: A permit issued in conjunction with and as part of the building permit as overseen and enforced by the zoning administrator as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building; and authorizes the use of land, buildings, or structures that complies with and is provided for in the manner and for the purpose specified in the application.
123. **ZONING MAP (OFFICIAL)**: An ordinance in map form adopted by the governing body that conclusively shows the location of zoning districts boundaries, proposed streets, public areas, and other data referencing the distinction and separation of zoned land uses.

Section 2.2. USE CLASSIFICATIONS:

The purpose of the use classifications is provide a consistent set of terms encompassing and defining uses permitted by right or special exception in the various zoning districts, and to provide a procedure for determination of the applicable use classification of any activity not clearly within any defined use classification. In the event of any question as to the appropriate use classification of any existing or proposed use or activity, the Zoning Administrator shall have the authority to determine the appropriate classification, subject to the right of appeal pursuant to Section 17.9. In making such determination, the Zoning Administrator shall consider the characteristics of the particular use in question, and shall consider any functional, product, service, or physical facility requirements common with or similar to uses cited as examples of use classifications.

1) **General Description of AGRICULTURE/CONSERVATION USE TYPES:**

Agricultural use types include the on-site production of crops by usual agricultural methods.

- a. *Agriculture*: Includes all activities related to crop production, dairying, pasturage, horticulture, floriculture, and viticulture.
- b. *Agricultural Animal Husbandry*: The raising of cattle, swine, poultry, horses, sheep, goats or other similar farm animals for reproductive stock or for slaughter in which such uses are conducted in either confined animal feeding operations or open yards.
- c. *Critical Area*: A critical area is a natural feature in need of preservation from encroaching land uses. Such areas may include sensitive or prime agricultural soils as defined by the Natural Resource Conservation Service, areas of excessive slope, natural marshes, woodlands, and floodplains.
- d. *Crop Production*: The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including incidental packing and processing.
- e. *Farm*: An area that is used for the growing of the usual farm products. This definition shall include the production of animal products such as eggs or dairy products, on an agricultural or commercial basis. Typical uses include grazing, pasture, ranching, dairy farming, poultry farming, and the raising of fur bearing animals.
- f. *Farmstead*: That area of the farm which includes the farm dwelling and other accessory buildings and structures in close proximity to the farm dwelling.
- g. *Floodplain*: The channel and relatively flat area adjoining the channel of a natural stream or river that has historically been or may have the potential to be covered by flood waters.
- h. *Horticulture*: The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales.
- i. *Stables*: Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include but not limited to horse ranches, boarding stables or public stables.
- j. *Support Housing*: The occupancy of living accommodations by one agricultural employee and their family, without regard to duration, which occurs exclusively in association with the performance of agricultural labor, on the same property as the support housing.
- k. *Undeveloped or Unimproved Land*: Land in its natural state before development.
- l. *Water Control Structures, Irrigation or Retention Basins*: Those man-made structures which are intended to direct and/or control the water flow, drainage and percolation rate to aid in the prevention of flooding or to direct water away from tillable agricultural land.
- m. *Wildlife Refuge/Preserve*: Areas designated for the protection and sustaining of wildlife habitat; in which human activities are very limited and the natural environment is protected.

2) **General Description of RESIDENTIAL USE TYPES:**

Residential use types include the occupancy of living accommodations on a wholly or primarily nontransient basis or institutional living arrangements, but excluding those providing forced residence such as asylums and prisons.

- a. *Condominium Residential*: The use of a site for three (3) or more multiple family dwelling units intended for separate ownership, together with common area serving all dwelling units; whereas the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.
- b. *Family Home (as per Chapter 414.22 Iowa Code)*: A community based residential home which is licensed as a residential care facility under Chapter 135C of the *Iowa Code* or as a child foster care facility under Chapter 237 of the *Iowa Code* to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.
- c. *Group Residential*: The residential occupancy of living accommodations by groups of more than five (5) persons not defined as a family on a weekly or longer basis. Typical uses include but not limited to fraternity or sorority houses, dormitories, or residence halls.
- d. *Mobile Home or Manufactured Housing*: The residential occupancy of mobile homes or manufactured housing by families on a weekly or longer basis. Uses only include mobile home parks and mobile home/manufactured housing subdivisions.
- e. *Multiple Family Residential*: The use of a site for three (3) or more dwelling units within one or more buildings.
- f. *Personal Recreation Facilities*: (as an accessory use to residential uses) Recreational uses and facilities provided as an accessory use on the same lot as the principal use and intended to be used primarily by the occupants of the principal use and their guests. Such facilities may include but not limited to swimming pools, tennis courts and other permanent recreation facilities that may have implications with yard setbacks or open space.
- g. *Relocated Residential*: An existing, previously built residential structure, intended for occupancy, which has been moved into the community from a location outside of Larchwood, or an existing residential structure which has been relocated from another location from within the City of Larchwood to a new residential site. A relocated residential structure does not include the moving of a new manufactured, modular or mobile home into the city. Relocated residential properties shall submit a route plan, photographs of the building to be moved, and a building permit prior to moving a building or structure into Larchwood.
- h. *Residential Healthcare Facilities*: Any residential care services, intermediate care facility or skilled nursing home.

- 1) *Residential Care Services*: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or extended care.
 - 2) *Assisted Living Facility*: Residences for primarily senior or retired persons that provide dwelling units, housekeeping services, meals, personal care, and supervision of self-administered medication. Assisted living facilities may also provide other services such as recreational activities, financial services, and transportation and these facilities are sometimes combined with other types of housing such as congregate apartment housing, senior housing, or residential care services.
 - 3) *Skilled Nursing Facility*: Any institution or facility providing care for a period exceeding twenty-four hours for residency or nursing services, the need for which is certified by a physician to three or more individuals not related to the administrator or owner, who by reason of illness, disease, or physical or mental illness require continuous care and medical services.
- i. *Single Family Residential*: The use of a site for only one (1) single family dwelling unit.
 - j. *Townhouse Residential*: The use of a site for three (3) or more dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site.
 - k. *Two Family Residential (duplex)*: The use of a site for two (2) dwelling units on a single lot or parcel.

3) **General Description of COMMERCIAL USE TYPES:**

Commercial use types include the sale, rental, service, and distribution of goods; and the provision of services other than those classified as industrial or civic uses.

- a. *Administrative and Business Offices*: Office of private firms or organizations, which are primarily used for the provision of executive, management, or administrative services. Typical uses include but not limited to administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telemarketing, photocopy and reproduction, and business offices of public utilities or associations.
- b. *Adult-Oriented Establishment*: Any premises including, without limitation, “adult bookstores,” or “adult motion picture theaters.” It further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, whether or such adult entertainment is held, conducted, operated, or maintained for a profit, direct or indirect. “Adult-Oriented Establishment” further includes, without limitation, any premises physically arranged and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

- c. *Agricultural Sales and Services*: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include but not limited to nurseries, hay, feed and grain stores, and tree service firms.
- d. *Automotive Rentals*: Rental of automobiles, noncommercial trucks, trailers, and recreational vehicles. Typical uses include but not limited to auto rental agencies, trailer rental agencies, and taxicab parking and dispatching.
- e. *Automotive Repair Services*: Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include but not limited to new and used car dealerships, motorcycle, boat, trailer, and recreational vehicle dealerships.
- f. *Automotive Sales*: Sales or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include but not limited to new and used car dealerships, motorcycle, boat, trailer, and recreational vehicle dealerships.
- g. *Automotive Washing*: Washing and cleaning of automobiles, related light equipment, and trucks. Typical uses include but not limited to car washes or truck washes. Does not include large truck cleanouts or wash outs.
- h. *Building Maintenance Services*: Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include but not limited to janitorial, landscape maintenance, or window cleaning services.
- i. *Business Support Services*: Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service businesses to the firms themselves rather than to individuals, but excludes automotive, construction and farm equipment. Typical uses include but not limited to office equipment supply, small business machine repair, or hotel equipment and supply firms.
- j. *Business or Trade School*: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
- k. *Cocktail Lounge*: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on premises, including taverns, bars, cocktail lounges, and similar uses.
- l. *Commercial Off-Street Parking*: Parking of motor vehicles on a temporary basis within privately owned off-street parking facility, other than accessory to a principal use. Uses include commercial parking lots or parking garages.
- m. *Commercial Recreation*: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:

- (1) *Indoor Sports and Recreation*: Uses conducted within an enclosed building. Typical uses include but not limited to bowling alleys, billiard parlors, ice and roller skating rinks, video game arcades.
 - (2) *Outdoor Sports and Recreation*: Uses conducted in open or partially enclosed or screened facilities. Typical uses include but not limited to golf courses, swimming pools, tennis courts, and racquetball courts.
 - (3) *Indoor Entertainment*: Predominantly spectator uses conducted within an enclosed building. Typical uses include but not limited to motion picture theaters, meeting halls, community or event centers, and dance halls.
 - (4) *Outdoor Entertainment*: Predominantly spectator uses conducted in open facilities. Typical uses include but not limited to sports arena, racing facilities, go-kart track, amusement park, driving range, and miniature golf course.
- n. *Communications Services*: Establishments primarily engaged in the provision of broadcasting and information relay services accomplished through the use of electronic and telephonic mechanisms but exclude those classified as Major Utility Facilities. Typical uses include but not limited to telecommunication services; radio, television, cellular and other similar antennas, towers, or structures; and fiber optic lines and transmission facilities.
 - o. *Condominium Storage Unit*: A building or series of buildings in which the storage units or floor area is owned independently; and whereas the structure and property is owned by all of the owners on a proportional, undivided basis or by single ownership. These storage units are designed for individually owned indoor storage of RVs, boats, watercrafts, snowmobiles, motorcycles, automobiles, antiques, toys, trailers, record storage or other similar uses. Condominium storage must be designed in a way that each unit maintains a separate entrance.
 - p. *Construction Sales and Services*: Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale, from the premises, of materials used in construction of building or other structures; but excludes those classified as one of the Automotive and Equipment Services use types. Typical uses include but not limited to building materials stores, tool and equipment rental or sales, or building contractors.
 - q. *Consumer Repair Services*: Establishments primarily engaged in repair services to individuals or households rather than firms, but excluding automotive and equipment uses. Typical uses include but not limited to appliance repair, watch/jewelry repair, or musical instrument repair.
 - r. *Convenience Storage*: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include but not limited to mini-warehousing.
 - s. *Convenience Store*: An establishment engaged in the retail sale of food and household products, including gasoline. The servicing or storage of vehicles shall be prohibited.

- t. *Equipment Repair Services*: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include but not limited to truck repair garages, tractor and farm implement repair services, and machine shops but excludes dismantling or salvage.
- u. *Equipment Sales*: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include but not limited to truck dealerships, construction equipment dealerships, and mobile home sales establishments.
- v. *Financial Services*: Establishments primarily engaged in the provision of financial and banking services. Typical uses include but not limited to banks, savings and loan institutions, loan and lending activities, and similar services.
- w. *Food Sales*: Establishment or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include but not limited to grocery stores, delicatessens, meat markets, retail bakeries, and candy shops.
- x. *Funeral Services*: Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include but not limited to funeral homes, crematoriums or mortuaries.
- y. *General Retail Sales*: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this section inclusive. Typical uses include but not limited to department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories.
- z. *Golf Course*: Land area and buildings containing golf course, club house, restaurant and lounge, swimming pool and tennis courts.
- aa. *Hospital Services*: A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
- bb. *Kennel, Commercial*: A commercial establishment in which two (2) or more dogs, cats or domesticated animals at least six months of age are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation. Typical uses include but not limited to boarding kennels, pet motels, or dog training centers.
- cc. *Laundry Services*: Establishments engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as Personal Services. Typical uses include but not limited to bulk laundry and cleaning facilities, diaper services, or linen supply services.

- dd. *Liquor Sales*: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include but not limited to liquor stores, bottle shops, or any licensed sales for off-site consumption.
- ee. *Medical Clinics/Offices*: A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts licensed for practice by the State of Iowa.
- ff. *Personal Improvement Services*: Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of nonprofessional nature. Typical uses include but not limited to photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
- gg. *Personal Services*: Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include but not limited to beauty and barbershops, seamstress, tailor, shoe repair shops, and self-service laundromat or apparel cleaning services.
- hh. *Pet Services*: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include but not limited to pet stores, animal bathing facilities, or pet grooming shops.
- ii. *Professional Office*: Any building or use providing professional or consulting services in the fields of law, architecture, medicine, design, engineering, accounting, and similar occupations considered a profession.
- jj. *Restaurant (Convenience)*: A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on premise consumption. Typical uses include but not limited to soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.
- kk. *Restaurant (General)*: A use engaged in the preparation and retail sales of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty percent (50%) of the gross income. A general restaurant may include live entertainment. Typical uses include but not limited to restaurants, lounges, bar & grills, and other similar establishments with incidental alcoholic service.
- ll. *Retail Specialty Shop*: Various commercial establishments offering sales of goods which fall into a specific category, and any service which may be related to those goods. Typical uses include but not limited to bicycle shop, camera shop, antique shops, bookstores, etc.
- mm. *Service Station*: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.
- nn. *Vehicle Storage*: Long term storage of operating or non-operating vehicles. Typical uses include but not limited to storage of private parking tow-a-ways or impound yards, but excludes dismantling or salvage.

- oo. *Veterinary Services*: Veterinary services for animals. Typical uses include but not limited to pet clinics, dog and cat hospitals, and veterinary hospitals.
- pp. *Visitor Habitation*: Establishments primarily engaged in the provision of lodging services on a temporary basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:
 - (1) *Campground*: Facilities or an area providing spaces for two (2) or more travel trailers, recreational vehicles, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public. Typical uses include but not limited to campgrounds or recreational vehicle parks.
 - (2) *Hotel-Motel*: A building or group of buildings containing guest rooms primarily intended for temporary occupancy to transient guests for compensation and provides parking for the guests. Other such accessory uses associated with a hotel-motel may include a swimming pool, restaurant, meeting/conference rooms, management office and quarters for the use of operating personnel.
 - (3) *Bed & Breakfast Inn*: A private, owner-occupied housing unit, or portion thereof where short term lodging and meals are provided for up to five (5) guests for rent to the general public. Meals may be provided to overnight or traveling guests, but individual units designed as rentals shall contain no cooking facilities.
 - (4) *Boarding House*: A building, other than a hotel or motel, where for compensation and by arrangement, meals and lodging are provided for more than three (3) persons not defined as a family.
- qq. *Wind Energy Device*: Any device such as a wind charger, wind turbine, windmill, wind generator or other such wind energy conversion system which converts wind energy to a form of useable energy.

4) **General Description of INDUSTRIAL USE TYPES:**

Industrial use types include the on-site extraction or production of goods by methods not agricultural, and storage and distribution of products.

- a. *Biotechnology Production and/or Manufacturing*: Facilities, warehouses, and production or assembly plants engaged in the active production, manufacturing, packaging, and distribution of products generally associated with the fields of animal or human biotechnology.
- b. *Custom Manufacturing*: Establishments primarily engaged in the on-site production of goods by hand manufacturing which involves the use of hand tools or mechanical equipment and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include but not limited to ceramic studios, candle making shops or custom jewelry.
- c. *Fertilizer or Chemical Storage or Processing*: Uses which promote the sale, storage, transfer or processing of agricultural, industrial or other chemicals.

- d. *Fuel Storage*: The storage of any fuel source in above or below ground tanks for purposes of distribution, storage or for sale. Such uses may include, but are not limited to gasoline storage facilities, bulk storage, propane storage or natural gas storage sites.
- e. *Heavy Industry*: A use engaged in the processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing which potentially involve hazardous or commonly recognized offensive conditions.
- f. *Light Industry*: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding heavy industrial processing.
- g. *Railroad Facilities*: Including but not limited to rail yards, equipment servicing facilities, loading and unloading facilities and rail terminal facilities.
- h. *Renewable Energy/Renewable Resources Industries*: Those industries or businesses engaged in the use of products that are sustainable in the environment or in harnessing or capturing renewable resources for energy purposes. Typical uses include but are not limited to biofuels, biomass, wind energy, solar energy, hydro power, and geothermal.
- i. *Research and Production Services*: Establishments primarily engaged in research of an industrial or scientific nature, including animal or human products testing. Typical uses include but are not limited to animal or human research laboratories, research and development firms, or animal or human pharmaceutical research labs.
- j. *Resource Extraction*: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are, but not limited to quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
- k. *Sanitary Landfill*: An area of land designated for the disposal of garbage, refuse, waste, rubbish, and other solid or semisolid materials, of which are buried between layers of earth.
- l. *Scrap and Salvage Services*: Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse. Typical uses include but are not limited to auto wrecking yards, junkyards or paper salvage yards.
- m. *Stockyards*: Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include but are not limited to animal stockyards, animal sales and crop or animal auction yards.
- n. *Warehousing and Distribution*: Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are warehousing use types:

- (1) *Limited Warehousing and Distribution*: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include but not limited to wholesale distributors, storage warehouses or moving and storage firms.
- (2) *General Warehousing and Distribution*: Open-air storage, distribution and handling of materials and equipment. Typical uses include but not limited to monument or stone yards, grain elevators or open storage yards.

5) General Description of CIVIC USE TYPES:

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses strongly vested with public or social importance.

- a. *Aviation Facilities*: Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft.
- b. *Cemetery*: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbiums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- c. *Club or Lodge*: A use providing meeting, recreational, or social facilities for private or non-profit associations, primarily for use by members and guests.
- d. *Cultural Services*: A library, museum, art gallery, or other nonprofit use offering display, preservation or exhibition of objects of permanent interest in the arts and sciences.
- e. *Daycare Center*: A facility, or use of a building or portion thereof, for daytime care of seven (7) or more individuals, or as indicated by the State of Iowa. This term may include day care centers for children or adults, and similar uses.
- f. *Detention Facilities*: A publicly operated use providing housing and care for individuals confined by law.
- g. *Government/Public Services*: Administrative offices, governmental, clerical or public services that deal directly with the citizen. Typical uses include but not limited to federal, state, county, and city offices, postal facilities, or other public or non-profit organizations directly benefiting the general public.
- h. *Local Utility Services*: Essential services which are necessary to support principal development and involve only minor structures such as lines, poles, transformers, control devices and junction boxes which are necessary to support principal development.
- i. *Major Utility Facilities*: Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants and similar facilities of public use, and firms having potentially significant impact upon surrounding uses.
- j. *Park and Recreation Services*: Publicly or privately owned and operated parks, playgrounds, open spaces, and swimming pools.

- k. *Pre-Kindergarten, Preschool, or Nursery School*: An establishment enrolling children where tuition or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as an educational facility for children typically under the age of five (5).
- l. *Educational Facilities*: A public, private, or parochial school offering instruction at the elementary, junior and senior high school or collegiate levels.
- m. *Public Assembly*: Publicly owned or operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, fairgrounds and exhibition facilities.
- n. *Religious Assembly*: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, excluding educational facilities.
- o. *Safety Services*: Facilities for public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
- p. *Treatment Services*: A use providing counseling, guidance, recuperative, vocational, or similar services to persons requiring rehabilitation assistance as a result of mental illness alcoholism, detention, drug addiction, or similar condition on a residential or daytime basis.

ARTICLE III

Zoning Districts Established

Article 3: Zoning Districts Established

- Section 3.1. Zoning Districts
- Section 3.2. Boundaries and Official Map
- Section 3.3. Interpretations of Districts Boundaries
- Section 3.4. Road or Public Right-of-Way Vacation
- Section 3.5. Annexed Territory
- Section 3.6. General Regulations

Section 3.1. ZONING DISTRICTS.

The City Council shall cause to be prepared and approved, an official zoning districts map showing the various districts, which may be changed or corrected from time to time as recommended by the Planning Commission and enacted by the City Council. For the purpose and intent of this ordinance the city is hereby divided into zoning districts or zones as follows:

- AC Agriculture/Conservation District
- R-1 Single Family Residential District
- R-2 Multiple Family Residential District
- R-3 Mobile/Manufactured Housing District
- C-1 Downtown Commercial District
- C-2 Highway Commercial District
- GI General Industrial District

Section 3.2. BOUNDARIES AND OFFICIAL MAP.

The boundaries of these districts are indicated and established as the official zoning map of Larchwood, Iowa, which with all notations, designations, references, and other matters shown thereon shall be as much a part of this ordinance as if fully described and set forth herein.

Amendments, supplements or changes to the boundaries of districts shown on the official zoning map shall be made by an ordinance amending this zoning ordinance. The amending ordinance shall refer to the official zoning map and shall set out the identification of the area affected by legal description and identify the zoning district as the same exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the city clerk. Such amendatory ordinance shall, however, not repeal or reenact said map but only amend it. The official zoning map, together with amending ordinances, shall be the final authority as to the current zoning status of land areas, buildings, and other structures in the city.

The official zoning map shall be on file and available for public review in the city office. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of use or the nature or number of changes and additions, the City Council may adopt a new official zoning map by resolution which shall supersede the prior zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior zoning map, but no such correction shall have the effect of amending the original official zoning ordinance or any subsequent amendment thereof.

Section 3.3. INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to boundaries of districts as shown on the official zoning map, the following rules shall apply:

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

Section 3.4. ROAD OR PUBLIC RIGHT-OF-WAY VACATION.

Whenever any road, street, or other public right-of-way is vacated by the official action of the City Council, the zoning district(s) adjoining each side of such road or public right-of-way shall automatically extend to the center of such vacation and all area included in such vacation shall then and henceforth be subject to all appropriate regulations of the extended district(s).

Section 3.5. ANNEXED TERRITORY.

Any lands being annexed into the City of Larchwood shall, by default, be immediately zoned (AC) agriculture/conservation. If the existing or proposed land use of the property is such that it necessitates a zoning change, the Planning Commission shall make a recommendation of a change of zoning classification to the City Council.

Section 3.6. GENERAL REGULATIONS.

Except as herein provided:

1. No buildings or structures or parts thereof shall be erected, constructed, reconstructed, converted, structurally altered, enlarged, extended, raised, moved or used; nor shall any land

or building be used which does not comply with all of the district regulations established by this ordinance for the district in which the building or land is located unless the structure was existing at time of passage; improvements may then be made according to the site development regulations pertaining to the district in which such building or land is located.

2. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum required by this ordinance, except for use for public or utility purposes. No yard, part of a yard, off-street parking or loading space, or other open space provided about any building, structure or use for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard, off-street parking or loading space, or open space required under this ordinance for any other building, structure, or use.
3. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except for a planned unit development or unless otherwise provided in this ordinance.
4. No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with off-street parking and loading regulations of this ordinance.
5. Any portion of a building that is covered by a roof shall be considered a part of the building.

These regulations shall be required in addition to any applicable federal, state and city health and building regulations.

ARTICLE IV

(AC) Agriculture/Conservation District

Article 4: Agriculture/Conservation District

- Section 4.1. Intent
- Section 4.2. Principal Permitted Uses
- Section 4.3. Special Exception Uses
- Section 4.4. Floodway/Floodplain Conditions
- Section 4.5. Permitted Accessory Uses and Structures
- Section 4.6. Site Development Regulations
- Section 4.7. Off-Street Parking
- Section 4.8. Sign Regulations
- Section 4.9. Zoning/Building Permits Required

Section 4.1. INTENT.

The intent of the agriculture/conservation district is to preserve land best suited for agriculture (especially prime agricultural soils) from the encroachment of incompatible uses and to preserve, in agricultural use, land suited to eventual development in other uses pending proper timing for economical and practical provisions of streets, utilities and other community facilities which may be provided or programmed as to ensure the orderly and beneficial conversion of these lands to nonagricultural use. Those uses which are deemed offensive to the surrounding area or to the community by reasons of noise, dust, smoke, odor, traffic, physical appearance or other similar factors are not permitted within the district. Furthermore, this district is intended to protect environmentally sensitive areas that can be considered critical areas, or otherwise best suited as buffers between land uses and not suitable for structural developments, as well as prevent development in those areas subject to periodic or potential flooding. All development within designated floodplains shall be allowed only in compliance with the city code.

Section 4.2. PRINCIPAL PERMITTED USES.

Within the (AC) agriculture/conservation district, unless otherwise provided, only the following uses and structures shall be permitted by right.

Agriculture/Conservation Uses	Residential Uses	Civic Uses
Agriculture Critical Area Crop production Farm Farmstead Floodplain Horticulture Support Housing Undeveloped/Unimproved Land Water Control Structures/Irrigation or Retention Basins Wildlife Refuge/Preserve	Single Family Residential <i>- only when it is the owner or renter of a farm or associated with agricultural purposes.</i>	Cemetery Government/Public Services Local Utility Services

Section 4.3. SPECIAL EXCEPTION USES.

The following uses may be permitted in the (AC) agriculture/conservation district subject to conditions and requirements from the Board of Adjustment as provided for by Articles XIX and XX of this ordinance.

Agriculture/Conservation Uses	Residential Uses	Civic Uses
Agricultural Animal Husbandry Stables	Family Home Relocated Residential <i>- only when it is the owner or renter of a farm or associated with agricultural purposes.</i> Single Family Residential	Aviation Facilities Major Utility Facilities Park and Recreation Services Religious Assembly
Commercial Uses		Industrial Uses
Agricultural Sales and Services Communication Services Kennel, Commercial Wind Energy Device		Resource Extraction Stockyards

Special exception industrial uses and major utility facilities shall be conducted in a manner and method approved by the Iowa State Health Department and the Iowa Department of Natural Resources, Environmental Quality Division;

Section 4.4. FLOODWAY/FLOODPLAIN CONDITIONS.

Along critical portions of water courses, wetlands, water settling basins and water detention ponds certain minimum requirements shall be established within the (AC) agriculture/conservation district. These minimum requirements include no development allowed within the designated floodway of any water course or within the 100 year floodplain as identified by FEMA (Federal Emergency Management Agency) on the city's floodplain map. However, these provisions are exclusive of bridges, elevated roadways, open space parks, certain major utility facilities or essential services, and flood control levees. Furthermore, land zoned (AC) agriculture/conservation district shall not be used to meet side or rear yard requirements of other zoning districts herein. The agriculture/conservation district shall include all areas designated as flood hazard areas by FEMA. All development within the agriculture/conservation district shall be in compliance with the Floodplain Regulations within the city code.

Section 4.5. PERMITTED ACCESSORY USES AND STRUCTURES.

Accessory uses shall not be the principal structure on any lot, and are to remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garage or carport

3. Barns and other agricultural related buildings
4. All agricultural or recreational buildings or structures which will not adversely affect the area and the value would not be impaired by being flooded, exclusive of dwelling units.
5. Parking lots
6. Radio, television, satellite dish, and other similar receiving antennas (*for personal use*)
7. Personal utility sheds, garden buildings or greenhouses not used for commercial purposes
8. Roadside stands for the sale of agricultural produce or products grown on the premises
9. Private Kennel
10. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction, and in compliance with Section 12.4.
11. Other accessory uses determined by the Zoning Administrator to be normally incidental and subordinate to the principal use or building, and in compliance with Section 12.2.

Section 4.6. SITE DEVELOPMENT REGULATIONS.

Each development in the (AC) agriculture/conservation district shall be subject to the following minimum regulations, and also subject to the supplemental district regulations.

Lot Area -	1 acre - minimum lot area Unless the district follows a floodway, floodplain, river or other natural corridor, then no minimum lot area is required.
Lot Width -	100 feet - minimum lot width Unless the district follows a floodway, floodplain, river or other natural corridor, then no minimum lot width is required.
Front Yard -	50 feet - minimum required setback
Side Yard -	25 feet - minimum required setback
Rear Yard -	50 feet - minimum required setback
Street Side Yard -	50 feet – minimum required setback
Maximum Height -	35 feet for dwellings and non-agricultural buildings and structures, except for height exemptions in accordance with Section 11.10. No limitation for agricultural buildings provided that no structure shall be permitted to encroach into the air space of any public airport.
Residential Density -	Only one (1) principal residential dwelling per lot, and only one (1) agricultural support housing per lot.
Maximum Ground Coverage -	40% including ground level paving and accessory buildings.

No minimum requirements for local utility facilities and essential services, except that buildings other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Section 4.7. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (A/C) agriculture/conservation district in accordance with the provisions of Article XIV of this ordinance.

Section 4.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (A/C) agriculture/conservation district in accordance with the provisions of Article XV of the ordinance.

Section 4.9. ZONING/BUILDING PERMITS REQUIRED.

Zoning/building permits shall be required in accordance with the provisions of Section 17.3 of this ordinance.

ARTICLE V

(R-1) Single Family Residential District

Section 5: Single Family Residential District

- Section 5.1. Intent
- Section 5.2. Principal Permitted Uses
- Section 5.3. Special Exception Uses
- Section 5.4. Permitted Accessory Uses and Structures
- Section 5.5. Site Development Regulations
- Section 5.6. Off Street Parking
- Section 5.7. Sign Regulations
- Section 5.8. Zoning/Building Permits Required

Section 5.1. INTENT.

The intent of the single family residential district is to encourage suitable environments for low density residential development until such time as it may be in the public interest to provide development opportunities for a limited number of public, civic and recreational facilities.

Section 5.2. PRINCIPAL PERMITTED USES.

Within the (R-1) single family residential district, unless otherwise provided, only the following uses and structures shall be permitted by right.

Residential Uses	Civic Uses	Agriculture/Conservation Uses
Single Family Residential Two Family Residential Family Home	Government/Public Services Local Utility Services Park and Recreation Services Religious Assembly	Crop production Horticulture Critical Area Undeveloped/Unimproved Land Water Control Structures Irrigation or Retention Basins

Section 5.3. SPECIAL EXCEPTION USES:

The following uses may be permitted in the (R-1) single family residential district subject to conditions and requirements from the Board of Adjustment as provided for by Articles XIX and XX of this ordinance.

Residential Uses	Civic Uses	Commercial Uses
Relocated Residential Residential Healthcare Facilities - Residential Care Services - Assisted Living Facility - Skilled Nursing Facility	Daycare Center Educational Facilities Pre-Kindergarten, Preschool or Nursery School Safety Services	Bed & Breakfast Inn Golf Course Wind Energy Device

Section 5.4. PERMITTED ACCESSORY USES AND STRUCTURES.

Accessory uses shall not be the principal structure on any lot, and are to remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports.
3. Personal recreational facilities for use by residents
4. Patios, cabanas, porches, gazebos, and incidental or portable household storage buildings
5. Personal greenhouses, not operated for commercial purposes
6. Radio, television, satellite dish, solar collector and other similar devices for residential use
7. Home occupations in compliance with Section 12.6.
8. Private kennel
9. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction and in compliance with Section 12.4.
10. Other accessory uses determined by the Zoning Administrator to be normally incidental and subordinate to the principal use or building, and in compliance with Section 12.2.

Section 5.5. SITE DEVELOPMENT REGULATIONS.

Each development in the (R-1) single family residential district shall be subject to the following minimum regulations, and also subject to the supplemental district regulations.

Lot Area -	Single Family dwelling 8,000 sq. ft. - minimum lot area Two Family dwelling 12,000 sq. ft. - minimum lot area
Lot Width -	75 feet - minimum lot width, except at entry points off cul-de-sacs
Residential Density -	Not more than one (1) dwelling unit per lot, except for two-family residential.
Front Yard -	25 feet - minimum required setback
Side Yard -	6 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback
Street Side Yard -	25 feet – minimum required setback
Height -	35 feet - maximum height, except for height exemptions in accordance with Section 11.10.

Maximum Ground Coverage - 60% including ground level paving and accessory building

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa

Section 5.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (R-1) single family residential district in accordance with the provisions of Article XIV of this ordinance.

Section 5.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (R-1) single family residential district in accordance with the provisions of Article XV of the ordinance.

Section 5.8. ZONING/BUILDING PERMITS REQUIRED.

Zoning/building permits shall be required in accordance with the provisions of Section 17.3 of this ordinance.

ARTICLE VI

(R-2) Multiple Family Residential District

Section 6: Multiple Family Residential District

- Section 6.1. Intent
- Section 6.2. Principal Permitted Uses
- Section 6.3. Special Exception Uses
- Section 6.4. Permitted Accessory Uses and Structures
- Section 6.5. Site Development Regulations
- Section 6.6. Off-Street Parking Requirements
- Section 6.7. Sign Regulations
- Section 6.8. Zoning/Building Permits Required

Section 6.1. INTENT.

The intent of the multiple family residential district is to provide for various types of residential dwellings and development at a higher density than the R-1 district. This district also allows for the provision of low intensity civic and commercial uses that compliment and are compatible in character and density with the multiple family residential environment.

Section 6.2. PRINCIPAL PERMITTED USES.

Within the (R-2) multiple family residential district, unless otherwise provided, only the following uses and structures shall be permitted by right.

Residential Uses	Civic Uses	Commercial Uses
Condominium Residential Family Home Multiple Family Residential Residential Healthcare Facilities <ul style="list-style-type: none"> - Residential Care Services - Assisted Living Facility - Skilled Nursing Facility Single Family Residential Townhouse Residential Two Family Residential	Governmental/Public Services Local Utility Services Park and Recreation Services Religious Assembly	

Section 6.3. SPECIAL EXCEPTION USES:

The following uses may be permitted in the (R-2) multiple family residential district subject to conditions and requirements from the Board of Adjustment as provided for by Articles XIX and XX of this ordinance.

Residential Uses	Civic Uses	Commercial Uses
Group Residential Relocated Residential	Cultural Services Daycare Center Pre-Kindergarten, Preschool or Nursery School Educational Facilities Safety Services	Bed & Breakfast Inn Communication Services Funeral Services Wind Energy Device

Section 6.4. PERMITTED ACCESSORY USES AND STRUCTURES.

Accessory uses shall not be the principal structure on any lot, and are to remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports
3. Private parking lots
4. Personal recreational facilities for use by residents
5. Patios, cabanas, porches, gazebos, and incidental or portable household storage buildings
6. Personal greenhouses, not operated for commercial purposes
7. Radio, television, satellite dish, solar collector and other similar devices for residential use
8. Home occupations in compliance with Section 12.6.
9. Private kennel
10. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction and in compliance with Section 12.4.
11. Other accessory uses determined by the Zoning Administrator to be normally incidental and subordinate to the principal use or building, and in compliance with Section 12.2.

Section 6.5. SITE DEVELOPMENT REGULATIONS.

Each development in the (R-2) multiple family residential district shall be subject to the following minimum regulations, and subject to supplemental district regulations.

Lot Area -	12,000 sq. ft. - minimum lot area + 2,000 sq. ft. for each additional dwelling unit in excess of two (2).
Lot Width -	75 feet - minimum lot width, except at entry points off cul-de-sacs

Front Yard -	25 feet - minimum required setback
Side Yard -	6 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback
Street Side Yard -	25 feet – minimum required setback
Height -	35 feet - maximum height, except for height exemptions in accordance with Section 11.10.

Maximum Ground Coverage - 75% including ground level paving and accessory building

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa

Section 6.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (R-2) multiple family residential district in accordance with the provisions of Article XIV of this ordinance.

Section 6.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (R-2) multiple family residential district in accordance with the provisions of Article XV of the ordinance.

Section 6.8. ZONING/BUILDING PERMITS REQUIRED.

Zoning/building permits shall be required in accordance with the provisions of Section 17.3 of this ordinance.

ARTICLE VII

(R-3) Mobile/Manufactured Housing District

Section 7: Mobile/Manufactured Housing District

- Section 7.1. Intent
- Section 7.2. Principal Permitted Uses
- Section 7.3. Special Exception Uses
- Section 7.4. Permitted Accessory Uses and Structures
- Section 7.5. Site Development Regulations
- Section 7.6. Mobile/Manufactured Housing Park Requirements
- Section 7.7. Zoning/Building Permits Required

Section 7.1. INTENT.

The intent of the mobile/manufactured housing district is to regulate the location and placement of mobile or manufactured homes not converted to real estate within the City of Larchwood to within designated mobile home parks or manufactured housing subdivisions. Furthermore, the intent of this article is to provide for residential areas now developed as mobile or manufactured housing parks which by reason of their design and location are compatible with surrounding residential uses and areas of the city where similar development seems likely to occur.

Section 7.2. PRINCIPAL PERMITTED USES.

Within the (R-3) mobile/manufactured housing district, unless otherwise provided, only the following uses and structures shall be permitted by right.

Residential Uses	Civic Uses
Mobile Home or Manufactured Housing - <i>Located only in an approved mobile or manufactured housing park.</i>	Government/Public Services Local Utility Services Park and Recreation Services

Section 7.3. SPECIAL EXCEPTION USES.

The following uses may be permitted in the (R-3) mobile/manufactured housing district subject to conditions and requirements from the Board of Adjustment as provided for by Articles XIX and XX of this ordinance.

Residential Uses	Civic Uses	Commercial Uses
Relocated Residential Single Family Residential	Daycare Center Educational Facilities Pre-Kindergarten, Preschool or Nursery School Religious Assembly	Communication Services Wind Energy Device

Section 7.4. PERMITTED ACCESSORY USES AND STRUCTURES.

Accessory uses shall not be the principal structure on any lot, and are to remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports
3. Private parking lots
4. Personal recreational facilities for use by residents
5. Patios, cabanas, porches, gazebos, and incidental or portable household storage buildings
6. Personal greenhouses, not operated for commercial purposes
7. Radio, television, satellite dish, solar collector and other similar devices for residential use
8. Home occupations in compliance with Section 12.6.
9. Private kennel
10. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction and in compliance with Section 12.4.
11. Other accessory uses determined by the Zoning Administrator to be normally incidental and subordinate to the principal use or building, and in compliance with Section 12.2.

Section 7.5. SITE DEVELOPMENT REGULATIONS.

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the (R-3) mobile/manufactured housing district, and subject to modifications contained in the supplemental district regulations.

Mobile or Manufactured Home Lot Requirements:

Lot Area -	4,000 square feet - minimum lot area
Lot Width:	40 feet – minimum lot width
Front Yard:	15 feet - minimum required front yard
Side Yard:	6 feet - minimum required side yard, unless the side yard borders the perimeter of the park in which case no side yard is required
Rear Yard:	20 feet - minimum required rear yard, unless the rear yard borders the perimeter of the park in which case no rear yard is required
Street Side Yard:	15 feet - minimum required setback
Maximum Height:	35 feet - maximum height, except for height exemptions in accordance with Section 11.10.
Residential Density:	Not more than one (1) dwelling unit per mobile home lot

Mobile or Manufactured Park Requirements:

Three (3) or more mobile or manufactured housing units not converted to real estate located adjacent to each other shall constitute a mobile home park or manufacture housing subdivision and shall be subject to the following requirements.

Park Area:	Two (2) acres – minimum park area
Park Width:	300 feet - minimum park width
Park Boundary:	25 feet – minimum setback for mobile homes from the park boundary
Maximum Height:	35 feet unless otherwise provided

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements. Furthermore, mobile home lots and parks shall be developed in conformance with the following Mobile/Manufactured Housing Park Requirements outlined in Section 7.6 below.

Section 7.6. MOBILE/MANUFACTURED HOUSING PARK REQUIREMENTS.

Each mobile or manufactured housing park shall be developed subject to the following requirements:

1. *Development Plan:* The following information shall be shown on the development plan or submitted in writing with it:
 - a. The name of the proposed mobile or manufactured home park;
 - b. Names, addresses and telephone numbers of the developer or representative;
 - c. Location of the mobile or manufactured home park, giving the subdivision and lot numbers;
 - d. Location map showing the proposed development in relation to surrounding properties;
 - e. Present land use and existing zoning of the proposed development and adjacent properties;
 - f. Interior streets, street names, right-of-way and roadway widths;
 - g. All lot lines and open spaces with dimensions shown;
 - h. Location, dimensions, capacity, and design for a storm shelter, if such is proposed.
2. *Maintenance of Streets and Infrastructure:* If said mobile or manufactured home park development plan contains no dedication to the city of streets or utilities, or should it be contemplated that the facilities of the city shall not be used for maintenance of streets, sidewalks, and water and sewer lines, garbage collection, or other related functions, then the owner of such mobile or manufactured home park shall be required to provide these services to residents within the park in a timely and manner.
3. *Permitted accessory uses and requirements thereof:*
 - a. Accessory buildings or structures under park management shall be used only for park residents' use only. No accessory building or structure shall exceed twenty-five feet (25') in height; and shall meet the site development regulations and other applicable ordinances;

- b. Accessory structures may be no closer than 5 feet to any lot line;
- c. A mobile home may be displayed and offered for sale, provided that the mobile home is situated on a permanent pad within the mobile home park;
- d. One (1) identification sign shall be approved in conjunction with the development plan. In any case shall such sign be no larger than sixty (60) square feet in surface area, shall not have any moving parts, or stand higher than ten (10) feet from the ground to top of the sign.
- e. No more than one (1) entry and/or one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval. In no case shall the sign be larger than four (4) square feet, have no moving parts, or stand higher than five feet (5') from the ground to the top of the sign

4. *Required development standards:*

- a. The boundaries of each mobile or manufactured home lot shall be clearly marked on the ground by permanent markers driven into the ground with the top of said markers flush with the finish grade.
- b. Each mobile or manufactured home site shall be provided with a stand consistent with customary industry standards. Alternative pad and support mechanisms may be approved by the Planning Commission upon request if accompanied by sketches or other documentation.
- c. Each mobile home shall be anchored to the ground as provided in 661 IAC Chapter 16.626(103A).
- d. Storage of goods and articles underneath any mobile or manufactured home is prohibited;
- e. Exposed ground surfaces in a mobile or manufactured home park shall be covered with stone screening or other vegetative cover capable of preventing soil erosion and objectionable dust.
- f. A greenbelt, at least twenty five feet (25') in width, shall be located along all boundaries of the mobile or manufactured home park, except where crossed by driveways.
- g. Each mobile or manufactured home site shall have front, side and rear yards, and a double front yard setback will be required on corner lots;
- h. Open patios shall be disregarded in determining yard widths. Enclosed all weather patios and carports shall be included in determining yard widths;
- i. If a temporary foundation or permanent pier or post foundation is provided, uniform skirting of each mobile home base shall be required, within thirty (30) days after initial placement; and such skirting shall be of noncorrosive metal or aluminum or material of equal strength and attached to the mobile home so as to prevent entry of rodents and insects;
- j. Mobile or manufactured homes shall not be connected to water, sewer, or electrical services unless the housing unit complies with the local, county and state standards and requirements. Compliance shall be determined by the zoning administrator;
- k. Any fuel storage shall be in accordance with applicable Federal, State & local regulations.

- l. One (1) parking space shall be provided for each mobile or manufactured home site. There shall be additional parking for storage of recreational type vehicles and visitor parking.
- m. All parks shall be furnished with lighting units spaced and equipped with approved fixtures, placed at mounting heights that will provide the following average maintained levels of illumination for safe movement of pedestrians and vehicles at night.
- n. Adequate provisions shall be made to handle surface and storm drainage water as determined by the city's engineer.
- o. All street widths in mobile/manufactured home parks, whether private streets or dedicated to the city shall comply with the city's subdivision regulations in regards to street standards, paving and street widths.
- p. A written emergency plan submitted to the city and posted on site to advise all of the park residents of safety measures.

All mobile home parks shall conform to the above requirements in addition to all current city specifications and standards.

Section 7.7. ZONING/BUILDING PERMITS REQUIRED.

Zoning/building permits shall be required in accordance with the provisions of Section 17.3 of this ordinance.

ARTICLE VIII

(C-1) Downtown Commercial District

Section 8: Downtown Commercial District

- Section 8.1. Intent
- Section 8.2. Principal Permitted Uses
- Section 8.3. Special Exception Uses
- Section 8.4. Permitted Accessory Uses and Structures
- Section 8.5. Site Development Regulations
- Section 8.6. Off-Street Parking
- Section 8.7. Sign Regulations
- Section 8.8. Zoning/Building Permits Required

Section 8.1. INTENT.

The intent of the downtown commercial district is to establish areas consisting of a variety of retail stores and related activities and services to serve the general shopping needs of the community and to permit those uses that will strengthen the center of trade, commerce, services, governmental and cultural activities in downtown Larchwood.

Section 8.2. PRINCIPAL PERMITTED USES.

Within the (C-1) downtown commercial district, unless otherwise provided, only the following uses and structures shall be permitted by right.

Commercial Uses		Civic Uses
Administrative/Business Offices	Indoor Entertainment	Club or Lodge
Automotive Repair Service	Laundry Services	Cultural Services
Automotive Rental	Medical Clinics/Offices	Detention Facilities
Automotive Washing	Personal Improvement Services	Government/Public Services
Building Maintenance Services	Personal Services	Local Utility Services
Business Support Services	Pet Services	Park and Recreation Services
Commercial Off-Street Parking	Professional Offices	Educational Facilities
Consumer Repair Services	Restaurant (Convenience)	Public Assembly
Convenience Store	Restaurant (General)	Religious Assembly
Financial Services	Retail Specialty Shop	Safety Services
Food Sales	Service Station	
Funeral Services	Visitor Habitation	Industrial Uses
General Retail Sales	- Hotel/Motel	Custom Manufacturing
Hospital Services	- Bed & Breakfast Inn	
Indoor Sports & Recreation	- Boarding House	Residential Uses
		Single or Multiple Family Residential <i>(only upper floors and/or associated with commercial uses)</i>

Section 8.3. SPECIAL EXCEPTION USES.

The following uses may be permitted in the (C-1) downtown commercial district subject to conditions and requirements from the Board of Adjustment as provided for by Articles XIX and XX of this ordinance.

Commercial Uses	Civic Uses	Industrial Uses
Cocktail Lounge Communication Services Condominium Storage Unit Construction Sales & Service Convenience Storage Equipment Repair Services Equipment Sales Liquor Sales Vehicle Storage Veterinary Services	Daycare Center Major Utility Facilities Pre-Kindergarten, Preschool or Nursery School Treatment Services	Limited Warehousing and Distribution

Section 8.4. PERMITTED ACCESSORY USES AND STRUCTURES.

Accessory uses shall not be the principal structure on any lot, and are to remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses and structures shall be permitted.

1. Essential Services
2. Private garages or carports
3. Private parking lots
4. Stormwater retention ponds or other water control structures
5. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
 - a. Operated primarily for convenience of employees, clients or customers of the principal use.
 - b. Occupies less than 10 percent of the total floor area of the principal use.
 - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
6. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction and in compliance with Section 12.4.
7. Other accessory uses determined by the Zoning Administrator to be normally incidental and subordinate to the principal use or building, and in compliance with Section 12.2.

Section 8.5. SITE DEVELOPMENT REGULATIONS.

Each development in the (C-1) downtown commercial district shall be subject to the following minimum regulations, and subject to supplemental district regulations.

Minimum Lot Area -	No minimum required
Minimum Lot Width -	No minimum required
Front Yard -	No minimum required
Side Yard -	No minimum, except 10 feet minimum setback if a side yard abuts a lot used for residential purposes
Rear Yard -	No minimum, except 10 feet minimum setback if a rear yard is provided or abutting a residential district
Street Side Yard Setback -	No minimum required
Maximum Height -	35 feet - maximum height, except for height exemptions in accordance with Section 11.10.
Maximum Ground Coverage -	100% ground coverage is permitted including ground level paving and accessory buildings

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Section 8.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (C-1) downtown commercial district in accordance with the provisions of Article XIV of this ordinance.

Section 8.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (C-1) downtown commercial district in accordance with the provisions of Article XV of the ordinance.

Section 8.8. ZONING/BUILDING PERMITS REQUIRED.

Zoning/building permits shall be required in accordance with the provisions of Section 17.3 of this ordinance.

ARTICLE IX

(C-2) Highway Commercial District

Section 9: Highway Commercial District

- Section 9.1. Intent
- Section 9.2. Principal Permitted Uses
- Section 9.3. Special Exception Uses
- Section 9.4. Permitted Accessory Uses and Structures
- Section 9.5. Site Development Regulations
- Section 9.6. Residential Site Development Regulations
- Section 9.7. Off-Street Parking
- Section 9.8. Sign Regulations
- Section 9.9. Zoning/Building Permits Required

Section 9.1. INTENT.

The intent of the highway commercial district is designed to establish the location of areas predominately for service, retail, and other non-residential uses which because of certain locational requirements and operational characteristics are appropriately located in close proximity to a major trafficway. Site development regulations are intended to ensure larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares.

Section 9.2. PRINCIPAL PERMITTED USES.

Within the (C-2) highway commercial district, unless otherwise provided, only the following uses and structures shall be permitted by right.

Commercial Uses		
Administrative & Business Office	Convenience Store	Personal Services
Agricultural Sales & Service	Convenience Storage	Pet Services
Automotive Rental	Financial Services	Professional Offices
Automotive Repair Services	Food Sales Funeral Services	Restaurant (Convenience)
Automotive Washing	General Retail Sales	Restaurant (General)
Building Maintenance Services	Hospital Services Indoor Sports & Recreation	Retail Specialty Shop
Business Support Services	Indoor Entertainment	Service Station
Business or Trade School	Laundry Services	Visitor Habitation
Commercial Off-Street Parking	Medical Clinics/Offices	- Campground
Condominium Storage Unit	Outdoor Sports & Recreation	- Hotel/Motel
Consumer Repair Services	Personal Improvement Services	- Bed & Breakfast Inn
		- Boarding House

Civic Uses	Residential Uses	Agricultural Uses
Club or Lodge Cultural Services Government/Public Services Local Utility Services Park and Recreation Services Public Assembly Religious Assembly Safety Services Treatment Services	Residential Healthcare Facilities - Residential Care Services - Assisted Living Facility - Skilled Nursing Facility	Crop Production Horticulture

Section 9.3. SPECIAL EXCEPTION USES.

The following uses may be permitted in the (C-2) highway commercial district subject to conditions and requirements from the Board of Adjustment as provided for by Articles XIX and XX of this ordinance.

Commercial Uses	Civic Uses	Industrial Uses
Automotive Sales Cocktail Lounge Communication Services Construction Sales & Service Convenience Store Equipment Repair Services Equipment Sales Kennel, Commercial Liquor Sales Outdoor Entertainment Vehicle Storage Veterinary Services Wind Energy Device	Cemetery Daycare Center Detention Facilities Education Facilities Major Utility Facilities Pre-Kindergarten, Preschool or Nursery School	Custom Manufacturing Limited Warehousing and Distribution Railroad Facilities Research and Production Services
		Residential Uses
		Condominium Residential Multiple Family Residential

Section 9.4. PERMITTED ACCESSORY USES AND STRUCTURES.

Accessory uses shall not be the principal structure on any lot, and are to remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses and structures shall be permitted.

1. Essential Services
2. Private garages or carports
3. Private parking lots
4. Stormwater retention ponds or other water control structures
5. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
 - a. Operated primarily for convenience of employees, clients or customers of the principal use.
 - b. Occupies less than 10 percent of the total floor area of the principal use.
 - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
6. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction and in compliance with Section 12.4.
7. Other accessory uses determined by the Zoning Administrator to be normally incidental and subordinate to the principal use or building, and in compliance with Section 12.2.

Section 9.5. SITE DEVELOPMENT REGULATIONS.

Each development in the (C-2) highway commercial district shall be subject to the following minimum regulations, and subject to supplemental district regulations.

Minimum Lot Area -	10,000 square feet
Minimum Lot Width -	100 feet
Front Yard -	35 feet - minimum required setback
Side Yard -	10 feet – minimum required setback Unless, if adjacent to a residential district the side yard shall be 20 feet.
Rear Yard -	25 feet – minimum required setback Unless, if adjacent to a residential district the rear yard shall be 35 feet.
Street Side Yard Setback -	35 feet - minimum required setback
Maximum Height -	35 feet - maximum height, except for height exemptions in accordance with Section 11.10.
Maximum Ground Coverage -	90% including ground level paving and accessory buildings.

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Section 9.6. RESIDENTIAL SITE DEVELOPMENT REGULATIONS

Residential use sites in the (C-2) highway commercial district occupied by existing residential or permitted residential uses shall be subject to the following site development regulations in lieu of any corresponding regulation in Section 9.5.

Residential Lot Area -	12,000 sq. ft. - minimum lot area + 2,000 sq. ft. for each additional dwelling unit in excess of two (2).
Residential Lot Width -	75 feet - minimum lot width
Front Yard -	35 feet - minimum required setback
Side Yard -	6 feet - minimum required setback
Rear Yard -	30 feet - minimum required setback
Street Side Yard -	35 feet – minimum required setback
Maximum Height -	35 feet - maximum height, except for height exemptions in accordance with Section 11.10.
Maximum Ground Coverage -	60% including ground level paving and accessory building

Section 9.7. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (C-2) highway commercial district in accordance with the provisions of Article XIV of this ordinance.

Section 9.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (C-2) highway commercial district in accordance with the provisions of Article XV of the ordinance.

Section 9.9. ZONING/BUILDING PERMITS REQUIRED.

Zoning/building permits shall be required in accordance with the provisions of Section 17.3 of this ordinance.

ARTICLE X

(GI) General Industrial District

Article 10: General Industrial District

- Section 10.1. Intent
- Section 10.2. Principal Permitted Uses
- Section 10.3. Special Exception Uses
- Section 10.4. Permitted Accessory Uses and Structures
- Section 10.5. Site Development Bulk Regulations
- Section 10.6. Off-Street Parking
- Section 10.7. Sign Regulations
- Section 10.8. Zoning/Building Permits Required

Section 10.1. INTENT.

The intent of the general industrial district is intended to provide areas of town for a variety of industrial uses which by their nature do not result in conflicts with neighboring districts or uses or land. The district regulations are designed to permit certain manufacturing or industrial operations which on the basis of physical and operational characteristics, will not be detrimental to the surrounding area or community by reasons of noise, dust, smoke, odor, traffic or other similar factors. In the best interest of the city, certain industrial uses in this district shall be subject to conditional approval to insure that proper safeguards are taken to protect the interests of neighboring properties. No residential uses are permitted in this district.

Section 10.2. PRINCIPAL PERMITTED USES.

Within the (GI) general industrial district, unless otherwise provided, only the following uses and structures shall be permitted by right.

Commercial Uses	Industrial Uses
Administrative and Business Offices Agricultural Sales and Services Automotive Repair or Rental Services Automotive Washing Communication Services Convenience Storage Convenience Store Equipment Repair Services Laundry Services Kennel, Commercial Maintenance and Service Facilities Professional Office Service Station Veterinary Services	Biotechnology Production and/or Manufacturing Custom Manufacturing Light Industry Railroad Facilities Research and Production Services Limited Warehousing and Distribution General Warehousing and Distribution
	Civic Uses
	Club or Lodge Government/Public Services Local Utility Services Railroad Facilities Park and Recreation Services Safety Services

Section 10.3. SPECIAL EXCEPTION USES.

The following uses may be permitted in the (GI) general industrial district subject to conditions and requirements from the Board of Adjustment as provided for by Articles XIX and XX of this ordinance.

Industrial Uses	Civic Uses
Fertilizer or Chemical Storage or Processing Fuel Storage Heavy Industry Renewable Energy/Renewable Resources Industry Resource Extraction Sanitary Landfill Scrap and Salvage Service Stockyards	Major Utility Services
	Commercial Uses
	Adult-Oriented Establishments <i>(only in conformance with the requirements of Title V, Chapter 4 of the Larchwood City Code)</i> Construction Sales & Services Equipment Sales Vehicle Storage Wind Energy Device

Limited commercial/retail uses may be permitted by special exception use within the (GI) general industrial district when intended to serve the needs of a business' tenants/employees only. Such special exception commercial/retail uses would include: eatery, café, health club, convenience store, bakery shop, gift shop, post office substation, photo studio, barbershop/stylist, or other appropriate use as determined by the Board of Adjustment.

Section 10.4. PERMITTED ACCESSORY USES AND STRUCTURES.

Accessory uses shall not be the principal structure on any lot, and are to remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses and structures shall be permitted.

1. Essential Services
2. Private garages or carports
3. Private parking lots
4. Stormwater retention ponds or other water control structures
5. Any other commercial or industrial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
 - a. Operated primarily for convenience of employees, clients or customers of the principal use.
 - b. Accessory buildings may not be larger than 20% of the principal building's square feet.
 - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
6. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction and in compliance with Section 12.4.
7. Other accessory uses determined by the Zoning Administrator to be normally incidental and subordinate to the principal use or building, and in compliance with Section 12.2.

Section 10.5. SITE DEVELOPMENT REGULATIONS.

Each development in the (GI) general industrial district shall be subject to the following minimum regulations, and subject to supplemental district regulations.

Minimum Lot Area -	10,000 square feet
Minimum Lot Width -	100 feet
Front Yard -	50 feet - minimum required setback
Side Yard -	15 feet – minimum required setback If adjacent to residential district, the side yard shall be 50 ft.
Rear Yard -	25 feet – minimum required setback If adjacent to residential district, the rear yard shall be 50 ft.
Street Side Yard -	50 feet - minimum required setback
Maximum Height -	None, except 35 feet if property abuts residential district.
Maximum Ground Coverage -	65% including ground level paving and accessory buildings

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Section 10.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (GI) general industrial district in accordance with the provisions of Article XIV of this ordinance.

Section 10.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (GI) general industrial district in accordance with the provisions of Article XV of the ordinance.

Section 10.8. ZONING/BUILDING PERMITS REQUIRED.

Zoning/building permits shall be required in accordance with the provisions of Section 17.3 of this ordinance.

LARCHWOOD, IOWA

“QUICK REFERENCE GUIDE”

ZONING DISTRICT SITE DEVELOPMENT REGULATIONS

Zoning District	Maximum Height	Minimum Lot Area	Minimum Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Required Street Side Yard	Maximum Ground Coverage
AC Agriculture/ Conservation	35 ft. (none for ag uses)	1 acres (none if lot follows floodplain)	100 ft.	50 ft.	25 ft.	50 ft.	50 ft.	40%
R-1 Single Family Residential	35 ft.	8,000 sq.ft. for SF 12,000 sq.ft. for TF	75 ft.	25 ft.	6 ft.	25 ft.	25 ft.	60%
R-2 Multiple Family Residential	35 ft.	12,000 sq.ft. for MF + 2,000 for each dwelling	75 ft.	25 ft.	6 ft.	25 ft.	25 ft.	75%
R-3 Mobile & Manufactured Residential	35 ft.	4,000 sq.ft. Mobile home site	40 ft. Mobile home lot	15 ft. Mobile home lot	6 ft. Mobile home lot	20 ft. Mobile home lot	15 ft. Mobile home lot	
C-1 Downtown Commercial	35 ft.	None	None	None	None 10 ft if next to residential	None 10 ft. if next to residential	None	100%
C-2 Highway Commercial	35 ft.	10,000 sq.ft.	100 ft.	35 ft.	10 ft. 20 ft if next to residential	25 ft. 35 ft if next to residential	35 ft.	90%
GI General Industrial	None 35 ft. if next to res.	10,000 sq.ft.	100 ft.	50 ft.	15 ft. 50 ft. if next to residential	25 ft. 50 ft. if next to residential	50 ft.	65%

Note: SF = Single Family Residential; TF = Two Family Residential; MF = Multiple Family

ARTICLE XI

Supplemental District Regulations

Article 11: Supplemental District Regulations

- Section 11.1. Intent
- Section 11.2. Lot of Record
- Section 11.3. Multiple Principal Structures per Lot
- Section 11.4. Yard and Area Regulations
- Section 11.5. Steps, Decks and Patios
- Section 11.6. Fences and Hedges
- Section 11.7. Buildings to Have Access
- Section 11.8. Use of Public Right-of-Way
- Section 11.9. Block Frontage Continuity
- Section 11.10. Exemptions to Height Requirements

Section 11.1. INTENT.

The regulations set forth in this article qualify, supplement or modify the area, yard and height regulations set forth elsewhere in this ordinance.

Section 11.2. LOT OF RECORD.

Any lot of record at the time of passage of this ordinance having less area or width than herein required may be used for a single family dwelling where such uses are permitted as provided in this ordinance subject to the required setbacks of the zoning district and further provisions of Article XVI.

Section 11.3. MULTIPLE PRINCIPAL STRUCTURES PER LOT.

Except in the AC, R-1, and R-3 districts, more than one principal structure, not intended to be a single family residential structure, may be erected on a lot subject to the following conditions.

1. No principal building shall be located closer than twenty-five feet (25') in relation to another principal building on the same lot, so as to cause danger from fire.
2. All principal buildings on the lot shall be served by access ways suitable for police, fire, and emergency vehicles.
3. All principal buildings on the same lot shall be accessible via pedestrian walkways connected to each principal building as well as required parking and emergency access for the premises.

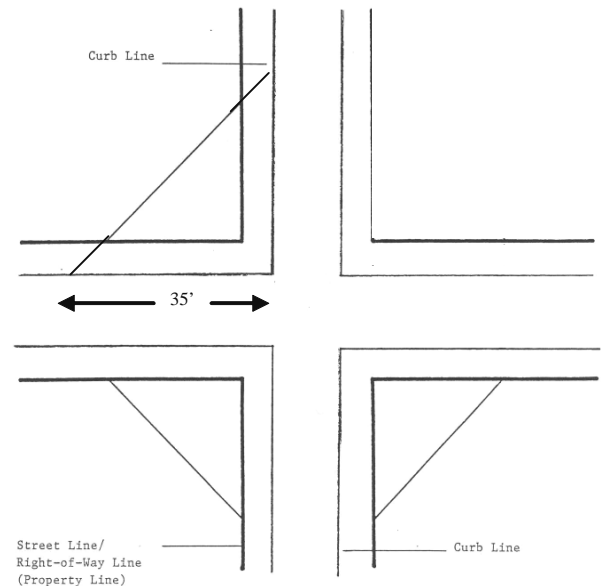
Section 11.4. YARD AND AREA REGULATIONS.

1. *Projecting Overhang or Structure.* The ordinary horizontal projection from buildings including eaves, sills, fascia, cornices, or other similar architectural features, except for gutters, may not project or extend more than three (3) feet into a required yard. This provision does not include uncovered patios, uncovered carports, or other concrete slab structures.
2. *Yard Encroachments.* Air conditioning compressor(s), L.P. tanks, heat pumps, or other such similar devices may not encroach into the required side yard. Carports, bay windows, cantilevered projections, chimneys and structures may not project into any required yard.

3. *Through Lots.* Buildings on through lots, extending from street to street shall provide the required front yard on both streets.

DIAGRAMCorner Lots – Yards and Visibility

4. *Corner Lots.* For buildings on corner lots with frontage on two or more public streets, each yard abutting a public street shall be the same as the required front yard on such street and no accessory building shall project beyond the required front yard on either street.
5. *Line of Site Visibility (at Intersections).* On a corner lot in any district, except within the (C-1) downtown commercial district, no fence, wall, hedge, tree or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the centerline grade of the intersecting streets shall be erected, placed or maintained within a triangular area formed by connecting two points in a straight line. Each point is thirty five (35) feet from the corner of the intersecting streets. (*see diagram*)

**Section 11.5. STEPS, DECKS AND PATIOS.**

1. Steps providing access to the ground level of any dwelling may encroach no more than three feet (3') into any required side yard. Steps may encroach no more than five feet (5') into any required front or rear yard.
2. Deck floors higher than twelve inches (12") above the average grade of the ground shall conform to required yard setbacks. An open unenclosed deck may project into a front yard for a distance not exceeding ten feet (10').
3. Uncovered patios or other concrete slab structures constructed on the ground, or less than 12 inches above the average grade of the ground, shall be allowed within the required front, side, or rear yards. Concrete slab structures built on the ground or uncovered patios may be built up to the property line in the side and rear yards. Uncovered patios or other concrete slab structures within front yards may be permitted to be built up to the property line on the side closest to the driveway.

Section 11.6. FENCES AND HEDGES.

1. Fences shall not be constructed more than fifty percent (50%) solid or more than four feet (4') in height in any front yard. Hedges shall not exceed four feet (4') in height in any required front yard. Reference Section 11.5.5 when considering fences in front or side yards.
2. Except as provided above, solid or privacy fences up to six feet (6') in height may be erected on any required side or rear yards. Fences in excess of six feet (6') may be allowed by special exception through the Board of Adjustment.

3. When constructing wood fences or any fence that has a distinct decorative side, the finished or decorative side shall always be facing outward from the yard in which it is built. In other words, the posts of a wood fence are to remain on the inside of the finished fence on the property in which it is built.
4. Fences may be built up to any property line and hedges shall not be planted closer than two and one-half (2½) feet to any property line.
5. Fences shall not be constructed from barbed wire, electrical fencing, corrugated tin, corrugated metal or fiberglass in any residential zoned district. Fences constructed of these materials elsewhere in the community shall be approved by the Board of Adjustment.
6. Fences shall be constructed from chain link; non-decomposing wood products such as cedar, redwood, treated lumber, etc.; molded plastic; wrought iron or other material approved by the Zoning Administrator. Fences should be constructed in an orderly and neat manner and compliment the natural landscape of the property.
7. All fences shall be subject to a completed building permit and approved by the city.

Section 11.7. BUILDINGS TO HAVE ACCESS.

Every building or principal use hereafter erected or structurally altered, shall be on a lot or parcel having frontage on a public street or road, or shall be on a lot or parcel having deeded access to a public street or road.

Section 11.8. USE OF PUBLIC RIGHT-OF-WAYS.

No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structure for storage or display purposes, or to provide any parking or loading space required by this ordinance. The City of Larchwood shall not be responsible for any damages that may occur from city maintenance, city equipment or any other purposes to landscaping, sprinkler systems, hidden or underground dog fences, or any other personal property that has been installed or located on a public right-of-way.

Section 11.9. BLOCK FRONTAGE CONTINUITY.

Where thirty (30) percent or more of the block front is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent corners of the building on either side thereof, or where there is a building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings, except that no building shall be required to provide a front yard greater than forty (40) feet. Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line. In the case where the block front improved with buildings amounts to less than thirty (30) percent of the total number of lots, including vacant lots, on one side of the street between two intersecting streets, the required minimum yards of the district shall be observed.

Section 11.10. EXEMPTIONS TO HEIGHT REQUIREMENTS.

The following structures or buildings shall be exempt from height requirements provided in the district in which they are located: television and radio towers, wind energy devices (except as

provided for in Section 12.8), cellular or other communications towers, ham radio or other personal communications towers used for entertainment purposes, receiving antennas, church spires, belfries, monuments, farm buildings, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, grain elevators, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatus' which may be erected to any height not in conflict with other regulations. These structures or accessories may be erected to a greater height provided all towers or structures exceeding height requirements shall conform to the applicable requirements of the Federal Communications Commission, the Federal Aviation Administration or other authorities having jurisdiction. No tower or structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of the flying public.

Public buildings, hospitals or schools when permitted in a district may be erected to a greater height than otherwise permitted in the district if the building is set back from each property line at least one foot (1') in addition to the minimum yard requirements for each two feet (2') of additional building height above the maximum height permitted in the district.

ARTICLE XII

Additional Use Regulations

Article 12: Additional Use Regulations

- Section 12.1. Intent
- Section 12.2. Accessory Buildings
- Section 12.3. Portable Accessory Buildings and Storage Structures
- Section 12.4. Temporary Uses and Structures
- Section 12.5. Service Station/Gas Station/Convenience Stores
- Section 12.6. Home Occupations
- Section 12.7. Parking of Recreational Vehicles
- Section 12.8. Wind Energy Regulations
- Section 12.9. Minor Modifications to District Regulations

Section 12.1. INTENT.

These additional use regulations set forth in this article are applicable in all zoning districts and qualify or supplement the use regulations set forth elsewhere in this ordinance. In the event of any conflict in provisions, the more restrictive provision shall apply unless specifically indicated to the contrary.

Section 12.2. ACCESSORY BUILDINGS.

The purpose of these provisions is to establish the relationship among principal and accessory buildings and to establish provisions governing the use and placement of accessory buildings. Principal uses specified as permitted uses or special exception uses for a district shall be deemed to include accessory buildings and uses identified by these regulations and such other accessory uses that are necessary and customarily associated with and are appropriate, incidental, and subordinate to such principal or special exception uses. Accessory buildings and uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations.

Accessory buildings and uses customarily incidental to that of the principal (main) building may be erected or established as permitted upon any lot or tract of land, provided they comply with the following:

1. Accessory buildings or structures that are structurally part of or attached to the principal building by roof or wall elements shall conform to the site development regulations of the principal building.
2. Accessory buildings are not permitted within the front or street side yard in any zoning district.
3. Accessory buildings shall not exceed the height of the principal building on the lot. No detached accessory buildings shall exceed the following heights:
 - a. Any residential district - 15 feet
 - b. Any commercial or industrial district - 24 feet
 - c. Any agricultural district - 15 feet where the principal use is for residential purposes
4. Accessory buildings or structures shall not be constructed upon a lot until the construction of the main building has been commenced.

5. Accessory buildings shall not be used as dwellings purposes or any human occupancy.
6. Accessory buildings or structures shall not be erected within any required easement.
7. Accessory buildings, including garages, shall be constructed of similar (or similar in appearance to) building materials used for the principal structure on the lot. This provision shall exclude those prefabricated or kit garden sheds, deck boxes and other ancillary yard buildings which are made of a composite plastic, resin, steel, aluminum, wood or other prefabricated materials.
8. Residential accessory buildings shall be limited to a maximum of two (2) total buildings, including a garage, of which all total accessory buildings in any required yard area shall not occupy more than thirty (30) percent of the rear yard. In the event of small parcels in which the 30 percent rule would be a hardship to constructing an accessory building, this regulation shall not prohibit the construction of at least one garage not to exceed six hundred (600) sq. ft. and at least one storage building not to exceed one hundred twenty (120) sq. ft.
9. If a garage door directly faces an alley, the garage must be set back a minimum of twenty five feet (25') from the center of the alley to allow for adequate access.
10. Accessory buildings shall not be erected within ten feet (10') of any principal (main) buildings.
11. Accessory buildings shall comply with the side yard setback in each applicable zoning district. Accessory buildings may be erected to within six feet (6') of the rear yard lot line, utility easement or permanent easement in any zoning district.

Section 12.3. PORTABLE ACCESSORY BUILDINGS AND STORAGE STRUCTURES.

1. "Storage Structure" shall mean one of the following definitions:

Membrane storage structure: A temporary structure consisting of a frame covered with a plastic, fabric, canvas, aluminum or other non-permanent material, which is used to provide temporary storage for vehicles, boats, recreational vehicles or other personal property. The term also applies to structures commonly known as hoop buildings or tent garages; but shall not apply to carports permanently or physically attached to the ground or other structures or temporary tents and canopies used for special events such as weddings or graduations.

On-demand or on-site storage structure: Any portable or permanent storage container, storage pod, storage unit, receptacle or other portable structure that is used for the storage of personal or commercial property, which is located outside an enclosed building. The term does not include normal sheds, garages, outbuildings or membrane storage structures.

2. The term "storage structure" shall not apply to a truck trailer or semi-trailer while it is actively being used for the transportation of materials, inventory or equipment and is temporarily located adjacent to a loading dock. A storage structure may be used as a construction site trailer but only during construction on the site.
3. Membrane storage structures permitted on any property must comply with the yard requirements and setbacks applicable for the zoning district it is located in.

4. *All residential zoning districts.*

Temporary membrane storage structures are not permitted on any residential properties. A permanent membrane storage structure with a hard roof (such as a carport structure) may be permitted on any property if the structure is permanently attached to the ground, concrete driveway or hard surface, or permanently attached to a principal or accessory structure. A temporary portable on-demand or on-site storage structure may be kept within the required yard areas on any residential property for a maximum of 30 days for purposes of packing, shipping or moving materials from a permanent structure.

5. *All other zoning districts.*

A permanent or temporary storage structure for other than residential purposes is permitted but shall be located on the property within the permitted rear or side yard areas so as not to obstruct any drive access or block required off-street parking spaces. Where a business or industry is located on a through lot or corner lot, any on-site storage structure must be screened appropriately from adjoining properties or streets. Membrane storage structures may be permitted for temporary storage or seasonal promotion or sale of products.

Section 12.4. TEMPORARY USES AND STRUCTURES.

Provisions authorizing temporary uses are intended to permit occasional, temporary uses when consistent with the purposes of these zoning regulations and compatible with other nearby uses.

1. *Temporary Use Types:* The following types of temporary uses may be authorized by the zoning administrator, subject to specific limitations herein and such additional conditions as may be established by the Zoning Administrator.

- a. Contractor's office, storage yard, and equipment parking on site of an active construction project may be permitted in any district during the period that the construction work is in progress; but such temporary building(s) shall be removed within thirty (30) days after completion or abandonment of construction.
- b. Religious, patriotic, or other assemblies, displays, exhibits, art and craft shows.
- c. Outdoor special sales, including swap meets, flea markets, parking lot sales, or similar activities when operated not more than 3 days in the same week or more than 7 days in the same month.
- d. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities not closer than 200 feet to any existing dwelling.
- e. Temporary signs relating to temporary uses.
- f. Temporary use of trailer units or similar portable structures for nonresidential uses, and limited to a maximum period of 6 months per calendar year.
- g. Additional similar uses determined to be temporary by the Zoning Administrator.

2. *Required Conditions of Temporary Use:* Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of temporary use upon completion or removal of the use. The Zoning Administrator may establish additional conditions as deemed necessary to ensure land use compatibility and to minimize potential negative impacts on nearby uses,

including but not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup.

3. *Application and Authorization:*

- a. Application to conduct a temporary use shall be made to the zoning administrator, and shall include a description of the use and such additional information as the Zoning Administrator may require in evaluating the use.
- b. Authorization of a temporary use shall be by issuance of a zoning/building permit.
- c. An authorized temporary use shall not be exempted or relieved from compliance with any other ordinance, law, permit, or license applicable to such use.

Section 12.5. SERVICE STATIONS/GAS STATIONS/CONVENIENCE STORES.

Gasoline service stations and convenience stores shall be subject to the following regulations:

1. *Location of Ingress and Egress.* No gasoline service station, convenience store or automobile repair shop shall have an entrance or exit for vehicles within one hundred-fifty feet (150') as measured along the public street from which there exists a school, public playground, church, chapel, convent, hospital, public library or the property line of any residentially zoned district. Such access shall not be closer to any intersection than forty feet (40').
2. *Location of Oil Drainage Pits and Hydraulic Lifts.* All oil drainage pits and hydraulic lifts shall be located within an enclosed structure.
3. *Gasoline Dispensing Pumps.* Gasoline service stations and convenience stores shall have their gasoline pumps, including other service facilities, set back at least twenty-five feet (25') from any public right-of-way. Gasoline dispensing pumps and associated canopies, covers or other structures shall not be considered as accessory structures.
4. *Gasoline Pump Canopies or Other Accessory Structures.* Common accessory structures including the gasoline pump canopies, covers, or other ancillary devices may be permitted within the setback area, but in no case shall be located within or over any public right-of-way.

Section 12.6. HOME OCCUPATIONS.

Home occupations as an accessory to residential uses shall be subject to the following limitations.

1. All home occupations must be conducted as a secondary use.
2. Home occupations shall be conducted entirely within a dwelling which is a bona fide residence of the practitioner, is clearly incidental to the use of the structure for residential purposes and does not change the residential character of the site.
3. Only one (1) unrelated person living outside the residence and members of the immediate family may be employed in the home occupation.
4. The residential character of the dwelling shall be maintained.

5. Home occupations shall have no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building. The exterior shall not be structurally altered so as to create the appearance of a commercial business.
6. No more than thirty (30) percent of the main floor area of the principal building may be utilized by the home occupation. However, this regulation shall not apply to day care facilities.
7. The home occupation shall not generate customer related vehicular traffic substantially in excess of the normal anticipated residential neighborhood traffic.
8. Home occupations shall be permitted one flush mounted, non-illuminated sign not exceeding four (4) square feet in size.
9. The home occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste run off outside the dwelling or on the property surrounding the dwelling.
10. The use must not infringe upon the right of neighbors to enjoy peaceful and healthy occupancy of their home for which purpose the residential district was created and primarily intended.
11. Daycare services, as a home occupation, are permitted according to state regulations.
12. Nothing herein shall be construed to allow the following businesses or occupations as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, salvage yards, junk yards, restaurants, rental outlets, or automotive repair.

Section 12.7. PARKING OF RECREATIONAL VEHICLES.

For the purposes of this section, the term “recreational vehicles” shall mean a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. Such vehicles include, but are not limited to, travel trailers, pickup campers, camping trailers, motor coach homes, and converted trucks and busses. Recreational vehicles shall also include campers, boats, personal watercraft, snowmobiles, trailers, and other recreational based vehicles.

1. Recreational vehicles are permitted within designated campgrounds, recreational vehicle parks, and other typical recreational areas.
2. Outside of the aforementioned areas, in residential districts recreational vehicles may be parked for seasonal use (short term use or less than 30 consecutive days) on a driveway within a front yard, but not upon the right-of-way, provided the view of the street is not obstructed as to vehicular ingress and egress. Recreational vehicles may be parked or stored (long term use or more than 30 consecutive days) within the side yard, rear yard or within an enclosed garage.
3. Recreational vehicles parked or stored on a premises or any lot shall not be used for permanent human occupancy. In residential zoning districts, recreational vehicles shall only allow human habitation for not more than fourteen (14) consecutive days in a calendar year.

4. Recreational vehicles shall not be used for business purposes in any zoning district.

Section 12.8. WIND ENERGY REGULATIONS.

1. *Purpose.* The purpose of this section is to provide for the regulation of owners/developers engaged in the construction, erection, placement, location and maintenance of wind energy devices within the City of Larchwood and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of wind energy devices.
2. *Definitions.*
 - a. “Administrator”- The Larchwood Zoning Administrator or any person or firm appointed by the City Council to oversee the permitting and compliance of wind energy regulations.
 - b. “Owner”- The individual, firm, business or entity that intends to own and/or operate the wind energy device.
 - c. “Rotor diameter”- The cross sectional dimension of the circle swept by the rotating blades.
 - d. “Total height”- The vertical distance from ground to the tip of a wind generator blade when the tip is at its highest point.
 - e. “Tower”- Any monopole, freestanding, or guyed structure supporting a wind energy device.
 - f. “Wind energy device” - Equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, wire, inverter, batteries or other component used in the system. The term wind energy device often refers to and includes wind towers, wind turbines, wind generators, windmills or other wind energy conversion systems.
 - g. “Meteorological Tower (or Met Tower)” - Any meteorological, measuring or surveying equipment erected on or attached to any tower, monopole, or guyed structure to verify the wind and weather resources found within a certain area. Meteorological towers are excluded from permitting on both temporary and permanent structures.
3. *Wind Energy Requirements.*
 - a. Commercial Wind Energy. Commercial wind energy devices shall not be permitted within the city limits of Larchwood. For purposes of this ordinance a commercial wind energy device shall mean any equipment which has a rated capacity of more than 100kw that converts and then stores or transfers energy from the wind into usable forms of energy, primarily for sale to a regulated or non-regulated utility for off-site use.
 - b. Location and Height. Wind energy devices, wind energy towers or meteorological towers with a generating capacity of less than 100kw shall be less than 100 feet in total height and permitted in any zoning district except for the (C-1) downtown commercial district. No wind energy devices shall be permitted within the C-1 zoning district.
 - c. Special Exception. All wind energy devices, wind energy towers or meteorological towers erected in any zoning district shall be granted as a special exception use and approved by the Board of Adjustment after a public hearing.

- d. Lot Size. Wind energy devices with a generating capacity of less than 100kw shall be located on a lot, parcel or tract of land no less than 0.5 acre in size.
- e. Setbacks. Any wind energy device, wind energy tower or meteorological tower located within any zoning district shall be set back a distance equal to one hundred ten percent (110%) of its total height from any street, right of way, overhead utility lines or adjoining property lines. The measurement from the wind energy device is to be taken from the nearest point to be measured to the center of the structure's base. A greater setback may be required to minimize shadow flicker or other possible documented effects to humans living adjacent to the property containing such wind energy device. No wind energy device or accessory structures shall be permitted within any front yards.
- f. Sound. Sound produced by wind energy devices under normal operating conditions, as measured at the property line shall: a) not produce sound at a level that would constitute a nuisance; b) shall comply with any local ordinance regulating the volume of sound as a nuisance, if applicable. Sound levels, however, may be exceeded during short term events out of anyone's control, such as utility outages and/or severe wind storms.
- g. Insurance. A person, developer or firm seeking a permit to erect a wind energy device shall provide evidence, in the form of a certificate of insurance satisfactory to the city, showing general liability insurance coverage for the installation and operation of the system under a standard homeowner's or standard business owner's insurance policy, separate and distinct from any insurance requirements of a public utility.
- h. Public Lands or Waterways. It is required that the owner/developer have a preliminary review with the Iowa Department of Natural Resources (IDNR) and the Lyon County Conservation Board early in the planning stages of any wind energy project located in Larchwood. This review will allow the IDNR and/or County Conservation Board to comment and offer suggestions regarding the siting of wind energy devices near wildlife habitats. The review will also allow IDNR staff or the County Conservation Board to identify sensitive environmental concerns near public lands or waters, and to work with the owners/developer(s) to voluntarily identify alternative siting options that minimize negative impacts to environmentally sensitive areas.
- i. Density or Spacing. No more than one (1) wind energy device shall be permitted per lot, parcel or tract of land under the same ownership within the city.
- j. Access. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- k. Electrical Wires. All electrical wires associated with operation of an individual wind energy device shall be located underground.
- l. Lighting. Wind energy devices shall not be artificially lighted from the ground. The only lighting permitted is that which is required by the Federal Aviation Administration.
- m. Signs. All signs visible from any public roadway, street or highway other than the manufacturer's identification and appropriate warning signs shall be prohibited.

- n. Appearance, Color, and Finish. Wind energy devices shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved otherwise by the Board of Adjustment.
- o. Utility notification and interconnection. Wind energy devices that connect to an electric utility shall comply with all local, State of Iowa and Federal regulations regarding the connection of energy generation facilities.
- p. The Board of Adjustment may require additional information as requested and necessary to review applications on a case by case basis.

4. *Application and Permit.*

An application for a wind energy device shall be initiated by a property owner or authorized agent by filing a zoning permit application with the City of Larchwood. An abstractor's certificate is required; at the time the application is made, showing the names and last known addresses of the owners of all properties within 200 feet of the property where the proposed wind energy device is to be located. An application for wind energy device shall also be accompanied by a detailed site plan showing at a minimum the dimensions, arrangements, descriptive data, site layout and other information essential to an understanding of the use and construction of the proposed wind energy device.

5. *Review and Approval.*

A permit shall not be granted by the city for a wind energy device unless and until the following procedures have been fulfilled:

- a. Within 30 after receiving the permit application for a wind energy device, the Zoning Administrator shall schedule a public hearing regarding the permit request. Notice shall be given to the public no less than 4 days and no more than 20 days prior to the public hearing by publication in the city's official newspaper.
- b. Prior to the public hearing, notice shall be given by ordinary mail to all property owners located within 200 feet of the wind energy device for which the permit is requested.
- c. All wind energy devices permits shall follow the city's special exception use process and shall receive approval from the Board of Adjustment.
- d. The approval and issuance of a permit for the construction or installation of a wind energy device under this ordinance shall not relieve any permittee, applicant or owner from compliance with all legal requirements. Larchwood assumes no liability whatsoever by virtue of the issuance of a wind energy permit.

6. *Mitigation of Damages.*

In the event that any damages occur during construction or maintenance of a wind energy device, the owner/developer(s) shall be fully responsible to mitigate and correct any damages to public or private property or infrastructure. .

7. *Discontinuance or Abandonment.*

A wind energy device that is documented to be out-of-service for a continuous 1 year period will be deemed to have been abandoned and discontinued for use. At such time the wind energy device is determined to be abandoned the developer, lessee or owner shall remove the wind turbine at their own expense within 6 months of receipt of notice from the city. If such wind energy device fails to be removed, the Zoning Administrator may pursue legal action to have the wind turbine removed at the developers, lessees or owners expense and, if appropriate, such costs may be assessed against the property.

8. *Penalty.*

It shall be unlawful for any person to construct, install, or operate a wind energy device or tower that is not in compliance with this ordinance. Any such wind energy device or tower installed prior to the adoption of this ordinance is exempt from these regulations. The Administrator may enter a property for which such permit is issued to conduct an inspection to determine whether the conditions stated in the permit have been met. Any person who fails to comply with any provision of these regulations shall be deemed a municipal infraction and punishable by civil penalty identified in Article XVIII of this ordinance.

Section 12.9. MINOR MODIFICATION TO DISTRICT REGULATIONS.

1. *Purpose.* The Zoning Administrator or other authorized representative of the city is responsible for reviewing applications and approving or denying minor modifications from the requirements of the zoning district regulations. The intent behind minor modifications is to allow minor area, lot, setback and height exceptions for principal and accessory buildings and structures in developed areas, but not in the instance of new construction.
2. *Minor Modification Limitations.* The following exceptions are permitted by the city without variance to this ordinance.
 - a. Reduction of required side yard setbacks by no more than one foot (1'), but in no instance shall a side yard be less than five feet (5');
 - b. Reduction of required rear and corner yard setbacks by no more 10% of the required setback;
 - c. Reduction of minimum lot area requirements by no more than 10% of the required standard;
 - d. Exception to the height requirements by no more than two feet (2');
 - e. Exceed the maximum lot coverage ratio, in residential districts, by 10%
 - f. Reduction of front, rear, side or corner yard setbacks to allow for construction of an addition in line with an existing portion of the building or structure.
 - g. Reduction of required residential front, rear and side yard setbacks without limit as required to provide handicapped access ramps to a dwelling or building;
 - h. Reduction of front, rear, and side yard setbacks without limit to allow reconstruction of a historically accurate structure.
 - i. Construct an addition to a principal structure, in residential districts, that would cause existing detached accessory structures to become nonconforming.

3. *Application.* The application for a minor modification shall be submitted on a form provided by the Zoning Administrator (the application form may be same as the city's variance application) and must contain sufficient site plans and other exhibits as appropriate to illustrate the request.
4. *Fee.* A fee, to be determined by resolution of city council, shall accompany the application.
5. *Review Criteria.* Before a minor modification can be granted, the Zoning Administrator shall establish that the following standards are satisfied.
 - a. Special circumstances or practical difficulties apply to the property such that the terms of the ordinance cannot be satisfied.
 - b. The minor modification will not be detrimental to the public health, safety or general welfare of the community.
 - c. The minor modification will not have a substantial negative impact upon neighboring properties.
 - d. The minor modification does not authorize a use or activity not otherwise expressly authorized by the regulations within the zoning district in which the property is located.
 - e. The minor modification is in conformity with the intent and purpose of the zoning ordinance and the comprehensive plan of the community.
 - f. The minor modification is the minimum necessary to achieve the desired result.
 - g. The minor modification does not alter the applicant's obligation to comply with other applicable laws or regulations.
6. *Authorization.* Within fourteen (14) days of receipt of a completed application for a minor modification, the Zoning Administrator or other authorized representative of the city, shall issue a decision to approve, approve with conditions or deny the minor modification. The decision will include the findings upon which the approval or denial is based. The denial of a minor modification shall not prevent the applicant from seeking approval of a variance for the same project from the Board of Adjustment pursuant to Section 19.6 of this ordinance.

ARTICLE XIII

Site Plans

Article 13: Site Plans

- Section 13.1. Intent
- Section 13.2. Scale
- Section 13.3. Legal Information
- Section 13.4. Site Plan

Section 13.1. INTENT.

Site plans are required for new construction of permitted or special exception buildings and structures in any district, and shall comply with and illustrate the following. Accessory uses, buildings and structures, decks and patios, interior remodeling projects, and those exterior projects that do not change the size or building footprint are exempt from site plan requirements. Although site plans are not required for such accessory uses or other remodeling or interior projects, it does not imply that such uses are exempt from the zoning permit process.

Section 13.2. SCALE.

All site plans shall be drawn at a scale that is legible and easily defines all of the proposed improvements. If a site plan review is required, seven (7) copies of the site plan shall be submitted with the zoning/building permit application.

Section 13.3. LEGAL INFORMATION.

The site plan shall include the following legal information:

1. Legal property owners name and description of property.
2. Appellant's name, requested land use and zoning.
3. If the appellant is other than the legal owner, the appellant's interest shall be indicated and the legal owners' authority to appeal shall be submitted in a certified legal form.

Section 13.4. SITE PLAN.

The site plan shall clearly illustrate the following information:

1. Property boundary lines, dimensions and total area.
2. If substantial topographic change is proposed, contour lines at intervals of not more than two feet (2') may be requested by the Zoning Administrator.
3. The availability and location of existing utilities, if requested by city staff.
4. The proposed location, size, shape and type of all buildings or structures.
5. The total square feet of all proposed buildings, both individually and collectively.
6. The number of dwelling units, bedrooms, offices, etc.
7. Parking areas, number of parking spaces proposed and type of surfacing to be used.
8. Walkways, driveways, outside lighting, walls, fences, signs, monuments, statues and other man-made features to be used in the landscape.
9. Location and type of landscaping to be used for screening shall be illustrated.
10. Walls, fences or other artificial screens shall be shown in elevation as well as plan view with proposed height and structural material to be used, if requested by city staff.
11. Traffic considerations, architectural themes, and any other considerations pertinent to the proposed use may be requested by the Zoning Administrator.

ARTICLE XIV Off Street Parking

Article 14: Off Street Parking

- Section 14.1. Intent
- Section 14.2. General Parking Area and Surface Requirements
- Section 14.3. Off Street Parking Requirements
- Section 14.4. Computation of Parking Spaces
- Section 14.5. Location and Type of Parking
- Section 14.6. Off Street Loading Requirements

Section 14.1. INTENT.

It is the intent of this article to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic. After the effective date of this ordinance, in all districts except the (C-1) downtown commercial district, there shall be provided at the time any new building or structure is erected off street parking in accordance with the requirements set forth herein. The requirements of this article are minimum standards. Where review of the site plan and intended land use indicate the requirements are inadequate for a specific land use adaptation, greater requirements for off-street parking may be required by the city to preserve the intent of this ordinance.

Section 14.2. GENERAL PARKING AREA AND SURFACE REQUIREMENTS.

All off-street parking areas shall comply with the following minimum requirements.

1. All buildings and structures erected in all districts established after the effective date of this ordinance shall provide parking as required under this section, unless a building permit has been issued two (2) months prior to the effective date of this ordinance.
2. A “parking space” shall be not less than 180 square feet (typically a 9’ x 20’ area).
3. Enclosed parking areas or garages shall qualify in meeting minimum parking requirements.
4. All off street parking spaces required by this regulation shall be located on the same lot of the use it serves or on land adjacent to or within three hundred (300) feet of the principal use lot.
5. Owners of two (2) or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, easements, leases, or contract documents to establish such a joint area of use.
6. All yard area except the front yard for residential districts may be used for off street parking; except a driveway within a front yard may be used to satisfy off street parking requirements.
7. Willful failure to permanently maintain and provide parking spaces as required under this section shall be deemed in violation of this ordinance and subject to the penalty listed in Article XVIII.

Section 14.3. OFF STREET PARKING REQUIREMENTS.

At the time of construction, alteration, moving into, or enlargement of a structure or building, or change in the use of the land; off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows.

<u>Use</u>	<u>Minimum # or Parking Spaces</u>
A. Single Family Residential:	2 spaces
B. Duplex (Two-Family) Residential:	3 spaces
C. Multi-Family Residential:	1.5 spaces per dwelling unit
D. Mobile/Manufactured Home Residential:	1 space per mobile/manufactured home 1 space per unit designated for guest parking
E. Residential Healthcare Facilities: - <i>Nursing Homes & Assisted Living</i>	1 space for each eight (8) beds, plus 1 space for each three (3) employees on the largest shift.
F. Group Residential:	1 Space for each two (2) bedrooms.
G. Hotel/Motel/Bed & Breakfast:	1 space per guest room, plus five (5) spaces
H. Resorts	1 space per rental unit or room, plus five (5) additional spaces
I. Hospital/Healthcare facilities:	1 space for each four (4) patient beds plus one (1) space for each two (2) employees
J. Public Assembly/Religious Assembly: - <i>Church, Auditorium, Comm. Center</i>	1 space for each six (6) seats of seating capacity provided
K. General Retail Sales/ Professional Office:	1 space per 300 feet of gross floor area
L. Bowling Alleys:	5 spaces per alley
M. Restaurants:	1 space for each four (4) seats, plus 1 space for each two (2) employees
N. Cocktail Lounges/Taverns/Bars:	1 space for each two (2) seats
O. Educational Facilities:	1 space per regular employee and 1 space for each six (6) seats in the largest public assembly.
P. Campgrounds, camp sites or RV parks	1 space per each camping or RV site
Q. Industry/Manufacturing/Research:	1 space for every two (2) employees on the largest shift.
R. Salvage yards/scrap yards/junk yards:	1 space per one hundred (100) sq. ft. of display or floor area.
S. All Other Uses:	All other buildings having a gross floor area of more than two thousand (2,000) square feet shall provide one (1) off-street parking space for each one thousand (1,000) square feet of floor space of the principal building.

In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply, as determined by the Zoning Administrator.

Section 14.4. COMPUTATION OF PARKING SPACES.

1. Where fractional spaces occur, the parking spaces required shall be increased to the next whole number.
2. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses if computed separately.
3. Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

Section 14.5. LOCATION AND TYPE OF PARKING.

All parking spaces required herein shall be located on the same lot as the building or use served. Except where an increase in the number of spaces is required due to a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained no more than three hundred feet (300') from the use being served.

1. In any case where the required parking spaces are not located on the same lot with the building or use served, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned and filed with the application for a zoning/building permit.
2. Off street parking spaces may be located within the required front yard of any commercial, industrial or multiple family residential districts. However, no off-street parking shall be permitted in the required front yard in any residential district except upon a driveway providing access to a garage or parking area for the dwelling.
3. All required off-street parking areas of more than five (5) spaces shall be surfaced with portland cement, concrete, asphalt or equivalent hard surface approved by the planning commission. Parking areas shall be graded and drained to dispose of all surface water within the lot, and shall be marked to provide for orderly and safe loading or unloading.
4. Any lighting used to illuminate any off-street parking areas shall be arranged to reflect light away from adjacent lots and uses of land.
5. In cases when commercial or other non-residential parking lots adjoin a residential district, parking areas shall be at least five feet (5') from the property line and effectively screened by the use of a fence, hedge, or other similar methods.

Section 14.6. OFF STREET LOADING REQUIREMENTS.

At the time of construction, alteration, or enlargement of any structure or building hereafter erected, every hospital, hotel, institution, manufacturing, storage, warehouse, retail store, wholesale store, or other similar commercial or industrial building having secondary access from an alley, side street or otherwise shall have one permanently maintained loading space for buildings in excess of ten thousand (10,000) sq. feet.

1. Each loading space shall be no less than ten feet (10') in width and forty feet (40') in length.
2. Such loading space may occupy all or any part of any required side or rear yard or open space, except where adjoining a residential district. If the loading space is adjacent to a residential district, it shall be set back at least ten feet (10') from said district and be effectively screened from view.
3. All loading, unloading and parking must be conducted on private property and cannot be conducted on the public right-of-way, except for designated or approved delivery, parcel or moving vehicles intended for temporary parking and unloading. Furthermore, parking of vehicles or loading and unloading may be allowed on the public right-of-way or any street by the Board of Adjustment or City Council during community events, celebrations, or other special events.

ARTICLE XV

Sign Regulations

Article 15: Sign Regulations

Section 15.1	Intent
Section 15.2	Definitions
Section 15.3	Sign Requirements
Section 15.4	Special Exceptions
Section 15.5	Additional Sign Regulations
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Section 15.10	Nonconforming Signs
Section 15.11	Sign Permits

Section 15.1. INTENT.

This article is established to protect and promote health, safety, welfare and order within the City of Larchwood through the establishment of comprehensive and uniform standards, regulations and procedures governing the type, number, size, structure, location, height, lighting, erection, use or display of devices, signs, or symbols serving as a visual communications media to persons situated within or upon public rights-of-way or private properties. The provisions of this article are intended to encourage opportunity for effective, aesthetically compatible, and orderly communications by reducing confusion and hazards resulting from unnecessary or indiscriminate use of communications facilities. Hereafter no sign shall be erected, constructed, altered, or modified except as regulated by the provisions of this article.

Section 15.2. DEFINITIONS.

For use in this article, the following terms are defined.

- 15.2.1 *Awning*: A device made of cloth, metal, or other material affixed to and projecting from a building in such a manner that the device is either permanently fixed or so erected as to allow it to be raised or retracted and return to a flat position against the building.
- 15.2.2 *Erect*: To build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.
- 15.2.3 *Facing (or Surface)*: The surface of the sign upon; against or through which the message is displayed or illustrated on the sign.
- 15.2.4 *Incombustible Material*: Any material that will not ignite at or below a temperature of 1,200° F and will not continue to burn or glow at that temperature.
- 15.2.5 *Person*: Any one being, firm, partnership, association, corporation, company or organization of any kind.
- 15.2.6 *Sign*: Includes every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign and temporary sign, and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.

- a. *Abandoned Sign*: A sign which no longer correctly directs any person, advertises a bona fide business, owner, product, or activity conducted on the premises where such sign is displayed.
- b. *Address Sign*: A sign identifying street address only, whether written or numerical form.
- c. *Animated Sign*: Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.
- d. *Awning Sign*: A sign consisting of either an operating or permanently affixed awning containing letters, graphics, pictures, or images which portrays the business or advertising of the establishment in which it is attached. Awning signs shall not encroach more than four (4) feet out from a building, but shall meet all other size requirements addressed in this article. Permanent awnings may be lighted (from the backside); however, awning signs shall not have any flashing, strobe, or otherwise intermittent light emitting from the sign.
- e. *Billboard Sign*: A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. A billboard includes all structures, regardless of materials used in construction, that are erected, maintained or used for public display of posters, painted signs, or wall signs, whether the structure is placed on a wall or freestanding. Billboards include pictures or other pictorial materials which advertise a business or attraction which is not carried on, manufactured, or sold on the premises where said billboards are located.
- f. *Campaign Sign*: A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted upon at a governmental election.
- g. *Construction Sign*: A temporary sign placed at construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
- h. *Directional Sign*: A sign erected on public or private property which bears the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.
- i. *Flashing Sign*: Any illuminated sign that has artificial light or color which is not maintained at a constant intensity or color when such sign is in use. A sign providing public service information, such as time, weather, date, temperature or similar information, shall not be considered a flashing sign.
- j. *Governmental Sign*: A sign which is erected by a governmental unit.
- k. *Illuminated Sign*: Any sign which has character, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
- l. *Information Sign*: Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.
- m. *Joint Identification Sign*: A free-standing sign which identifies a subdivision, a multiple residential complex consisting of three (3) or more structures, a shopping center consisting of three (3) or more separate business concerns, an industrial area, an office complex consisting of three (3) or more structures or any combination of the above.

- n. *Non-Conforming Sign*: A sign which lawfully existed at the time of the passage of this ordinance or amendments thereto but which does not conform to the regulations of this ordinance.
 - o. *Pole Sign (or Free Standing Sign)*: Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
 - p. *Portable Sign*: Any sign not permanently attached to a building, structure, or the ground, capable of being moved at periodic intervals.
 - q. *Projecting Sign*: A sign, other than a wall sign, which projects more than twelve inches (12") perpendicular to the wall surface of a building or structure, and is supported by a wall of the building or structure.
 - r. *Real Estate Sign*: A business sign placed upon a property advertising that particular property for sale, for lease or for rent.
 - s. *Roof Sign*: Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
 - t. *Swinging Sign*: A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
 - u. *Temporary Sign*: Any sign which is erected or displayed for a specified period of time. The temporary use of portable or moveable signs, search lights, banners, pennants, and similar devices shall be allowed in excess of and in addition to the sign limitations of this article for continuous periods of ten (10) consecutive days. No business proprietor shall be allowed more than three such periods in any calendar year.
 - v. *Trailer Sign*: Any sign mounted on a vehicle normally licensed by the State of Iowa as a trailer and used for advertising or promotional purposes.
 - w. *Wall Sign*: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches for such building or structure. Wall signs are also known as "flush mounted signs".
- 15.2.7 *Sign Area*: That area within the marginal lines of the surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building; that area which is included in the smallest connecting geometric figures which can be made to circumscribe the message, figure or symbol displayed thereon. Only changeable copy areas of marquee or canopies shall be considered in determining the total sign area.
- 15.2.8 *Sign Structure*: The supports, uprights, bracing and framework for a sign including the sign area.
- 15.2.9 *Structural Trim*: The molding, battens, cappings, nailing strips, latticing and platforms that are attached to the sign structure.

Section 15.3. SIGN REQUIREMENTS.

1. (R-1, R-2 & R-3) RESIDENTIAL DISTRICTS: Signs pertaining to principal permitted uses are allowed in all residential districts subject to the following regulations.
 - a. Home occupation signs are permitted pursuant to Section 12.6 of this ordinance.
 - b. Signs, for non-residential businesses located in residential areas, shall be limited to no more than forty (40) square feet on one (1) free standing sign not to exceed a height of six (6) feet from the ground to the top of the sign structure. One (1) additional wall mounted sign not to exceed four (4) square feet is also permitted for non-residential businesses.
 - c. Two (2) on-site signs pertaining to the sale, lease or rent of the land or building shall be allowed per residential property.
 - d. Permitted Signs:
 1. Address signs (not to exceed 1 square foot)
 2. Real Estate signs (not to exceed six square feet)
 3. Government signs
 4. Campaign signs (not to exceed six square feet)
 5. Joint Identification signs (not to exceed twelve square feet)
 6. Wall signs (not to exceed four square feet – for home occupations)
 7. Construction Signs (not to exceed 32 square feet)
 8. Portable signs
 - e. Prohibited Signs: Flashing type signs are prohibited.
2. (C-1) DOWNTOWN COMMERCIAL DISTRICT:
Signs and billboards in conjunction with principal permitted uses are allowed subject to the following regulations.
 - a. Only one (1) permanent type sign intended to be read from off the premises will be allowed for each principal use. Signs shall be limited to those (i) identifying uses conducted within the building; or (ii) necessary for directional purposes; or (iii) used to advertise the sale or lease of real property on buildings on which displayed; or (iv) identifying the commercial enterprise by name or symbol.
 - b. The total aggregate area of all signs shall not exceed 150 square feet.
 - c. For the purposes of this section, the sign area allowed by shall be computed by taking the enclosed area of freestanding letter within the smallest rectangle needed to completely encompass each word or insignia. For signs other than freestanding letters, the sign area is computed by taking the total area of the facing or the total area within the outer edge of any existing border of the sign.
 - d. No signs shall be moving or audible. No illumination shall be intermittent or flashing. Signs that are internally illuminated for purposes of a scrolling marquee for information or advertising purposes is permitted; as long as the message is not flashing.
 - e. The following sign types are permitted:
 - 1) Real Estate Signs (not to exceed 24 square feet)

- 2) Government Signs
- 3) Address Signs (not to exceed 1 square foot)
- 4) Campaign Signs (not to exceed 8 square feet)
- 5) Informational Signs (not to exceed 2 square feet)
- 6) Directional Signs
- 7) Joint Identification Signs
- 8) Wall Signs
- 9) Projecting Signs (not to exceed 12 square feet)
- 10) Swinging Signs (not to exceed 12 square feet)
- 11) Roof Signs
- 12) Awning Signs
- 13) Temporary Signs (not to exceed 9 square feet)
- 14) Construction Signs (not to exceed 32 square feet)
- 15) Portable Signs (not to exceed 24 square feet, and as long as they do not impede the use of a public street or sidewalk)

3. (C-2) HIGHWAY COMMERCIAL DISTRICT:

Signs and billboards in conjunction with principal permitted uses are allowed subject to the following regulations.

- a. Only two (2) permanent type signs will be permitted per development. Signs shall be limited to those (i) identifying uses conducted within the building; or (ii) necessary for directional purposes; or (iii) used to advertise the sale or lease of real property on buildings on which displayed; or (iv) identifying the commercial enterprise by name or symbol.
- b. The total aggregate area of all signs shall not exceed 200 square feet. Service stations, gas stations and convenience stores located in the (C-2) highway commercial district shall be limited to 250 square feet.
- c. For the purposes of this section, the sign area allowed by shall be computed by taking the enclosed area of freestanding letter within the smallest rectangle needed to completely encompass each word or insignia. For signs other than freestanding letters, the sign area is computed by taking the total area of the facing or the total area within the outer edge of any existing border of the sign.
- d. All signs and billboards must not impair sight distance or create a traffic hazard; and shall not encroach into the right-of-way of any state, federal, county, or local thoroughfare.
- e. Free standing signs must be located no more than 150 feet from the business, product or service advertising on said sign.
- f. The following sign types are permitted:
 - 1) Real estate signs (not to exceed 24 square feet)
 - 2) Government signs
 - 3) Address signs (not to exceed 1 square foot)
 - 4) Campaign signs (not to exceed 8 square feet)
 - 5) Informational signs (not to exceed 2 square feet)

- 6) Directional signs
- 7) Joint identification signs
- 8) Wall signs
- 9) Projecting signs (not to exceed 16 square feet)
- 10) Swinging signs (not to exceed 16 square feet)
- 11) Roof signs
- 12) Free standing signs
- 13) Pole or ground signs
- 14) Awning signs
- 15) Flashing signs
- 16) Temporary signs (not to exceed 9 square feet)
- 17) Construction signs (not to exceed 32 square feet)
- 18) Portable signs (not to exceed 24 square feet, and as long as they do not impede the use of a public street or sidewalk)

4. ALL OTHER ZONING DISTRICTS:

Signs and billboards in conjunction with principal permitted uses are allowed subject to the following regulations.

- a. Only two (2) permanent type signs will be permitted per development. Signs shall be limited to those (i) identifying uses conducted within the building; or (ii) necessary for directional purposes; or (iii) used to advertise the sale or lease of real property on buildings on which displayed; or (iv) identifying the commercial enterprise by name or symbol.
- b. The total aggregate area of all signs shall not exceed 150 square feet.
- c. For the purposes of this section, the sign area allowed by shall be computed by taking the enclosed area of freestanding letter within the smallest rectangle needed to completely encompass each word or insignia. For signs other than freestanding letters, the sign area is computed by taking the total area of the facing or the total area within the outer edge of any existing border of the sign.
- d. No signs shall be moving or audible. No illumination shall be intermittent or flashing. Signs that are internally illuminated for purposes of a scrolling marquee for information or advertising purposes is permitted; as long as the message is not flashing.
- e. All signs and billboards must not impair sight distance or create a traffic hazard; and shall not encroach into the right-of-way of any state, federal, county, or local thoroughfare.
- f. Free standing signs must be located no more than 100 feet from the business, product or service advertising on said sign.
- g. The following sign types are permitted:
 - 1) Real estate signs (not to exceed 24 square feet)
 - 2) Government signs
 - 3) Address signs (not to exceed 1 square foot)
 - 4) Campaign signs (not to exceed 16 square feet)
 - 5) Informational signs (not to exceed 2 square feet)

- 6) Directional signs
- 7) Joint identification signs (not to exceed 36 square feet)
- 8) Wall signs
- 9) Roof signs
- 10) Free standing signs
- 11) Pole or ground signs
- 12) Temporary signs
- 13) Construction signs (not to exceed 32 square feet)
- 14) Portable signs

Section 15.4. SPECIAL EXCEPTIONS.

Any sign type may be granted special exception status after review by the Board of Adjustment and subject to any conditions deemed by the board to be appropriate.

Section 15.5. ADDITIONAL SIGN REGULATIONS.

In all districts, signs and billboards shall adhere to pertinent state regulations and other local ordinances.

Section 15.6. GENERAL SIGN PROVISIONS.

The following signs are allowed with a permit and shall comply with all other applicable provisions of this ordinance.

1. *Ground Signs and/or Pole Signs:* All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure. All ground signs and the premises surrounding the sign structure shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free of obnoxious rubbish and weeds.
2. *Wall Signs:* No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends of the wall to which it is attached.
3. *Free Standing Signs:* Free standing signs will be permitted if they do not block the view of oncoming traffic, conform to the Iowa Department of Transportation regulations, and are not located within any public right-of-way.
4. *Signs not to Constitute Traffic Hazards:* No sign or advertising structure permitted by this ordinance shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words, "STOP", "LOOK", "DRIVE-IN", "DANGER" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. No sign or other advertising structure as regulated by this ordinance shall have posts, guides or supports located within any street or alley.
5. *Face of Sign Shall Be Smooth.* All signs or other advertising structures which are constructed on street lines, or within five (5) feet thereof, shall have a smooth surface and no nails, tacks or

wires shall be permitted to protrude there from, except electrical reflectors and devices which may extend over the top and in front of the advertising structures.

6. *Goose Neck Reflectors.* Goose neck reflectors and lights shall be permitted on ground signs, roof signs, and wall signs, provided however, the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign as to prevent glare upon the street or adjacent property.
7. *Spotlights And Floodlights Prohibited.* It shall be unlawful for any person to maintain any sign which extends over public property which is wholly or partially illuminated by floodlights or spotlights.
8. *Interference:* No sign, nor any guys, stay or attachment thereto shall be erected, placed or maintained by any person on rocks, fences, or trees; nor in such a manner as to interfere with the effective use of fire fighting equipment or personnel, or any electric light, power, telephone, telegraph or TV cable wires or supports thereof.
9. *Signs in Right-of Way:* No signs other than government signs shall be erected or temporarily placed within any public rights-of-way, except as may be specifically provided herein.
10. *Clearance:* All signs located over public rights-of-way or any public or private access route (sidewalk, mall, etc.) shall be located a minimum of twelve (12) feet above grade.
11. *Safe Ingress and Egress:* No sign or part thereof shall be erected or maintained so as to prevent or deter free ingress and egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
12. *Signs Required by Law:* All signs required by law shall be permitted in all districts.
13. *Back to Back Signs:* If a free-standing sign or sign structure is constructed so that the faces are not back to back, the angle shall not exceed thirty degrees. If the angle is greater than thirty degrees, the total area of both sides added together shall be the calculated sign area. Back to back signs (when less than thirty degrees) shall be considered as one sign when debited against the total number of signs permitted on one zoning lot.
14. *Illumination:* All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties or public streets.
15. *Animated Signs:* Animated signs may be allowed as a special exception requiring a hearing before the Board of Adjustment.
16. *Double Frontage:* Lots having frontage on two streets or on a street and an alley shall be permitted to provide the maximum number and square footage of signs on each of the opposite ends of said lot, provided however, that not more than the maximum number of square feet of signs per frontage may be viewed simultaneously.

Section 15.7. UNSAFE AND UNLAWFUL SIGNS.

All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. Signs shall also maintain a neat and orderly appearance in which the sign is easily read. Additionally, all parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the property owner or agent of the owner of the property upon which the sign is located, after written notice by the city.

Such notice shall include a statement explaining alleged violations and deficiencies, an order to repair or remove said sign and an explanation of the consequences of failure to comply with said order. If the permit holder fails to remove or alter said sign so as to comply with the order, said sign or other advertising structure may be removed or altered to comply by the Zoning Administrator at the expense of the permit holder, or owner of the property on which it is located. The permit holder may appeal the order of the Zoning Administrator to the Board of Adjustment and, if such an appeal is on file, the compliance period shall be extended until following the board's decision on the matter. If, however, the Zoning Administrator finds that any sign or other advertising structure poses an immediate threat to the health or safety of any person, the removal of such sign may be summarily ordered without notice to the permit holder.

Section 15.8. REMOVAL OF SIGNS.

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within ninety (90) days from date of notice provided by the city. The owner of the property on which the sign is located shall have ninety (90) days from date of notice to remove any such sign. If after the expiration of the ninety (90) day period, the sign has not been removed, the city may cause the sign to be removed and any expenses may be charged back to the property owner.

Section 15.9. EXEMPT SIGNS.

The provisions and regulations of this ordinance shall not apply to the following signs, provided however, said signs shall comply with all other applicable provisions of this ordinance.

1. Government Signs: Signs of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty.
2. Directory Signs: A wall sign which identifies the business, owners, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one directory sign per zoning lot not to exceed two (2) square feet of area per business or resident occupant.
3. Parking Signs (on site): On-site directional and parking signs intended to facilitate the movement of vehicles and pedestrians upon which the sign is located. Such signs shall not exceed six (6) square feet of area.

4. Integral Signs: Name of buildings, date of construction, commemorative tablets and the like, which are of the building or structure.
5. Campaign Signs: Signs or posters announcing the candidate seeking political office, advertising political issues or the data pertinent thereto. These signs shall remain for no longer than forty-five (45) days prior and one (1) day after the election for which they were intended and shall be removed by the owner of the property on which they are located. All signs shall be confined to private property and shall not be attached to trees, utilities or rocks.
6. Construction Signs: A non-illuminated sign announcing the names of architects, engineers, contractors, future use, and other individuals or firms involved with the construction, alteration, or repair of such building (but not including any advertisement of any product). Such signs shall be confined to the site of the construction, alteration or repair and shall be removed within two (2) years of the date of issuance of the first building permit or when the particular project is completed, whichever is sooner. One (1) sign shall be permitted for each major street the project abuts.
7. Real Estate Signs (on-site): Any on-site sign announcing the owner, manager, realtor or other person directly involved in the sale or rental of the property. Signs shall not measure more than six (6) square feet in the residential districts nor twenty-four (24) square feet in the other districts. Only one (1) real estate sign may be allowed per zoning lot.

Section 15.10. NONCONFORMING SIGNS.

Nonconforming signs shall be brought to compliance upon change of ownership or occupancy of the premises.

Section 15.11. SIGN PERMITS.

1. Permits Required. It shall be unlawful for any person to erect, repair, alter, relocate, construct, modify or maintain within the city any sign or other advertising structure as defined in this ordinance, without first receiving a valid sign permit from the Zoning Administrator and making payment of the sign permit fee.
2. Sign Permit Application. Application for sign permits shall be provided by the Zoning Administrator and shall have attached thereto the following information:
 - a. Name, address and telephone number of the applicant.
 - b. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 - c. Position of the sign or other advertising structure in relation to nearby buildings or structures.
 - d. Name of person, firm, corporation or association erecting such sign and/or sign structure.
 - e. Written consent of the owner of the building, structure or land on which the sign or sign structure is to be erected.
 - f. Such other information as may be deemed necessary for the proper enforcement of this ordinance.

3. Permit Issued. It shall be the duty of the Zoning Administrator upon the filing of an application for a sign permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure. If it appears the proposed structure is in compliance with all the requirements of this ordinance and all other ordinances of the city, the sign permit shall be issued. If the work authorized under a sign permit has not been completed within one (1) year after date of issuance, said sign permit shall be null and void.
4. Permit Fees. To defray administrative costs of processing requests for sign permits, the applicant for a sign permit shall pay to the City Clerk, a fee in the amount established by the City Council.
5. Revocation of Permit. Any permit holder who fails to comply with a valid order of the Zoning Administrator within the allotted time period, or who fails to pay reasonable removal or repair expenses shall have the sign permit revoked. Another sign permit for the erection or maintenance of such sign or signs shall not be issued to the permit holder for a period of one (1) year from the date of revocation.

ARTICLE XVI

Nonconformities

Article 16: Nonconformities

- Section 16.1. Intent
- Section 16.2. Nonconforming Lot of Record
- Section 16.3. Nonconforming Uses of Land
- Section 16.4. Nonconforming Structures
- Section 16.5. Nonconforming Uses of Structures and Land
- Section 16.6. Repairs and Maintenance
- Section 16.7. Uses Under Exception Provisions Not Nonconforming Uses
- Section 16.8. Change of Tenancy or Ownership

Section 16.1. INTENT.

It is the intent of this ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival. It is recognized that there exists within the districts established by this ordinance and subsequent amendments, lots, structures, and uses of land which were lawful before this ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this ordinance or amendments thereto. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses of a structure, land, or both shall not be extended or enlarged in footprint, area or space after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or use of any building on which actual construction has lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on.

Section 16.2. NONCONFORMING LOT OF RECORD.

In any district in which single family residential dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, even though such lot fails to meet the requirements for area or width, or both. This provision shall apply even though such lot fails to meet such lot requirements that are generally applicable in the district, provided that required yard setbacks of the lot shall apply to the regulations for the district in which such lot is located.

Two or more nonconforming lots, or portions thereof, that are contiguous in frontage and under the same ownership shall be considered to be an unsubdivided zoning lot for purposes of this ordinance. No portion of said zoning lot shall be sold and then used which does not meet lot width and area requirements established by this ordinance, nor shall any division of the zoning

lot be made which leaves remaining any individual lot with width or area below the requirements stated in this ordinance.

Section 16.3. NONCONFORMING USES OF LAND.

Where at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended such use may continue, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than occupied at the effective date of adoption or amendment of this ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
3. If such nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

Section 16.4. NONCONFORMING STRUCTURES.

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

1. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structure may be altered in a way which does not increase its nonconformity.
2. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. In the event that a non-conforming building or structure or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

Section 16.5. NONCONFORMING USES OF STRUCTURES AND LAND.

Where a lawful use of a structure, or of a structure and land in combination exists at the effective date of adoption or amendment of this ordinance that would not be permitted in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

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

2. Any nonconforming use may be extended throughout any parts of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of structure or land may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Adjustment shall find that the proposed use is equally or more appropriate to the district than the existing nonconforming use. In permitting such change, the board may require conditions and safeguards in accordance with the purpose and intent of this ordinance. Where such nonconforming use of a structure, land or use is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
4. Any structure, or structure and land in combination, on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not be resumed.
5. When a nonconforming use of a structure, or structures and land in combination is discontinued or ceases to exist for a period of more than one (1) year the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 16.6. REPAIRS AND MAINTENANCE.

Any nonconforming building or structure damaged intently or accidentally by more than fifty percent (50%) of its replacement value exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, accident, incident or other act of God or nature shall not be restored or reconstructed and used as before such happening. If less than fifty percent (50%) of the replacement value of the building is damaged it may be restored, reconstructed, or used as before, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased and reconstruction is started within one (1) year of such happening. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety upon orders of such official.

Section 16.7. USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES.

Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action, be deemed a conforming use in such district. Any expansion shall be with approval of the Board of Adjustment.

Section 16.8. CHANGE OF TENANCY OR OWNERSHIP.

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination without affecting the nonconforming status of such use, land or structure.

ARTICLE XVII

Zoning Enforcement

Article 17: Zoning Enforcement

- Section 17.1. Administrative Officer
- Section 17.2. Zoning Compliance
- Section 17.3. Zoning Compliance Permits Required
- Section 17.4. Application for Zoning/building permit
- Section 17.5. Site Plans and Plats
- Section 17.6. Construction and Use to be provided in Application, Plans, and Permit
- Section 17.7. Fees
- Section 17.8. Special Exceptions
- Section 17.9. Administrative Appeals

Section 17.1. ZONING ADMINISTRATOR.

The purpose of this section is for the city to appoint or confirm a Zoning Administrator, and it shall be the duty of said administrator to enforce this ordinance. Such administrator may be a person holding other appointive office in the city, or another governmental agency. The term of appointment for the Zoning Administrator shall be set by the City Council. Once the Zoning Administrator is appointed by City Council that appointment becomes perpetual until such further decision and notification is made by council. Termination of the Zoning Administrator and/or consideration of responsibilities shall also be left to the discretion of the City Council.

Section 17.2. ZONING COMPLIANCE.

If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, they 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 Zoning Administrator shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violations of provisions contained within.

Section 17.3. ZONING/BUILDING PERMITS REQUIRED.

No land shall be occupied or used, and no buildings or structures, or accessory buildings or structures shall not be erected, moved, added to, placed or structurally altered without first obtaining a permit issued by the Zoning Administrator, stating that the building and use comply with the provisions of this ordinance. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefore by the Zoning Administrator. No permit shall be issued to make a change unless the changes are in conformity with provisions of this ordinance. Zoning/building permits issued in conformance with the provisions of this ordinance, or upon written order from the Board of Adjustment, shall be null and void if the purpose for which the permit is issued has not commenced within one (1) year from date of issuance.

Section 17.4. APPLICATION FOR ZONING/BUILDING PERMIT.

Application for a zoning/building permit shall be obtained from the Zoning Administrator at the Larchwood city offices prior to starting or proceeding with the erection, construction, moving into,

or the structural alteration of a building or structure including signs and billboards. Approved permits shall be kept on file in the office of the City Clerk, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or property affected. Each application for a zoning/building permit involving new construction or expansion or a principal or special exception use shall be accompanied by a site plan prepared in accordance with Article XIII. In the case of moving an existing building, the application shall be accompanied by a photo of the structure to be moved, and shall be in compliance with the regulations of the Larchwood City Code. Compliance permits should be issued to complying applications within seven (7) days after application is made.

Section 17.5. SITE PLANS AND PLATS.

Each application for a zoning/building permit involving new construction, expansion or moving of a building or structure shall be accompanied by a site plan prepared in accordance with Article XIII, or other site plan requirements or drawings as requested by the Zoning Administrator. In the case of moving an existing building, the application shall be accompanied by a photo of the structure to be moved. Other buildings projects including sheds, outbuildings, decks, patios, fences and other yard structures, although not required to submit a site plan, shall still file a zoning/building permit to ensure setback distances and compliance with other provisions of this ordinance. Furthermore, each application for a sign permit shall be accompanied by a plat drawn to scale showing the dimensions of the sign, the size, the shape and location of where the sign is to be erected, and such other information as may be necessary to provide for the enforcement of this ordinance.

Section 17.6. CONSTRUCTION & USE AS PROVIDED IN APPLICATION, PLANS & PERMIT.

Zoning/building permits issued on the basis of plans and applications, approved by the Zoning Administrator, authorize only that use and construction. Use and construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided by Article XVIII.

Section 17.7. FEES.

Before receiving a zoning/building permit the owner or the owner's agent shall pay to the city the permit fee as provided by resolution of the City Council. Fees for permits issued after the construction, erection, placement, moving or alteration has begun shall double. Tax levying governmental agencies shall be exempt from paying any scheduled fees.

Section 17.8. SPECIAL EXCEPTIONS.

The Zoning Administrator may issue a zoning/building permit for a special exception upon order of the Board of Adjustment, after review by the Planning Commission.

Section 17.9. ADMINISTRATIVE APPEALS.

This procedure is intended to afford review of administrative actions taken pursuant to the zoning ordinance where such actions may be in error.

1. *Appeals:* An appeal of an administrative decision may be made to the Board of Adjustment by any person aggrieved, or by any officer, department, or board of the city affected by any decision or ruling of the Zoning Administrator. Such notice of appeal shall be filed, within 30

days of the decision being appealed, with the Zoning Administrator or the chairperson of the Board of Adjustment, of which such appeal shall specify the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all papers constituting the record upon which the action being appealed was taken.

2. *Stay of Proceedings:* An appeal from the action of the Zoning Administrator shall stay all proceedings in furtherance of such action unless the Zoning Administrator certifies to the Board of Adjustment that by reason of the facts stated a stay would cause imminent peril to life or property. In the event the Zoning Administrator shall make such determination, the action shall not be stayed other than by a restraining order that may be granted by the Board of Adjustment or a court of record upon application of the party aggrieved by the action of the Zoning Administrator.
3. *Action:* The Board of Adjustment shall act on any appeal within 30 days following the closing of a public hearing. In exercising the powers set out in this section, the Board of Adjustment may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may take such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whose action the appeal was taken. The board shall notify the appellant of its decision by mail. The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant upon any matter which it is required to pass under these provisions.

ARTICLE XVIII

Violation and Penalty

Article 18: Violation and Penalty

Section 18.1. Violation and Penalty

Section 18.2. Restraining Order

Section 18.1. VIOLATION AND PENALTY.

Unless provided elsewhere in this ordinance or the city's municipal code, any person failing to perform a duty, obtain a zoning/building permit, or violating this ordinance, or any rule or regulation adopted by reference shall be guilty of a municipal infraction. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists enforcement of this ordinance, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction and punishable by civil penalty as provided herein. (*Code of Iowa, Sec. 364.22[3]*)

A municipal infraction in the City of Larchwood is punishable under the following civil penalties: (*Code of Iowa, Sec. 364.22 [1]*)

1. First Offense – Not less than \$100 and not to exceed \$750.00, plus court costs
2. Second and Repeat Offenses – Not less than \$100 and not to exceed \$1,000.00, plus court costs; or imprisonment of not more than thirty (30) days

The criminal penalty surcharge imposed by Iowa Code, Section 911.2 shall be added to the fine and is not a part of any fine imposed by the city (*Code of Iowa, Sec. 364.3(2)*). Each day that a violation is permitted to exist constitutes a separate offense.

Section 18.2. RESTRAINING ORDER.

Upon any building or structure being erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land used in violation of this ordinance, the city attorney, in addition to other remedies, may institute any proper action or proceed in the name of the City of Larchwood to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.

ARTICLE XIX

Board of Adjustment

Article 19: Board of Adjustment

- Section 19.1. Confirmation of Board of Adjustment
- Section 19.2. Membership, Term of Office and Removal
- Section 19.3. Proceedings of the Board of Adjustment
- Section 19.4. Appeals to the Board
- Section 19.5. Powers and Duties
- Section 19.6. Variances
- Section 19.7. Decisions of the Board of Adjustment
- Section 19.8. Appeals from the Board of Adjustment

Section 19.1. CONFIRMATION OF BOARD OF ADJUSTMENT.

The Mayor, subject to the approval of the City Council, shall provide for the appointment and confirmation of the Board of Adjustment. Pursuant to the authority of this ordinance, the board may in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinances in harmony with its general purpose and intent and in accordance with general or specific rules therein contained and provide that any property owner aggrieved by the action of the council in the adoption of such regulations and restrictions may petition the said board direct to modify regulations and restrictions as applied to such property owners. The members of the Board of Adjustment, as created and established under applicable provisions of the Iowa statutes, are hereby confirmed to their appointed terms of office.

(Code of Iowa, Sec.414.7)

Section 19.2. MEMBERSHIP, TERM OF OFFICE AND REMOVAL.

The board shall consist of five (5) members to be appointed by the Mayor, subject to City Council approval by majority vote. Members of the five member board shall be appointed for a term of five (5) years. When the board is first created, two members shall be appointed for a term of three (3) years, two for a term of four (4) years, and one member shall serve a term of five (5) years. A majority of the members of the Board of Adjustment shall be persons representing the public at large and should not be involved in the business of purchasing or selling real estate. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and after a public hearing. Vacancies shall be filled by the Mayor, subject to the approval of the City Council for the unexpired term of the member resigning, removed or death. *(Code of Iowa, Sec.414.8)*

Section 19.3. PROCEEDINGS OF THE BOARD OF ADJUSTMENT.

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record. The presence of a majority of the whole Board, or at least three (3) members, shall constitute a quorum, even in the instance of absentee members or during conflicts of interest. A five (5) member board shall not

carry out its business without having at least three (3) members present. The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass or to effect any variation in application of this ordinance.

(Code of Iowa, Sec.414.8, 414.9 & 414.14)

Section 19.4. APPEALS TO THE BOARD.

Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the City of Larchwood affected by a decision of the Zoning Administrator. Such appeal should be taken within a reasonable time, not to exceed thirty (30) days, by filing with the Zoning Administrator and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all papers constituting the record from which the action appealed was taken. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notices thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney. A fee to be determined by resolution of the City Council shall be paid at the time the notice of appeal is filed. *(Code of Iowa, Sec.414.10)*

Section 19.5. POWERS AND DUTIES.

The Board of Adjustment shall have the following powers and duties:

1. *Administrative Review*: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance.
2. *Interpretation of Zoning Map*: Where the application of the rules for interpretation of the district boundaries leaves a reasonable doubt to the boundary between two zoning districts the Board of Adjustment shall interpret the map in such a way as to carry out the intent and purposes of this ordinance.
3. *Special Exceptions*: To hear and decide special exception requests as the Board of Adjustment is specifically authorized to pass on in the manner prescribed in this ordinance, and as provided for in Article XX.
4. *Variances*: To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. *(Code of Iowa, Sec.414.12)*

Section 19.6. VARIANCES.

A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

1. An application for the variance shall be filed in writing with the Zoning Administrator. Said application shall include the following:
 - a. Name and address of the owner and applicant.
 - b. Address and legal description of the property.

- c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
 - d. A statement describing the variance requested and the reasons why it complies with the criteria for variances provided in this section.
 - e. The property address, name and mailing address of the owner of each lot immediately adjacent to the property requesting a variance.
 - f. A site plan, as prepared in accordance with Article XIII.
2. The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist.
 3. Under no circumstances shall the Board of Adjustment grant a variance to allow for the use not permissible under the terms of this ordinance in the zoning district involved, or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district.
 4. The Board of Adjustment shall schedule and conduct at least one (1) public hearing on the proposed variance request. Notice of the public hearing shall be given as required by state statute by publication in a newspaper of general circulation in the city of no less than seven (7) days or no more than twenty (20) days prior to the public hearing. Furthermore, a courtesy notice in writing shall be sent by certified mail to a complete list of persons provided by the applicant to owners of property within two hundred feet (200') of the property in question, and those required by law.
 5. The public hearing shall be held. Any party may appear in person or by agent or attorney.
 6. No variance that has been denied wholly or in part by the board shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the board.
 7. **The Board of Adjustment may grant a variance if it makes affirmative findings of fact on each of the following criteria.**
 - a. *That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;*
 - b. *That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;*
 - c. *That special conditions and circumstances do not result from the actions of the applicant;*
 - d. *That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted uses of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.*

8. The board shall 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.
9. The board shall make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
10. The application for a variance shall be accompanied by a fee to be determined by resolution of City Council.
11. *Additional Variance Conditions:* In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Article XVIII.
12. *Lapse of Variance:* Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse and shall become void one (1) year following the date on which the variance became effective, unless prior to the expiration of one year a zoning/building permit is issued and construction is commenced, or a certificate of occupancy is issued for the site or structure which was the subject of the variance application, or the site is occupied if no zoning/building permit or certificate of occupancy is required.
13. *Revocation of Variance:* Upon violation of any applicable provision of this ordinance, or if granted subject to the conditions, upon failure to comply with conditions, a variance shall be revoked upon notification to the owner of the; use or property subject to the variance.
14. *Variance to Run With Land or Structure:* Unless otherwise specified at the time a variance is granted, a variance shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it applies.

Section 19.7. DECISIONS OF THE BOARD OF ADJUSTMENT.

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, and Chapter 414, Code of Iowa, reverse or affirm, wholly or partly, or may modify the order, requirements, decisions, or determination as ought to be made and to that end shall have powers of the Zoning Administrator from whom the appeal is taken. The concurring vote of three (3) members of the entire Board, even upon instances of absentee members or during conflicts of interest, shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter which it is required to pass under this ordinance, or to effect any variation in application of this ordinance. The action of the board shall not become effective until it has a written decision describing such action, the vote of each member participating therein, and reasons for such action specifying the manner in which the action either satisfied or failed to satisfy each of the applicable standards set forth in this article.

Section 19.8. APPEALS FROM THE BOARD OF ADJUSTMENT.

Any person or persons, or any board, taxpayer, department, or bureau of the community aggrieved by any decision of the Board of Adjustment may seek review of such decision of the Board of Adjustment by a court of record in the manner provided by laws of the State and particularly by Chapter 414, Code of Iowa. Otherwise, all decisions of the Board shall be final immediately upon filing.

ARTICLE XX

Special Exceptions

Article 20: Special Exceptions

Section 20.1.	Requirements
Section 20.2.	Jurisdiction
Section 20.3.	Application for Special Exception Permit
Section 20.4.	Procedures
Section 20.5.	Standards
Section 20.6.	Revocation
Section 20.7.	Supplemental Standards
Section 20.8.	Planned Unit Development – As a Special Exception

Section 20.1. REQUIREMENTS.

Special exception uses may be permitted, enlarged, or altered upon application for a special exception use permit in accordance with the rules and procedures of the Board of Adjustment. The board shall grant or deny a special exception use permit in accordance with the standards set forth herein and with the intent and purpose of this ordinance. In granting a special exception use permit, the Board of Adjustment will authorize the special exception use and may prescribe and impose appropriate conditions, safeguards, or a specified time limit for performance of the special exception use.

Section 20.2. JURISDICTION.

The Zoning Administrator shall be responsible for administration of the special exception procedure and the Board of Adjustment shall be responsible for the review, evaluation, and action on all applications for special exception use permits.

Section 20.3. APPLICATION FOR SPECIAL EXCEPTION PERMIT.

A request for a special exception use permit for a special exception use or modification of a special exception use may be initiated by a property owner or the owner's authorized agent by filing an application with the Zoning Administrator. The application shall be accompanied by a site plan and other materials providing an understanding of the proposed use or modification prescribed by the board and shall include a statement indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested. The application will be valid for one (1) year preceding the issuance of the permit. After one (1) year the permit will no longer be valid and the permit must be renewed or a new permit must be reapplied for. Application for a special exception use permit shall be filed with the Zoning Administrator. The application shall include the following:

- a. Name and address of the owner and applicant.
- b. Address and legal description of the property.
- c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
- d. The property address and the name and mailing address of the owner of each lot within two hundred feet (200') of the subject property and a map with parcels keyed to the ownership and address data certified by an licensed abstractor, land surveyor or attorney.

- e. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application.
- f. A site plan, prepared in accordance with Article XIII.
- g. The application shall also be accompanied by a fee as determined by resolution of the City Council.

Section 20.4. PROCEDURES.

The Board of Adjustment shall not grant a special exception unless and until the following procedures have been fulfilled:

1. The Board of Adjustment shall provide a copy of the application for special exception for review and comment to the Planning and Zoning Commission.
2. The Planning and Zoning Commission shall provide the Board of Adjustment with their recommendations within fifteen (15) days after receipt of the application.
3. After receipt of the Planning and Zoning Commission's recommendations, the Board of Adjustment shall schedule and conduct at least one public hearing on the proposed special exception request. Notice shall be given of the public hearing as required by state statute by publication in a newspaper of general circulation in the city no less than seven (7) or no more than twenty (20) days prior to the public hearing. Furthermore, a courtesy notice shall be given to a complete list of persons provided by the applicant who are all of the owners of property within two hundred feet (200') of the property in question.
4. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance and punishable under Article XIII of this ordinance. In all cases in which special exceptions are granted, the board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
5. The concurring vote of three (3) members of the whole Board of Adjustment grants a special exception use permit, even in the event of absentee members or conflicts of interest.
6. No order of the Board of Adjustment granting a special exception use permit shall be valid for a period longer than one (1) year from the date of such order, unless the board specifically grants a longer period of time or a building permit is obtained within the one (1) year period and construction is commenced.
7. No application for a special exception that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the board.

Section 20.5. STANDARDS.

The Board of Adjustment shall grant no special exception permit unless such board shall find:

1. The establishment, maintenance, or operation of the special exception use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
2. The special exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
3. In the case of existing relocated single family dwellings and accessory buildings, the proposed use aesthetically blends in with the neighboring existing permitted uses and special attention is given to the architectural style, size and quality of construction of the proposed use.
4. The establishment of the special exception use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage, parking, and/or necessary facilities have been or will be provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
8. The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
9. The use shall not include vibration which is discernable without instruments on any adjoining lot or property.
10. The use shall not involve malodorous gas or matter which is discernable on adjoining property.
11. The use shall not involve any pollution of the air by fly-ash, dust vapors, or other substance which is harmful to health, animals, vegetation or other property or which causes soiling, discomfort or irritation.
12. The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
13. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.
14. That such proposed use shall be analyzed in relation to the city's comprehensive plan and the future goals of the community.
15. The ground coverage shall be such that no additional dust or storm run-off is generated by the special exception use.

16. The use shall not interfere with the use or enjoyment of neighboring permitted uses. If such interference is found provisions must be made for increased setbacks from property lines or screening of incompatible use by the use of fences or hedges.
17. The use shall not create a hazard to vehicular traffic. If any such hazard is determined, provisions must be made to increase the required setback in regard to open air storage.
18. The use shall not cause any permanent, irreparable environmental damage to the parcel or neighboring lands.
19. The special exception use permit may be reviewed after a specified period of time for compliance and for possible additional conditions.
20. Residential special exceptions in commercial districts may be required to provide setbacks required in the R-2 district for the safety and comfort of residents and for the provision of open space and off-street parking.

In addition to the general standards outlined above, specified uses shall adhere to these standards and operate only after the issuance of a special exception use permit. The special exception shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located, except as such regulations may be modified by the Board of Adjustment.

Section 20.6. REVOCATION.

The issuance of a special exception use permit by the board shall entitle the owner to continue to operate the use so long as the owner remains in compliance with the terms and conditions of this ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the special exception use permit. If such permit is granted, it does expressly grant to the city the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of the special exception use permit. In the event the owner or occupant of the property shall violate any term, condition, limitation, regulation or safeguards contained in the special exception permit, the permit shall become null and void and the owner or occupant shall be deemed to be in violation of this ordinance and the city may proceed to enforce the provisions of this ordinance and the terms, conditions, limitations, and safeguards of the special exception permit.

Section 20.7. SUPPLEMENTAL STANDARDS.

In addition to the general standards outlined in Section 20.5 above, specified uses shall adhere to certain supplemental and additional standards as follows:

1. **Salvage Yards:** All salvage yards, including any area where waste, junk, discarded or wrecked and salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including dismantling or wrecking of automobiles or machinery or other vehicles, shall be located in the (GI) general industrial district under special exception use permit. The application for a special use permit shall be accompanied with a proposed intent or covenant to meet the minimum requirements described herein:

- a. Any salvage yard shall be at least five hundred feet (500') from any residential building, with the exception of the residence of the salvage yard owner or operator.

- b. Salvage or junk yards shall be screened by a solid wall or uniformly painted solid fence not less than eight (8) feet in height, or in lieu thereof, a landscape buffer strip fifty feet (50') wide with evergreen trees and/or large shrubs to provide an immediate solid landscape screen at least ten feet (10') high;
- c. Off-street parking or service areas in connection with the yards may be located outside of the screened-in area.

2. ***Open-Air Sales Display and Storage:*** All open-air display and storage, including new and used auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, or equipment sales and storage shall require a special exception use permit and shall be accompanied with drawings and other documents describing the intent, layout, and construction or installation in accordance with the following minimum requirements:

- a. All lighting and lighted facilities shall be designed and arranged so that they do not focus or glare directly on adjacent properties, or public streets, thereby creating a traffic hazard.
- b. No lighted flashing signs, or revolving beacon lights shall be permitted.
- c. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.
- d. The open-air storage or display area intended for inventory storage, salvage or repair services shall be limited to the side or rear yard areas and be opaquely screened with a wall or fence at least seven feet (7') in height. Those uses intended to exclusively display products or equipment for sale or lease are exempt from screening such products or equipment, unless the following provisions in subpart e. apply.
- e. The side and rear lot lines, when abutting properties used for residential purposes, will be screened with a wall or fence at least fifty percent (50%) solid and at least seven feet (7') in height. Such fence or wall shall not be required to extend beyond the front setback line.

Section 20.8. PLANNED UNIT DEVELOPMENT – AS A SPECIAL EXCEPTION.

Planned Unit Developments (PUD's) are intended to accommodate a wide variety of use types in accordance with the city's comprehensive plan. The purpose of the PUD is to encourage flexibility in the design and development of land in order to promote its most appropriate use. PUDs are intended to encourage innovative, well-designed projects that facilitate the adequate and economical provisions of streets, utilities and public spaces; to preserve the natural and scenic qualities of open areas; and achieve a high level of low impact development, environmental sensitivity, energy efficiency, safety, and aesthetics. Each PUD will be applied for and reviewed as a special exception within the zoning district in which it is located. The PUD application shall contain a general statement by the applicant describing how the proposed development departs from the city's zoning regulations and how the proposed development is an improvement over the requirements under the city's zoning regulations. The procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety and welfare and convenience both in the use and occupancy of buildings and facilities in planned groups.

1. To be eligible for PUD consideration, the proposed development must:
 - a. be in accordance with the city's comprehensive plan and with this ordinance;
 - b. be an effective and unified means of treating possible development providing for preservation of scenic features and amenities of the site and the surrounding area;
 - c. so designed in its space allocation, orientation, landscaping, circulation system, materials and other features as to produce an environment of stable and desirable character, complementing the design and values of the neighborhood.
 - d. encourage a more creative and efficient development of land and its improvements;
 - e. allow for a mixture of uses in an integrated and well-planned area;
 - f. ensure concentration of open space into more usable areas and preservation of the natural resources of the site including wetlands, woodlands, steep slopes, and scenic areas;
 - g. facilitate economic provisions of streets and public utilities;
 - h. encourage low impact developments.

The overall land use makeup of PUDs shall be consistent with the underlying land use designation and the following standards:

2. *Residential PUDs:* PUDs to be established on land zoned one of the residential districts on the city's zoning map shall be considered a residential PUD. The following standards shall apply:
 - a. Residential and Public/Civic Uses: The Board of Adjustment may approve any residential and public/civic uses within residential PUDs. Permitted dwelling units shall include detached, clustered, semi-detached, attached, or multi-storied structures or combinations thereof. Customary accessory uses are also permitted.
 - b. Commercial Uses: In addition to residential and public/civic uses, the Board of Adjustment may approve commercial uses within residential PUDs; provided that:
 - i. A sufficient population within the PUD supports such uses;
 - ii. Such uses are designed and located in such a manner as to protect the character of the affected project and surrounding land uses and natural assets; and
 - iii. Such uses do not occupy in total more than 25 percent of the total land area in the PUD.
3. *Commercial PUDs:* PUDs to be established on land zoned one of the commercial or industrial districts on the city's zoning map shall be considered a commercial PUD. The following standards shall apply:
 - a. Residential and Public/Civic Uses: The Board of Adjustment may approve any residential and public/civic uses within commercial PUDs; provided that the overall density of residential uses shall not exceed 16 units per acre.
 - b. Commercial Uses: The Board of Adjustment may approve any commercial uses within commercial PUDs.
 - c. Industrial Uses: The Board of Adjustment may approve any industrial uses within commercial PUDs.
4. *Mixed Use PUDs:* PUDs to be established on land designated as either residential or nonresidential (commercial or industrial) on the city's zoning map shall be considered a

mixed-use PUD. Those portions of a mixed use PUD that have an underlying residential zoning designation shall be regulated in accordance with the residential PUD standards. Those portions of a mixed use PUD that have an underlying commercial or industrial zoning designation shall be regulated in accordance with the commercial PUD standards.

5. *General Regulations.* In order for PUD's to be considered for a special exception use permit, certain regulations needs to be satisfied to preserve the integrity of the planned development and minimize any potential impact to adjacent properties.
 - a. Conformance with the Comprehensive Plan: At a minimum, the Board of Adjustment shall find that the planned unit development does not conflict with the comprehensive plan.
 - b. Minimum Site Area: A planned unit development shall include no less than five (5) acres of contiguous land. Property shall be deemed to be contiguous so long as all parts are under unified control of the applicant, and all parts abut or are separated by only a road, easement or right of way. A minimum of two (2) or more principal structures must be proposed.
 - c. Preservation of Natural Features: Mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. Abrupt changes in natural slope shall be avoided. Preservation shall be directed toward;
 - i. Protecting the natural environment;
 - ii. Providing buffering between new developments and surrounding properties;
 - iii. Handling of storm water flows in natural channels;
 - iv. Maintaining existing vegetation along stream corridors as water quality filters; and
 - v. Developing and sustaining low impact developments.
 - d. Unity of Control. In order that the purpose of these regulations may be realized, the land and buildings and apartment facilities shall be in single ownership, or under management of supervision of a central authority, or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions herein.
 - e. Common Open Space: A minimum of twenty-five (25) percent of every residential or mixed use PUD shall be developed as public open space. A minimum of fifteen (15) percent of the gross area of every commercial PUD shall be devoted to common open space. Parking areas and vehicle access facilities are not considered open space. The following areas qualify as common open space; including:
 - i. Recreation areas
 - ii. Recreational building
 - iii. Pedestrian open space system (permanently maintained walks and trails)
 - iv. Environmental features (natural habitats or environmentally sensitive areas)
 - f. Preservation and Maintenance of Open Space. In a PUD, adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication to the public:
 - i. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the city as part of the conditions for project approval an open space easement over such open areas restricting the area against any

- future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational benefit of the development. Buildings or uses for noncommercial, recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan or subsequently, with the expressed approval of the Zoning Board of Adjustment following approval of building, site and operational plans by the Planning Commission. All easements subject to acceptance by the City Council.
- ii. The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement with the city and shall be included in the title to each property.
 - iii. Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the city and made a part of the conditions of the plan approval.
- g. Screening: Additional buffering beyond minimum requirements of this ordinance, both around the perimeter and interior of the planned unit development, shall be provided where appropriate to mitigate against adverse impacts of noise, glare, sound, or other influences on the proposed development or on adjacent land.
 - h. Lighting: All lighting from proposed developments shall be arranged to prevent direct glare or hazardous interference to adjoining streets or lands.
 - i. Streets: Principal vehicular access to PUDs shall be from primary arterial or collector streets. Access points shall be designed to provide smooth flow, controlled turning movements, and minimum hazard to vehicular or pedestrian traffic.
 - j. Other Conditions: The Zoning Administrator and the Board of Adjustment shall have the authority to impose such other conditions as are necessary to accomplish the purposes of this zoning ordinance and the comprehensive plan.
6. *Application Procedures.* PUD's shall be subject to the approval of a special exception use permit approved by the Board of Adjustment based upon review and recommendation by the Planning Commission.
- a. Development Plan Documentation.
The following information shall be submitted for application of the special exception use permit.
 - i. A statement describing the general character of the intended development and the manner in which it has been designed to take advantage of the PUD regulations.
 - ii. An accurate site plan of the proposed project area including its relationship to surrounding properties and existing topography and key features.
 - iii. General outline of intended organizational structure related to property owners association, deed restrictions and private provision of common services.
 - iv. Intended organizational structure related to ownership, covenants, and provision of services
 - v. A list of property owners and addresses within two hundred (200) feet of property

- vi. An indication of the expected development schedule including time schedules
- vii. A description of how city services will be provided (sewer, water, streets, other utilities)
- viii. Any additional information requested by the Board of Adjustment that may be required for clarification of the proposed project in review of the special exception application

b. Preliminary Plat.

The applicant shall also submit a preliminary plat and all the necessary documentation as required under the subdivision regulations of all or that portion of the project to be platted. For purposes of administrative simplification, the public hearings required for the special exception use permit and preliminary plat may be held concurrently.

c. Development Plan Procedures.

The applicant shall file a completed application for a special exception use with the Zoning Administrator. The Zoning Administrator shall transmit the application to the Board of Adjustment and notify all property owners within the affected zone and within two hundred feet (200') of the property; however, failure of any property owner to receive such notification shall not invalidate the proceedings. The Zoning Administrator shall set a date for a public hearing and shall have notices of such hearing published in the legal newspaper at least once, not less than seven (7) days and not more than twenty (20) days prior to said hearing. The Board of Adjustment shall hold the public hearing and make a determination on one of three actions - approval, denial, or conditional approval. Once the development plan and final plat are approved, the city may issue the zoning compliance permit and designate the area on the official zoning map.

d. Review and Amendments.

The Board of Adjustment may make modifications, revisions or amendments to the PUD special exception permit including the location, placement, and heights of buildings or structures if necessitated by circumstances not foreseen at the time of approval. The Board of Adjustment may also revoke the special exception permit for a PUD if substantial development has not occurred within one (1) year after the original approval of the permit.

ARTICLE XXI

Changes and Amendments

Article 21: Changes and Amendments

Section 21.1.	Procedures
Section 21.2.	Initiation
Section 21.3.	Application for Change in Zoning District Boundaries
Section 21.4.	Protest Provision
Section 21.5.	New Application

Section 21.1. PROCEDURES.

This ordinance and the zoning district map created by said ordinance may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by or shall have been first submitted to the Planning Commission for review and recommendation. The commission shall have forty-five (45) days in which to submit its report to the City Council. Prior to making recommendation to the City Council, the Planning Commission shall hold at least one public hearing on the text amendment or rezoning request. If the commission fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment.

Not more than thirty (30) days following receipt of the recommendation of the Planning Commission, the City Council shall hold at least one (1) public hearing before any adoption of any proposed text amendment or rezoning request. A notice of such public hearing shall be published at least seven (7) days prior to the date established for such hearing. Additionally, a notification shall be sent the owners of all property within two hundred feet (200') of the property for which the change is requested. In no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice. Such notice shall include the time and place for the public hearing.

Within thirty (30) days following the closing of a public hearing, the City Council shall make a finding as to whether the change is consistent with the objectives of this ordinance. If the City Council finds that the change is consistent, it shall introduce an ordinance amending the text of the zoning regulations or amending the zoning map, whichever is appropriate. If the council finds that the change is not consistent, it shall deny the application. The council shall not modify the Planning Commission's recommendation on a rezoning or change until it has considered a report of the Planning Commission on the modification. Failure of the commission to report within 30 days after receipt of the City Council request shall be concurrence.

Section 21.2. INITIATION.

Requests for rezoning of property or text amendments may be initiated by one of three ways.

1. The Planning & Zoning Commission may initiate a zoning text amendment or rezoning request.
2. The City Council may initiate a zoning text amendment or rezoning request.
3. The owner or the authorized agent of the owner of property may initiate a rezoning request by filing an application for a change in district boundaries (rezoning) as prescribed in this Article. If the property for which rezoning is proposed is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

Section 21.3. APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES.

Applications for rezoning requests shall be filed with the Zoning Administrator on a form provided by the city, and shall include the following data and maps:

1. Each application shall be filed and accompanied by a fee as determined by resolution of the City Council and contain the following information.
 - a. The name and address of the owner and applicant.
 - b. A legal description and local address of the property.
 - c. If the applicant is not the legal owner of the property, statement that the applicant is the authorized agent of the owner.
 - d. The present zoning classification and the zoning classification requested for the property.
 - e. The existing use and proposed use of the property.
 - f. The names and addresses of the owners of all property within two hundred feet (200') of the property for which the change is requested.
 - g. A statement of the reasons why the applicant feels the present zoning classification is no longer appropriate.
 - h. A plat showing existing and proposed locations, dimensions and use of the applicant's property and all property within two-hundred feet (200') thereof, including streets, alleys, railroads, and other physical features.
2. Failure to approve the requested zoning change shall not be deemed cause to refund any fees to the applicant.
3. Upon receipt of the application by the Zoning Administrator a copy shall be forwarded immediately to the Planning Commission for study and recommendation. The commission shall, prior to making a recommendation, determine the following:
 - a. Whether or not the current zoning classification of the property to be rezoned is valid.
 - b. Whether there is a need for additional land zoned for the purpose requested.
 - c. Whether the proposed change is consistent with the current land use plan.
 - d. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.
 - e. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.
 - f. The Planning Commission may require additional information or maps if they are to determine whether the change is consistent with the objectives of this ordinance.

Section 21.4. PROTEST PROVISION.

In case the Planning Commission does not approve the change, or in a case of a protest filed with the City Council against a change in district boundaries signed by the owners of twenty (20) percent or more of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within two hundred feet (200') of the boundaries thereof, such amendment shall not be passed except by the favorable vote at least of three-fourths (3/4) of all members of the City Council, even in the instance of absentee members or during conflicts of interest.

(Code of Iowa, Sec. 414.5)

Section 21.5. NEW APPLICATION.

Whenever a petition requesting an amendment, supplement or change of this ordinance has been denied by the City Council such petition cannot be renewed for one year thereafter unless it is signed by the owners of at least fifty percent (50%) of the property owners who previously objected to the change; this provision, however, shall not prevent the city from acting on its own initiative in any case or at any time provided in this section.

ARTICLE XXII

Effective Date

Section 22.1. EFFECTIVE DATE.

This ordinance shall be in full effect from and after its adoption and publication as required by law and as provided for in Chapter 380.6 and 380.7 of the Code of Iowa.

(Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3)

ARTICLE XXIII

Adoption

ORDINANCE NO. _____

ZONING ORDINANCE OF THE CITY OF LARCHWOOD, IOWA

NOW THEREFORE, BE IT ORDAINED BY THE
CITY COUNCIL OF THE CITY OF LARCHWOOD

Passed and approved this _____ day of _____, 2011.

Mayor, City of Larchwood

Larchwood City Clerk

I hereby certify that the foregoing was published as Ordinance No. _____ in the City of Larchwood, Iowa on the _____ day of _____, 2011.

EDITOR'S NOTE

The following ordinances have been adopted amending the official zoning map and have not been included as a part of this zoning ordinance, but have been specifically saved from repeal and are in full force and effect.

[illegible]