

CITY OF MARENGO

ZONING ORDINANCE

Adopted: March 8, 1999

Prepared by:

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**THE CITY OF MARENGO
ZONING ORDINANCE**

1.01 ADOPTION AND REPEAL

This is an Ordinance amending the Marengo Zoning Ordinance by repealing said Ordinance and all subsequent amendments thereto, and enacting this Ordinance in lieu thereof to establish comprehensive zoning regulations for the City of Marengo, Iowa, and providing for the administrative enforcement, and amendment thereof; and to repeal all Ordinances or resolutions in conflict therewith. This Ordinance is adopted by authority of, and for the purpose set forth in the Code of Iowa.

1.02 SHORT TITLE

This Ordinance shall be known, cited, and referred to as the Marengo Zoning Ordinance of 1999.

1.03 INTENT AND PURPOSE

The Marengo Zoning Ordinance, as set forth in the text and map which constitute this Ordinance, is adopted with the purpose of improving and protecting the public health, safety, comfort, convenience, and general welfare of the people and in accordance with the Code of Iowa Chapter 414.3 (1997). The fulfillment of this purpose is to be accomplished by seeking:

- A. To lessen congestion on the public streets.
- B. To avoid undue concentration of population.
- C. To prevent the overcrowding of land, thereby ensuring proper living and working conditions and preventing the development of blight and slums.
- D. To establish adequate standards for the provision of light, air, and open spaces.
- E. To facilitate the provision of adequate transportation, and of other public requirements and services such as water, sewerage, schools, and parks.
- F. To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.
- G. To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses.
- H. To avoid the inappropriate development of lands and provide for adequate drainage, curbing of erosion, and reduction of flood damage.
- I. To fix reasonable standards to which buildings and structures shall conform.
- J. To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions or limitations imposed herein.
- K. To foster a more rational pattern of relationship between residential, business, commercial, and manufacturing uses for the mutual benefit of all.

- L. To isolate or control the location of unavoidable nuisance-producing uses.
- M. To prescribe penalties for any violation of the provisions of this Ordinance or of any amendment thereto.
- N. To define the powers and duties of the administrative and enforcement officers.

1.04 COMPATIBILITY WITH THE CITY'S COMPREHENSIVE LAND USE PLAN

The standards and requirements contained in this Ordinance and the district mapping reflected on the Zoning District Map have all been made in accordance with the officially adopted Comprehensive Land Use Plan of Marengo, Iowa.

1.05 RULES

In the interpretation of this Ordinance, the rules of this Section shall be observed and applied as follows, except when the context clearly indicates otherwise.

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. The word "shall" is mandatory; the word "may" is permissive.
- C. The word "person" includes individuals, firms, corporations, associations, and any other similar entities.
- D. The word "City" means the City of Marengo; the word "County" means Iowa County, Iowa; the word "State" means the State of Iowa.
- E. The words "City Council" mean the City Council of the City of Marengo, Iowa.
- F. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

1.06 DEFINITIONS

In the interpretation of this Ordinance, the definitions of this Section shall be observed and applied as follows, except when the context clearly indicates otherwise.

- A. Accessory Building, Structure, or Use--A use or structure subordinate to the principal use of a building or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal building or use of land.
- B. Agriculture--The use of land for the purpose of raising and harvesting crops; or for the raising, breeding, or management of livestock, poultry, fish, or honeybees; or for dairying, truck gardening, forestry, nurseries, or orchards; for the noncommercial on-farm storage or processing of agricultural products; or for any similar agricultural, horticultural, silvacultural, or aquacultural use. No farms shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants or for the slaughtering of animals, except such animals as have been raised on the premises or have been maintained on the premises for the use and consumption of persons residing on the premises. No land use may be classified as Agriculture unless the said parcel is of at least five (5) acres in size.

- C. Airport--Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or right-of ways, including all necessary taxiways, aircraft storage and tie-down areas, hangers and other buildings and open spaces.
- D. Alley--Any dedicated public way, twenty (20) feet or less in width, affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.
- E. Alterations, Structural--Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
- F. Apartment--A room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are a multiple of these units.
- G. Automobile Repair--The general repair, engine rebuilding, collision service or reconditioning of motor vehicles.
- H. Automobile Service Station--An establishment for the retail sale of fuel, lubricants, tires or other similar products and supplies for vehicles, including minor accessory parts. It may also include minor parts installation, towing, servicing, vehicle washing facilities, and minor repairs of vehicles and trailer rental when secondary to the above activities. Major repairs and sale of vehicles expressly excluded.
- I. Balcony--An unroofed platform, unenclosed except by a railing, which projects from the outer wall of any building above ground level with or without support other than the building.
- J. Basement--That portion of a building which is partly below grade but having more than one-half its height below the average grade of the adjoining ground. For the purpose of this Ordinance a basement shall not be considered a story unless designed or used for habitable space or business purposes
- K. Bed and Breakfast--Any single family or multi-family dwelling unit used for the purpose of overnight or temporary lodging for one (1) or more persons wherein meals may also be provided.
- L. Billboard--All structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters or signs, whether the structure is placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertises a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or located.
- M. Board--Board of Adjustment as described in Chapter 414.7 of the Code of Iowa.
- N. Boarder--An individual other than a member of the family occupying a dwelling unit who, for a consideration, is furnished sleeping accommodations, meals, and may be provided personal care, financial services, counseling or other such services.
- O. Boarding House--A building other than a hotel or motel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons.

- P. Broadcast Tower--A structure for the transmittal or broadcast of radio, television, radar, or microwaves which exceeds the maximum height permitted in the district in which it is located; provided, however that noncommercial radio towers not exceeding fifty (50) feet in height shall not be considered broadcast towers.
- Q. Building--Any structure designed or built for the support, shelter, enclosure or protection of persons, animals, chattels, or movable property of any kind, and includes any structure.
- R. Building, Height of--The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height level between eaves and ridge for gable, hip and gambrel roofs.
- S. Building Line--A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front set-back line.
- T. Building, Main or Principal--A building in which is conducted the principal use of the lot on which it is situated.
- U. Business Establishment--A place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.
- V. Car Wash--Any building or portion thereof, containing facilities for the primary purpose of washing vehicles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand-washing of such vehicles, whether by attendant or customer.
- W. Cellar--That portion of a building partially or wholly, underground, having half or more than half its clear height below the grade plane. A cellar shall be non-habitable and shall not be counted as a story.
- X. Church--A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.
- Y. Clinic, Medical or Dental--An organization of specializing physicians and/or dentists, who have their offices in a common building. A clinic shall not include inpatient care.
- Z. Child Day Care Facility--A "Child Day Care Facility" is a facility in which six or more children are received for part or all of a day for care and/or instruction. The facility shall be approved and licensed by the State of Iowa. The term "Child Day Care Facility", includes but is not limited to the following: nursery schools, child care centers, day nurseries, kindergartens, preschools and play groups, but does not include bona fide kindergartens or nursery schools operated by public or private elementary or secondary school systems.
- A2. Deck--A covered or uncovered platform area projecting from the wall of a building, accessible at or from above grade, and attached to the ground.
- B2. Drive Up--Any establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

- C2. Dwelling--Any building or portion thereof which is designed for and used exclusively for residential purposes. Said building shall have an outside dimension of no less than twenty two (22) feet for the main body, and 660 square feet of floor area above grade, excluding any attached garage, if any.
- D2. Dwelling, Single-Family--A building designed with accommodations for exclusive occupancy by one (1) family.
- E2. Dwelling, Two-Family--A building designed with accommodations for occupancy exclusively by two (2) families living independently of each other.
- F2. Dwelling, Multiple--A building designed with accommodations in order to be occupied exclusively by more than two (2) families living independently of each other.
- G2. Efficiency Unit-- A dwelling unit consisting of one principle room exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room, providing such dining alcove does not exceed 125 square feet in area.
- H2. Family--One (1) person or two (2) or more persons related by direct lineal descent, marriage, adoption or placement by a governmental or social service agency, occupying a dwelling unit as a single housekeeping organization. A family may also be two (2), but not more than two (2) persons not related by blood, marriage or adoption.
- I2. Family Group Care Home--A residential facility having fifteen (15) beds or less providing 24-hour room, board, personal assistance, and a program of services designed to meet the special needs of mentally or physically disabled persons who cannot live alone. The home must be duly approved and licensed as required by applicable state and local regulations.
- J2. Farm--An area of not less than five (5) acres which is used for the growing of the usual farm products such as vegetables, fruits and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals.
- K2. Floodplain--Refer to Marengo Floodplain Ordinance.
- L2. 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.
- M2. Garage, Private--A building that is subordinate or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the buildings to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle of not more than two (2) ton capacity.
- N2. Garage, Public--A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.
- O2. Garage, Storage--A building or portion thereof designed or used for term storage of personal belongings by pre-arrangement, and at which motor fuels and oils are not sold, and motor driven vehicles are not equipped, repaired, hired or sold.
- P2. Garden House--An accessory structure of not more than 140 square feet in area and having a height of eight (8) feet or less constructed primarily for storage.

- Q2. Gas Station--Any building or premises used for the retail sale of petroleum products for the use of motor vehicles, and including such products as kerosene, fuel oil, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items associated with the sale of such products; and the rendering of minor repairs and servicing of motor vehicles.
- R2. Grade--The average level of the finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the street shall be grade. The purpose is to regulate the number of stories and height of a structure.
- S2. Home Occupation--Any occupation or activity carried on within a dwelling unit or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof and meets the following shall be permitted.
1. Is operated in its entirety within the residence or permitted accessory building and only by the person or persons maintaining a dwelling therein and not more than one (1) person who is not a resident on the premises shall be employed;
 2. There shall be no alteration of the principal residential building which changes the character and appearance thereof as a dwelling;
 3. Does not display or create outside the building any external evidence of the operation of a home occupation;
 4. Does not utilize more than 25 percent of the gross floor area of the dwelling unit, not to exceed 400 square feet in area;
 5. There shall not be more than one (1) commercial vehicle used in connection with the home occupation parked on the premises.
 6. Does not utilize mechanical or electrical equipment other than the type normally found in a dwelling unit and there shall be no outdoor storage of materials or equipment used in the home occupation;
 7. Does not involve the sale of commodities or stock of goods upon the premises in excess of 30 cubic feet in volume.
 8. No home occupation will be permitted which is obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter or glare, heat or other emissions.
 9. No sign, other than one (1) unlighted sign not over one (1) square foot in area attached flat against the dwelling and displaying only the occupant's name and occupation, shall advertise the presence or conduct of the home occupation.
- T2. Hotel--A commercial building licensed by the State and occupied and used principally as a place of lodging for guests. Hotels may or may not provide meals.
- U2. Institution--An establishment occupied or operated by a private or public non-profit corporation, association, organization, or group for use or benefit of the general public.

- V2. Junk/Salvage Yard--Any lot or portion thereof where waste, discarded, or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, or handled, including the dismantling or "wrecking" of automobiles or other machinery, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.
- W2. Kenel--An establishment where small animals are bred, raised, trained, groomed or boarded for compensation, sale or other commercial purposes.
- X2. Loading Space--An off-street space within the main building or on the same lot providing for the standing, loading, or unloading of commercial vehicles, having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.
- Y2. Lot--A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings officially approved and having its principal frontage upon a dedicated street. The boundaries of the lot shall be determined by its lot lines.
- Z2. Lot, Corner--A lot abutting upon two (2) or more streets at their intersections.
- A3. Lot, Depth of--The average horizontal distance between the front and rear lot lines.
- B3. Lot, Double Frontage--A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
- C3. Lot, Interior--A lot other than a corner lot.
- D3. Lot Lines--The lines bounding a lot as defined herein:
1. Front Lot Line: In the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating said lot from that street which is designated as the front street in the plat and in the application for a zoning compliance permit.
 2. Rear Lot Line: That lot line opposite and most distant front lot line. In the case of a lot pointed at the rear or triangular shaped, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long farthest from the lot line and wholly within the lot.
 3. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- E3. Lot of Record--A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder.
- F3. Lot Width--The width of a lot measured at the building line and at right angles to its depth where the minimum building line or setback intersects the side lot lines.
- G3. Lot, Reversed Corner--A corner lot, the rear of which abuts the side of another lot.

- H3. Main Building--A building in which is conducted the principal use of the lot upon which it is situated.
- I3. Main Use--The principal use to which the premises are devoted and the principal purpose for which the premises exists.
- J3. Manufactured Home--A factory-built structure, built under authority of 42 U.S.C. Sec. 5403, is required by federal law to display a seal from the United States Department of housing and urban development, and was constructed on or after June 15, 1976. If a manufactured home is placed in a manufactured home park, the home must be titled and is subject to the manufactured home square foot tax. If a manufactured home is placed outside of a manufactured home park, the home is to be assessed and taxed as real estate. A manufactured home shall not be constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home constructed to the Federal Manufactured Home Construction and Safety Standards is not a manufactured home unless it has been converted to real property and is taxed as a site built dwelling as is provided in Code of Iowa (1997), section 435.26. For the purpose of any of these regulations, manufactured homes shall be considered the same as a single-family detached dwelling.
- K3. Manufactured Home Park--Any site, lot, field, or tract of land under common ownership upon which two or more occupied mobile homes, manufactured homes, modular homes, or a combination of the homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of such mobile home park.
- The term "manufactured home park" shall not be construed to include mobile homes, buildings, tents, or other structures temporarily maintained by an individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.
- A "manufactured home park" must be classified as to whether it is a residential manufactured home park or a recreational manufactured home park or both. The manufactured home park residential landlord tenant act only applies to residential manufactured home parks.
- L3. Modular Home--A factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, and must display the seal issued by the state building code commissioner. If a modular home is placed in a mobile home park, the home is subject to the annual tax as required by Section 435.22, Code of Iowa (1997). If a modular home is placed outside a manufactured home park, the home shall be considered real property and is to be assessed and taxed as real estate.
- M3. Motel--A building or group of buildings in which lodging is provided and offered primarily to transient occupancy and in which each unit has convenient access to a parking space for the use of the unit's occupants.
- N3. Multiple Dwelling Unit--A building arranged, designed, and intended for use as a residence by two or more families living independently of each other.
- O3. Nonconforming Building--A building or portion thereof that does not conform to the provisions of this Ordinance relative to height, bulk, area or yard size requirements for the district in which it is located.

- P3. Nonconforming Use--A use which lawfully occupied a building or land but does not conform to the use regulations of the district in which it is located.
- Q3. Nursery--Land, buildings, structures, or combination thereof for the display, storage, cultivation, processing or transporting of trees, shrubs, plants or other horticultural products offered for sale or installation and including products used for gardening and landscaping.
- R3. Nursing Home--An institution which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients who, on admission, are not as a rule, acutely ill and who do not usually require special facilities, such as an operating room, x-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments, for which continuing medical and skilled nursing care is indicated; who, however, are not sick enough to require general hospital care. A major factor which distinguishes a nursing home is that the residents will require the individualization of medical care. For the purpose of this Ordinance, a "nursing home" shall also be considered a "convalescent home." Such institution as is in compliance with the provisions of Sections 135C.1 (13), nursing facility, and (17), residential care facility, Code of Iowa (1997).
- S3. Open Space--The land area of a site not covered by buildings, right-of-ways, parking structures, or accessory buildings, except recreational structures, and which is available to all occupants of units for whose use the space is intended. "Open Space" does not include school sites and commercial areas.
- T3. Patio—A covered or uncovered surfaced outdoor living area at grade, abutting and accessible from a dwelling.
- U3. Parking Space—An asphalt, concrete or similar permanent dust-free surface intended for off-street vehicular parking.
- V3. Plan--The adopted Comprehensive Land Use Plan of the City of Marengo.
- W3. Porch—A covered entrance to a building consisting of a platform area, with open or enclosed sides, projecting from the wall of a building.
- X3. Principal Use--The main use of land or structures as distinguished from secondary or accessory use. For example, a house is a principal use in a residential area; a garage or pool is an accessory use.
- Y3. Private--In reference to a building, structure, utility, facility, or use, "private" means owned by someone other than a unit of government, or an agency of government, unless the context clearly indicates that "private" is being used in a broader sense of something not open or available to the general populace.
- Z3. Public--In reference to a building, structure, utility, facility, or use, "public" means owned and/or operated by a unit of government or an agency thereof, unless the context clearly indicates that "public" is being used in the broader sense of something available to the general populace.
- A4. Public Utility (service use)--A system owned or operated by a licensed public utility company or by a railroad company. Such systems do not include those owned and operated by the City of Marengo or other governmental agency.

- B4. Restaurant--A business where the principal business is the dispensing and the consumption of edible foodstuff and/or beverage at indoor tables, including a cafe, cafeteria, coffee shop, delicatessen, lunch room, bar, cocktail lounge or tavern. The total seating area located within the enclosed portion of the premises is more than fifty (50%) percent of the total floor area.
- C4. Setback--The distance required to obtain the front, side or rear yard open space provisions of this Ordinance.
- D4. Sign--Any structure or part thereof or device attached thereto or painted, or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement. Signs include billboards.
- E4. Special exception--The use allowed in a zoning district after approval has been granted by the Zoning Board of Adjustment according to the provisions set forth in Section 1.11 of this Ordinance.
- F4. Story--That portion of a building included between the upper surface of any floor and the upper surface of the next floor above. The topmost story shall be that habitable portion of a building included between the upper surface of the topmost floor and the ceiling above.
- G4. Story, Half--A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three (3) feet above the floor of such story, except that any partial story used for residence purposes, other than for janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.
- H4. Street--An approved public or private thoroughfare which provides the principal means of vehicular access to abutting property and/or for vehicular passage.
- I4. Street, cul-de-sac--A local street terminating in a turnaround.
- J4. Structural Alterations--Any change in the configuration of the exterior walls, foundation or roof of a building which results in an increase in the area, height or volume of the building.
- K4. Structure--Anything constructed or installed on the ground or which is attached to something located on the ground. "Structures" include buildings, radio and TV towers, sheds and permanent signs. "Structures" exclude vehicles, sidewalks and paving.
- L4. Tavern--An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as an accessory to the primary use.
- M4. Travel Trailer or Motor Home--A vehicle with or without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicle to be used as a place of human habitation by one or more persons. If such vehicle shall be customarily or ordinarily used as a place of human habitation for more than 90 days in any 18 month period, it shall be classed as a mobile home, regardless of the size and weight limitation provided herein.
- N4. Trailer Camp or Tourist Camp Ground--An area providing spaces for two or more travel trailers, camping trailers, or tent sites for temporary occupancy, with necessary incidental services, sanitation, and recreation facilities to serve the traveling public.

- O4. Use--The use of property is the purpose or activity for which the land or building thereon is designed, intended, or for which is occupied or maintained.
- P4. Variance--The term "Variance" shall mean a modification of the literal provisions of the Zoning Ordinance which would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) undue hardship, (b) unique circumstances and (c) applying to property. The authority to grant variances is vested in the Board of Adjustment pursuant to Chapter 414 of the Code of Iowa.
- Q4. Yard--An open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot lines and the main building line shall be used.
- R4. Yard, Front--A yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where owner shall elect to front his building on a street parallel to the lot line having the greater dimension.
- S4. Yard, Rear--A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building line or any projections thereof other than the projections of uncovered steps. On all lots the rear yard shall be in the rear of the front yard.
- T4. Yard, Side--A yard between the main building line and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building line or any projections of uncovered steps.
- U4. Zone--A portion of the City delineated on the zoning map which sets forth requirements and development standards for the use of land and buildings in, above or below the zone.

1.07 ADMINISTRATION AND ENFORCEMENT

The administration and enforcement of this ordinance is hereby vested in four (4) offices of the City of Marengo, as shown below and described herein:

Zoning Administrator
Board of Adjustment
Planning and Zoning Commission
City Council and Mayor

1.08 ZONING ADMINISTRATOR

- A. **DUTIES:** A zoning administrator designated by the City Council shall administer and enforce this Ordinance. He or she may be provided with the assistance of such other persons as the City Council may direct. In addition, the zoning administrator's office shall be responsible for:
1. Issuance of all zoning permits and certificates and maintenance of records thereof;
 2. Maintenance of permanent records of this ordinance, including, but not limited to, all maps, amendments, special exceptions, variances, appeals and applications thereof;
 3. Forwarding to the Planning and Zoning Commission all amendments to this ordinance that are initially filed with the office of the Zoning Administrator.
 4. Forwarding to the Board of Adjustment all applications for special exceptions, variances, appeals or other matters which the Board of Adjustment is required to pass under this ordinance.
 5. Initiating, directing, and reviewing, from time to time, a study of the provisions of this ordinance, and to make reports of its recommendations to the planning and zoning commission not less than once a year.
- B. **ENFORCEMENT:** If the zoning administrator shall find that any of provisions of this ordinance are being violated, he or she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or may take any other action authorized by this Code to insure compliance with or to prevent violation of its provisions.

1.09 BOARD OF ADJUSTMENT

- A. **CREATION OF MEMBERSHIP:** The Board shall consist of seven (7) members appointed by the City Council. Two (2) members shall reside outside of the Marengo City limits but within the two (2) mile limit. They shall be appointed by the Iowa County Board of Supervisors. The terms of office shall be set by resolution of the City.
- B. **PROCEEDINGS:** The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this code. Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson, or in his or her absence the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The presence of four (4) members shall be necessary to constitute a quorum.

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 examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Zoning administrator and shall be a public record.

- C. **FINALITY OF DECISIONS:** All decisions and findings of the Board on any appeal or upon any application for a variance or special exception, after a public hearing, shall in all instances, be the final administrative decision and shall be subject to judicial review as by law may be provided. The concurring vote of three members of the Board shall be necessary to reverse an 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 under this Ordinance, or to effect any variation in the application of this Ordinance.
- D. **APPEALS FROM THE BOARD OF ADJUSTMENT:** Any person or persons, or any board, taxpayer, department, board or bureau of the city aggrieved by any decision of the Board of Adjustment may seek review by a court of record within 30 days of such decision, in the manner provided by the laws of the State and particularly by Chapter 414, Code of Iowa and Section 1.10 of this Ordinance.
- E. **POWERS AND DUTIES:** The Board of Adjustment shall have the following powers and duties:
 - 1. To hear and decide appeals from any order, requirement, decision, or determination made by the zoning administrator under this ordinance;
 - 2. To hear and pass upon the applications for special exceptions and variances from the terms provided in this Ordinance in the manner prescribed by the standards established herein; and,
 - 3. To hear and decide all matters referred to it upon which it is required to pass under this Ordinance.

1.10 APPEALS TO THE BOARD OF ADJUSTMENT

- A. Appeals to the Board of Adjustment may be made concerning interpretation or administration of this Ordinance. Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the governing body of the city affected by any decision of the Zoning Administrator.
- B. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days by filing with the Zoning Administrator and with the Secretary of the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all paper constituting the record upon which the action appealed from was taken.
- C. The Board of Adjustment shall fix a reasonable time not exceeding 30 days from the date of appeal for the hearing, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time, not exceeding 15 days from the date of the hearing. At the hearing any party may appear in person or by agent or attorney.
- D. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice

of appeal is filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life and property.

In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

1.11 SPECIAL EXCEPTIONS: CONDITIONS GOVERNING APPLICATIONS; PROCEDURES

- A.** The Board of Adjustment shall hear and decide only such special exceptions as the Board is specifically authorized to pass on by the terms of this Ordinance; and to decide such questions as are involved in determining whether special exception should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this code, or to deny special exceptions when not in harmony with the purpose and intent of this code.

A special exception shall not be granted by the Board of Adjustment unless and until:

1. A written application for a special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
2. Notice shall be given at least fifteen (15) days in advance of the public hearing by publication in a newspaper of general circulation in the City of Marengo and shall be mailed to all property owners within a distance of two hundred feet (200') of the affected property.

- B. PUBLIC HEARING:** A notice of public hearing shall be given in accordance with the State of Iowa Open Meetings Law (Chapter 21 of the Code of Iowa). The public hearing shall be held and any party may appear in person, or by agent or by attorney.
- C. FINDINGS:** The Board of Adjustment shall make a finding that it is empowered under the section of this code described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.
- D. CONDITIONS TO BE PRESCRIBED:** 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 Section 1.18 of this Code. The Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.
- E. FEES:** Any person, firm, corporation, or agent, who shall file an application for a special exception under the terms of this Ordinance, shall be charged a fee in accordance with a schedule of fees established by resolution by the City of Marengo.

1.12 VARIANCES: CONDITIONS GOVERNING APPLICATION; PROCEDURES

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

- A.** A written application for a variance is submitted demonstrating:
1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 2. That literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other lands, structures, or buildings in the same district. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance; and,
 4. That the special conditions and circumstances do not result from the actions of the applicant.
- B. PUBLIC HEARING:** A notice of public hearing shall be given in accordance with the State of Iowa Open Meetings Law (Chapter 21 of the Code of Iowa). The public hearing shall be held and any party may appear in person, or by agent or by attorney.
- C. FINDINGS:** The Board of Adjustment 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.
- The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this code, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- D. CONDITIONS TO BE PRESCRIBED:** In granting any variance, the Board of Adjustment 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 code and punishable under Section 1.18 of this code.
- E. FEES:** Any person, firm, corporation, or agent, who shall file an application for a variance under the terms of this Ordinance, shall be charged a fee in accordance with a schedule of fees established by resolution by the City of Marengo.

1.13 PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission as established under the provisions of the Code of Iowa, shall discharge the following duties under this ordinance:

- A. Receive and review all applications for approval of non-listed uses and report findings and recommendations to the City Council;
 - 1. The planning and zoning commission may allow land-uses (permitted or special exception) which, though not contained by name in a zoning district list of permitted or special exceptions, are deemed to be similar in nature and clearly compatible with the listed uses.
 - 2. All non-listed uses which are approved by the City Council shall be added to the appropriate use list by ordinance at the time of periodic updating and revision.
- B. Receive and review all applications for changes or amendments to this Ordinance or zoning map and report findings and recommendations to the City Council;
- C. Receive from the Zoning Administrator recommendations as related to the effectiveness of this ordinance and report conclusions to the City Council;
- D. Hear and decide matters upon which it is required to pass under this ordinance.

1.14 CITY COUNCIL

The City Council of Marengo, Iowa as established under the provisions of the Code of Iowa, shall discharge the following duties under this ordinance:

- A. Receive recommendation from Planning and Zoning for amendments to this ordinance (text or map), and determine the final disposition of any such matter;
- B. Decide upon all matters which it is required to pass under this ordinance.

1.15 CHANGES AND AMENDMENTS

- A. **PROCEDURE:** The regulations imposed and the districts created by this Ordinance may be amended from time to time by the City Council, but no such amendments shall be made without public hearing before the City Council and after a report upon the amendment from the Planning and Zoning Commission.

If the Planning and Zoning Commission makes no report within thirty (30) days from the date of passage of the Council's motion referring the matter to the Planning and Zoning Commission, the City Council may proceed with a public hearing without such report or recommendation. At least seven (7) days' notice of the time and place of such hearing shall be published in a newspaper having general circulation in the City of Marengo.

In the event the Planning and Zoning Commission recommends disapproval of the change or, in the event of a protest against such change filed with the City Council and signed by the owners of twenty (20) percent or more either of the area of the lots included in the proposed change or of those immediately adjacent in the rear thereof extending the depth of one lot or not to exceed two hundred (200) feet therefrom, or of those directly opposite thereto, extending the depth on one

lot or not to exceed two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not be passed except by the favorable vote of at least three-fourths of all the members of the City Council.

B. FORM OF APPLICATION: Amendments to this Ordinance may be proposed by any governmental body, or by any person or organization. An application for an amendment or rezoning shall be filed with the Zoning Administrator and contain the items listed below. The Planning and Zoning Commission may waive the need for certain items in the application if deemed appropriate.

1. The legal description and local address of the property.
2. The present zoning classification and the zoning classification requested for the property and the existing use and proposed use of the property.
3. The names and addresses of the owners of all property within two hundred (200) feet of the property for which the change is requested.
4. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
5. A Plat or Site Plan showing the locations, dimensions, and use of the applicant's property and all property within two hundred (200) feet thereof, including streets, alleys, railroads, and other physical features.
6. A Site Plan containing the following information:
 - (a) North arrow, scale and date of preparation of the plan..
 - (b) Location of existing rights-of-way, easements and infrastructure (streets, sewers, water lines, etc.).
 - (c) Size and location of existing and proposed structures and drives on the subject property, and existing structures and drives on surrounding properties.
 - (d) Location of floodplain, final grades and elevations of proposed buildings.
 - (e) Location of proposed drives, parking areas and landscaping.
 - (f) Platted setback lines.
 - (g) Name and address of landowner.
 - (h) Name and address of architect, landscape architect, engineer, surveyor, or other person involved in the preparation of the plan.

- C. **MINIMUM SIZE OF AREAS:** No amendment to this ordinance shall be adopted whereby the zoning classification of an area is changed unless the area meets the following requirements as to minimum size:

<u>New District Classification</u>	<u>Minimum Area Required</u>
A-1, R-1, R-2	No restrictions.
RMH	Three (3) acres. The area shall abut either an R-2, C-1 or C-2 district.
C-1, C-2	If the area abuts an existing C-1, C-2, I-1 or I-2 district on one side, one (1) acre; otherwise three (3).
I-1, I-2	Five (5) acres.

- D. **DENIAL OF AMENDMENT:** No application for a zoning amendment which has been denied by the City Council shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of change of condition found to be valid by the Planning and Zoning Commission and the City Council.
- E. **CONDITIONS TO BE PRESCRIBED:** In granting any rezoning, the Planning and Zoning Commission 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 code and punishable under Section 1.18 of this code.
- F. **FEES:** Before any action is taken upon an application as provided in this Article, the applicant shall pay to the Zoning administrator a fee in such amount as may be established by resolution of the City Council. The Zoning administrator shall forthwith pay over such fees to the credit of the General Fund of the City of Marengo, Iowa. The failure to approve an application for rezoning shall not be construed as any reason for refunding the fee to the applicant.

1.16 ADDITIONAL FEES: The Zoning administrator is directed to issue permits, under the Zoning Ordinance, for the construction, reconstruction or alteration of residential, commercial or industrial buildings, and to charge fees therefore in such amounts as may be established from time to time by resolution of the City Council. Such fees as are required shall be credited to the General Fund of the City of Marengo, Iowa.

1.17 INTERPRETATION OF PROVISIONS: In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing higher standards, shall govern.

1.18 VIOLATIONS AND PENALTIES

- A. Any person, firm, or corporation who shall violate or fail to comply with the provisions of this code shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than thirty (30) days and may be required to pay all costs and expenses involved in the prosecution of the violation. Alternatively, any person, firm, or corporation who shall violate or fail to comply with the provisions of this Ordinance shall be

guilty of a municipal infraction pursuant to Section 364.22 Code of Iowa (1997). Each day such violation continues shall constitute a separate offense.

- B. The owners, or tenant of any building, structure, land or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation or fails to comply with any provision of this Code may each be charged with a misdemeanor or municipal infraction and upon conviction suffer the penalties provided herein in the event a misdemeanor is charged and the penalties contained in Section 364.22, Code of Iowa (1997) if a municipal infraction is charged. Each day such violation continues shall constitute a separate offense.
- C. If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure or land is used in violation of this Ordinance, the City of Marengo may, in addition to other remedies, institute an injunction, mandamus, or other appropriate lawful action necessary to prevent, correct, or abate such violation.

1.19 ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

- A. Marengo is hereby divided into districts which shall be designated as follows and described in Sections 1.24 through 1.32 of this Ordinance:

- A-1 -- Agricultural
- R-1 -- One and Two Family Dwelling Residential
- R-2 -- Multiple Family Dwelling Residential
- RMH -- Manufactured Home Park Residential
- C-1 -- Central Business District
- C-2 -- Highway Commercial
- I-1 -- Light Industrial
- I-2 -- Heavy Industrial
- P-1 -- Public Use

- B. The locations and boundaries of these districts are shown on the official zoning map which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
- C. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following statement:

“This is to certify that this is the official Zoning Map referred to in Ordinance No. _____ of the City of Marengo, Iowa, passed on this ____ day, _____, 1999.”
- D. The Official Zoning Map, or a true copy of the same, shall be on file in the office of the City Clerk and shall be final authority as to the correct zoning status of the land, water areas, buildings, and other structures in the City.

1.20 CHANGES IN OFFICIAL ZONING MAP

- A. If in accordance with the provisions of Section 1.15 of this Ordinance and Chapter 414.4 Code of Iowa, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows:

"By official action of the City Council, the following changes were made on the Official Zoning Map." (Indicating the changes by ordinance numbers and date of publication.)

No amendment of this Ordinance which involves a matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

- B.** In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by Ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. ____ of the City of Marengo, Iowa."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

- C.** Any unauthorized change, of any kind whatsoever, in the Official Zoning Map by any person or persons, shall constitute a violation of this Ordinance and be punishable as provided in Section 1.18.

1.21 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A.** Boundaries indicated as approximately following the center line of streets, highways, or alleys shall be construed to follow such center lines;
- B.** Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C.** Boundaries indicated as following corporate limits shall be construed as following corporate limits;
- D.** Boundaries indicated as following railroad lines shall be construed to be midway between the main right-of-way;
- E.** 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 constructed to move with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- F.** Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (E) shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by dimensions shown on the map, or in the absence of dimensions, by the scale of the map; and

- G. In the case of further uncertainty, and/or 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 (A) through (F) above, the Board of Adjustment shall interpret the district boundaries.

1.22 APPLICABILITY OF REGULATIONS

- A. **SCOPE OF REGULATIONS:** This Ordinance shall apply to all structures, land, and uses within the corporate limits of Marengo, Iowa. No building or structure; no use of any building, structure or land; and no lot of record or zoning lot, now or hereafter existing, shall hereafter be established, altered, moved, divided, or maintained in any manner except in accord with the provisions of this Ordinance.
- B. **DIVISION OF ZONING LOTS:** No improved zoning lot shall hereafter be divided into two or more zoning lots and no portion of any improved zoning lot shall be sold, unless all zoning lots resulting from each division or sale shall conform with applicable regulations of the zoning district in which the property is located.
- C. **ANNEXED TERRITORY:** All territory which may be annexed to the City of Marengo after adoption of this Ordinance shall be classified A-1 Agricultural until such classification shall have been changed by amendment in accordance with the provisions of this Ordinance. This section shall not apply to property located in the unincorporated area of Iowa County which is currently zoned by provisions of this Ordinance.
- D. **VACATED STREETS:** Whenever any street, alley, or other public way is vacated by official action of the Council the district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulation of the extended districts.

1.23 DISTRICT REGULATIONS

- A. **PERMITTED USES:** No building or tract of land shall be devoted to any other use other than a use permitted hereinafter in the zoning district in which such building or tract of land shall be located, with the following exceptions:
 - 1. Uses lawfully established on the effective date of this ordinance.
 - 2. Special exceptions, allowed in accordance with the provisions of this ordinance, Section 1.11. Special exceptions are subject to the issuance of special exception permits in accordance with the provisions of Section 1.11.
- B. **NONCONFORMING USES:** Uses already established on the effective date of this ordinance and rendered nonconforming by the provisions thereof, shall be subject to the following regulations:
 - 1. If within the districts established by this Section or amendments that may later be adopted there exist lots, structures, and use of land and structures which were lawful before this code was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this code or future amendments, it is the intent of this code to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this code to be incompatible with permitted uses in the districts involved.

2. It is further the intent of the code that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures, signs or uses prohibited elsewhere in the same district.
3. To avoid undue hardship, nothing in this Section shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this code and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that the demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

C. NONCONFORMING USES OF LAND: Where, at the effective date of adoption or amendment of this code, lawful use of land exists that is made no longer permissible under the terms of this code as enacted and amended, such use may be continued, 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 use of land than was occupied at the effective date of adoption or amendment of this code.
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 code.
3. If any such nonconforming use of land ceases for any reason for a period of more than one hundred eighty days (180), any subsequent use of such land shall conform to the regulations specified by this Code for the district in which such land is located.

D. NONCONFORMING STRUCTURES: Where a lawful structure exists at the effective date of adoption or amendment of this code that could not be built under the terms of this code 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 so 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.
2. Any nonconforming structure which has been destroyed or damaged by fire, flood, explosion, or act of God to the extent of less than 60 percent of the structure's assessed value may be restored to the same degree of nonconformity or less.
3. Should such structure be destroyed by any means to an extent of 60 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this code. The determination of the replacement cost must be determined by a licensed property appraiser.

E. NONCONFORMING USES OF STRUCTURES: If a lawful use of a structure or of structure and premises in combination exists at the effective date of adoption or amendment of this code

that would not be allowed in the district under the terms of this code, 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 code 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. A nonconforming use may be converted only to a conforming use. Once a use is converted to a conforming use, it shall not be converted back to a nonconforming use.
3. Any structure or structure and land in combination in or on which a nonconforming use is superseded by a conforming use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed;
4. When a nonconforming use of a structure, land, or structure and land in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure thereafter shall not be used except in conformance with regulations of the district in which it is located;
5. Where nonconforming use status applied to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

F. REPAIRS OR MAINTENANCE OF NONCONFORMING STRUCTURES: Nothing in this code shall be deemed to prevent the strengthening of or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

G. SPECIAL EXCEPTION PERMITTED: Any use for which a special exception is permitted as provided in this code shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

H. YARD REQUIREMENTS: All required yards shall meet the following requirements and shall be consistent with public safety and health.

1. Where an industrial or commercial district adjoins a residential district, transitional yards shall be provided in accordance with the regulations indicated in the respective zoning district. Transitional yards shall be unobstructed, except as permitted in Section 1.23 H (2) in this Ordinance.
2. Permitted obstructions and detached accessory structures shall not, in the aggregate, occupy more than 50 percent of any required yard.

I. ACCESSORY BUILDING REQUIREMENTS: Detached accessory buildings or structures shall be limited to twenty (20) feet in height. Accessory buildings may be erected as part of the principal building, or may be connected thereto by a breeze-way or similar structure, provided all yard requirements for a principal building are complied with. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.

No detached accessory building shall be placed in front of the principal building on the zoning lot. An accessory building or structure shall be erected only in the rear yard and it shall occupy less

than thirty percent (30 %) of the required rear yard except for private garage. Private garages must meet minimum principal structure front and side yard requirements.

Accessory uses, buildings or other structures customarily incidental to and commonly associated with a permitted use or special exception shall be permitted, provided they are operated and maintained under the same ownership, do not include structures or structural features inconsistent with the uses to which they are accessory and are located on the same lot.

J. FLOODPLAIN REGULATIONS: Refer to the comprehensive flood hazard and damage prevention regulations contained in the Marengo Floodplain Ordinance in the City Code.

K. SEWAGE DISPOSAL AND WATER SUPPLY REGULATIONS: In all districts where a proposed building, structure or use will involve the use of sewage facilities, and public sewer and/or water is not available, the sewage disposal system and domestic water supply shall comply with all requirements and standards of the Iowa County Department of Health.

1. In any district in which residences are permitted and where neither public water supply nor public sanitary sewer is available, the lot area and frontage requirements shall be as follows, or the minimum required for the particular district, whichever is greater:

(a) *Lot area:* 20,000 square feet
Lot width at building line: 100 feet

2. In any district in which residences are permitted and only a public water supply system is available (no public sanitary sewer), the lot area and frontage requirements shall be as follows, or the minimum required for the particular district, whichever is greater:

(a) *Lot area:* 15,000 square feet
Lot width at building line: 100 feet

1.24 A-1 -- AGRICULTURAL

A-1 Agricultural District zoning is intended to provide areas of managed growth in which agricultural and other non-urban uses of land may continue until such time as the City is able to provide services and urban development can occur. Upon provision of City services, the City or the property owner may initiate rezoning to uses consistent with adjacent land uses.

A. PERMITTED PRINCIPAL USES AND STRUCTURES

1. Agriculture, agricultural activities and grazing of livestock.
2. Churches, temples and similar places of worship; also cemeteries and mausoleums.
3. Greenhouses and plant nurseries.
4. Kennels for raising, breeding and boarding of all dogs or other small animals.
5. Parks, forests and wildlife preserves.
6. Private riding stables.
7. Public and parochial schools (elementary and secondary).
8. Single-family dwellings.

B. PERMITTED ACCESSORY USES AND STRUCTURES: Accessory uses and buildings incidental to and on the same lot as the principal use, as follows:

1. Private garage or carport.
2. Farm buildings incidental to agricultural uses.
3. Home occupations as permitted in Section 1.06 S2.
4. Temporary buildings for use incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
5. Roadside stands for the sale of products grown on the premises.

C. SPECIAL USES: The following special exceptions are permitted in the A-1 District subject to Section 1.11 of this Ordinance.

1. Public Utilities and service uses; community buildings.
2. Hospitals; philanthropic; educational and charitable institutions.
3. Airports and heliports which meet or exceed the most current FAA Standards and Regulations.
4. Mining and extraction of raw materials, including sand and gravel pits.

D. MINIMUM LOT AREAS AND WIDTH

	<u>minimum lot area</u>	<u>minimum lot width</u>
Single-family dwelling (non-farm)	20,000 sq. ft.	100 feet
Churches, temples and similar places of worship; also cemeteries and mausoleums	1 acre	150 feet
Nurseries and greenhouses	1 acre	200 feet
Public and parochial schools (elementary and secondary)	1 acre	200 feet
Parks, forests and wildlife preserves	1 acre	250 feet
Private riding stables; kennels	1 acre	250 feet
Agriculture, agricultural activities and grazing of livestock	5 acres	250 feet
Special exceptions:	As specified by the Board of Adjustment	

E. MINIMUM YARD REQUIREMENTS

	<u>Front Yard</u>	<u>Total Side Yard</u>	<u>Minimum One Side</u>	<u>Rear Yard</u>
Single-family dwelling (1 and 1 1/2 stories)	50 feet	30 feet	10 feet	50 feet
Single-family dwelling (2 and 2 1/2 stories)	50 feet	35 feet	15 feet	50 feet
Agriculture, agricultural activities and grazing of livestock	No requirements			
Nurseries and Greenhouses	All Structures to be set back not less than 50 feet from lot lines			
Parks, forests and wildlife preserves	All Structures to be set back not less than 50 feet from lot lines			
Private riding stables	All Structures to be set back not less than 50 feet from lot lines			
Public and parochial schools (elementary and secondary)	All Structures to be set back not less than 50 feet from lot lines			
Kennels	All Structures to be set back not less than 200 feet from lot lines			
Special exceptions:	As specified by the Board of Adjustment			

F. MAXIMUM HEIGHT AND BULK LIMITATIONS: No principal use structure shall exceed 35 feet in height or 3 stories; no accessory use structure shall exceed 20 feet in height.

G. **MINIMUM OFF-STREET PARKING LOADING SPACE:** Off-street parking and loading facilities shall be provided as required in Section 1.34.

H. **SIGN REGULATIONS:** The following are allowable uses in the A-1 District:

1. Church bulletin boards.
2. One board or sign not to exceed fifty (50) square feet in area referring to the construction, lease, hire, or sale of a building, premises or lots; which sign shall refer to property on which the sign is located, and shall be removed as soon as the premises are sold or leased or construction is completed.
3. Signs, not exceeding 10 square feet in area, identifying the premises or indicating the product grown or material or equipment used on the premises.

1.25 R-1 -- ONE AND TWO FAMILY DWELLING RESIDENTIAL

To establish and preserve residential neighborhoods as desired by large numbers of people, free from other uses except those which are both compatible with and convenient to the residents of such a district.

A. PERMITTED PRINCIPAL USES AND STRUCTURES

1. One and two family dwellings.
2. Agriculture uses, provided no offensive odors or dust is created and provided further, that no retail sales or the raising and keeping of livestock or poultry shall be permitted on the premises.
3. Churches, temples and similar places of worship; also cemeteries and mausoleums.
4. Public and parochial schools (elementary and secondary).
5. Recreational and social facilities, as follows:
 - (a) Golf courses
 - (b) Public parks, recreation areas and playgrounds.
 - (d) Swimming pools, noncommercial.
 - (e) Country Clubs; tennis clubs and courts, noncommercial.

B. PERMITTED ACCESSORY USES AND STRUCTURES: Accessory uses and buildings incidental to and on the same lot as the principal use, as follows:

1. Private garage or carport.
2. Farm buildings incidental to agricultural uses.
3. Home occupations as permitted in Section 1.06 S2.
4. Temporary buildings for use incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
5. Day nurseries and nursery schools.
6. Temporary real estate tract offices - for the purposes of conducting the sale of lots of the tract upon which such tract office is located, which use shall terminate upon completion of the project.

C. SPECIAL USES: The following special exceptions are permitted in the R-1 District, subject to provisions of Section 1.11 of this Ordinance.

1. Public Utilities and service uses; community buildings.
2. Hospitals; philanthropic; educational and charitable institutions.

D. MINIMUM LOT AREAS AND WIDTH

	<u>minimum lot area</u>	<u>minimum lot width</u>
One-family dwelling	8,000 sq. ft.	70 feet
Two-family dwelling	10,000 sq. ft.	80 feet
Churches, temples and similar places of worship; also cemeteries and mausoleums	10,000 sq. ft.	100 feet
Public and parochial schools (elementary and secondary)	1 acre	200 feet
Recreational and social buildings	1 acre	200 feet
Agriculture uses	5 acres	250 feet
Special exceptions:	As specified by the Board of Adjustment	

E. MINIMUM YARD REQUIREMENTS

	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Minimum One Side</u>	<u>Rear Yard</u>
One and two family dwelling (1 and 1 1/2 stories)	25 feet	15 feet	5 feet	35 feet
One and two family dwelling (2 and 2 1/2 stories)	25 feet	20 feet	10 feet	35 feet
Agriculture uses	No requirements			
Churches; schools; recreational and social buildings	All Structures to be set back not less than 35 feet from lot lines			
Special exceptions:	As specified by the Board of Adjustment			

F. MAXIMUM HEIGHT AND BULK LIMITATIONS: No principal use building or structure shall exceed 3 stories or 35 feet; no accessory use structure shall exceed 20 feet.

G. MINIMUM OFF-STREET PARKING AND LOADING SPACE: Off-street parking and loading facilities shall be provided as required in Section 1.34 of this Ordinance.

H. SIGN REGULATIONS: The following are allowable uses in the R-1 District:

1. Church bulletin boards.
2. One board or sign not to exceed fifty (50) square feet in area referring to the construction, lease, hire, or sale of a building, premises or lots; which sign shall refer to property on which the sign is located, and shall be removed as soon as the premises are sold or leased or construction is completed.

1.26 R-2 -- MULTIPLE FAMILY DWELLING RESIDENTIAL

The R-2 Multiple Family Dwelling Residential District is intended to establish and preserve areas containing single-family, two-family, and multiple-family dwellings. It is intended to provide a wide range of housing types while maintaining a residential character designed to exclude those uses which are not compatible with residential use.

A. PERMITTED PRINCIPAL USES AND STRUCTURES

1. Any use permitted in R-1.
2. Multiple-family dwellings, including row dwellings and condominium dwellings.
3. Boarding or rooming houses.
4. Religious, educational, or philanthropic institutions.
5. Hospitals, nursing, convalescent and retirement homes.
8. Private clubs, lodges, or veterans organizations, excepting those holding a beer permit or liquor license.

B. PERMITTED ACCESSORY USES AND STRUCTURES

1. All accessory uses and structures permitted and described under R-1.

C. SPECIAL USES: The following special exceptions are permitted in the R-2 District, subject to provisions of Section 1.11 of this Ordinance.

1. Public Utilities and service uses.
2. Community building.

D. MINIMUM LOT AREAS AND WIDTH

	<u>minimum lot area</u>	<u>minimum lot width</u>
One-family dwellings	6,500 sq. ft.	50 feet
Two-family dwellings	7,500 sq. ft.	60 feet
Multiple-family dwellings	10,000 sq. ft.	80 feet
Row housing	2,500 sq. ft. (per dwelling unit)	20 feet
Boarding and rooming houses	10,000 sq. ft.	100 feet
Churches, temples and similar places of worship; also cemeteries and mausoleums	10,000 sq. ft.	100 feet
Private clubs, lodges, or veterans organizations	10,000 sq. ft.	100 feet

Hospitals, nursing, convalescent and retirement homes	1 acre	200 feet
Public and parochial schools (elementary and secondary)	1 acre	200 feet
Recreational and social buildings	1 acre	200 feet
Agriculture uses	5 acres	250 feet

Special exceptions: As specified by the Board of Adjustment

E. MINIMUM YARD REQUIREMENTS

	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Minimum One Side</u>	<u>Rear Yard</u>
All dwellings (1 and 1 1/2 stories)	25 feet	15 feet	5 feet	40 feet
All dwellings (2 and 2 1/2 stories)	25 feet	17 feet	8 feet	40 feet
All dwellings (3 stories or up to 45 feet)	25 feet	25 feet	10 feet	40 feet
Agriculture	No requirements			
Churches; schools; recreational and social buildings	All Structures to be set back not less than 35 feet from lot lines			
Hospitals, nursing, convalescent and retirement homes	All Structures to be set back not less than 35 feet from lot lines			
Boarding and rooming houses	All Structures to be set back not less than 35 feet from lot lines			
Private clubs, lodges, or veterans organizations	All Structures to be set back not less than 35 feet from lot lines			
Special exceptions:	As specified by the Board of Adjustment			

F. MAXIMUM HEIGHT AND BULK LIMITATIONS: No principal use building or structure shall exceed 45 feet in height and no accessory use structure shall exceed 20 feet.

G. MINIMUM OFF-STREET PARKING AND LOADING SPACE: Off-street parking and loading facilities shall be provided as required in Section 1.34 of this Ordinance.

H. SIGN REGULATIONS: The following are allowable uses in the R-2 District:

1. Church bulletin boards.
2. One board or sign not to exceed fifty (50) square feet in area referring to the construction, lease, hire, or sale of a building, premises or lots; which sign shall refer to property on which the sign is located, and shall be removed as soon as the premises are sold or leased or construction is completed.

1.27 RMH -- RESIDENTIAL MANUFACTURED HOME

The RMH Residential Manufactured Home District is intended to accommodate manufactured home parks in those areas of the community where such a use will be compatible with existing and projected development. This district will generally be located in outlying areas of the city and should be well served by adequate sewers, water service, streets, police and fire protection, and similar public facilities and services.

A. PERMITTED PRINCIPAL USES AND STRUCTURES

1. Any use permitted in R-1.
2. Manufactured home parks, in accordance with this Ordinance and applicable State statutes.

B. PERMITTED ACCESSORY USES AND STRUCTURES

1. Any use incidental to the primary use of the manufactured home park such as a direct service facility building, park management building, maintenance building, community building, storm shelter, or uses of a similar nature.
2. Accessory uses permitted in the R-1 District.

C. SPECIAL REQUIREMENTS

1. For any permitted use excepting a manufactured home park, the minimum requirement shall be set out for the R-1 District.
2. All manufactured homes must be placed within a manufactured home park. In addition, the following requirements must be met:
 - (a) The minimum total manufactured home park area shall be three (3) acres;
 - (b) Each yard abutting on a public street shall be considered a front yard and shall be a minimum of fifty (50) feet;
 - (c) All other yards, whether side or rear, shall be a minimum of fifty (50) feet when adjacent to and other "R" District and thirty (30) feet when adjacent to an "A", "C", or "I" District;
 - (d) The minimum lot space for each manufactured home shall be 4,000 square feet and shall measure at least fifty (50) by eighty (80) feet;
 - (e) Manufactured homes shall be located on each space so that there will be at least a twenty (20) foot clearance between each manufactured home, a five (5) foot open space between the manufactured home including any permanently enclosed appendage, and any driveway or sidewalk; and a ten (10) foot open space at the rear of the manufactured home.

- D. PLAN REQUIRED:** Each petition for a change to the RMH zoning classification submitted to the City Council shall be accompanied by a manufactured home park plan. Said plan shall show each manufactured home space, the water, electrical and sewer lines, the location of fire hydrants,

service buildings, driveways, sidewalks, recreation areas, required yards, parking facilities, lighting and landscaping.

If public water and sanitary sewerage facilities are not available to the manufactured home park site, private water and sewerage facilities shall be provided in accordance with the County Environmental Department and Iowa Department of Natural Resources and subject to approval by the City Council. The plan shall be considered by the Planning and Zoning Commission and the City Council, who may approve or disapprove said plan or require such changes thereto, as are deemed necessary to effectuate the intent and purpose of this Ordinance.

E. MINIMUM OFF-STREET PARKING AND LOADING SPACE: Off-street parking and loading facilities shall be provided as required in Section 1.34 of this Ordinance.

F. SIGN REGULATIONS: The following are allowable uses in the R-3 District:

1. Church bulletin boards.
2. One board or sign not to exceed fifty (50) square feet in area referring to the construction, lease, hire, or sale of a building, premises or lots; which sign shall refer to property on which the sign is located, and shall be removed as soon as the premises are sold or leased or construction is completed.
3. One indirectly lighted sign may be erected facing each public street on which the mobile home park fronts, showing the name of the mobile home park and other information pertinent thereto; provided such sign shall not have an area of more than twenty (20) square feet.

1.28 C-1 -- CENTRAL BUSINESS DISTRICT COMMERCIAL

To establish and preserve a central business district convenient and attractive for a wide range of retail uses and business, government and professional offices and places of amusement in a setting conducive to and safe for a high volume of pedestrian traffic.

A. PERMITTED PRINCIPAL USES AND STRUCTURES

1. Dwelling units above a store or shop on or above the second floor, or are located behind another permitted use and entry to the dwelling unit is from the back of the building.
2. Commercial amusements.
3. Business offices, professional offices, studios.
4. Personal service and repair shops.
5. Financial institutions.
6. Retail business.
7. Restaurants and taverns.
8. Wholesale display and sales rooms and offices.
9. Medical and dental clinics and drugstores.
10. Private clubs and lodges.
11. Business and vocational schools.
12. Public utilities.
13. Printing, publishing and engraving.
14. Bakery and catering service.
15. Temples, Churches, and Public Buildings
16. Laundries and dry cleaning establishments.
17. Theaters.
18. Hotels and motels.
19. Hardware stores.
20. Other commercial uses determined by the Planning and Zoning Commission to be of the same general character as the uses permitted in Section 1.28 A, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter or glare or heat.

- B. PERMITTED ACCESSORY USES AND STRUCTURES:** Accessory uses and buildings incidental to and on the same lot as the principal use.
- C. MINIMUM LOT AREAS AND WIDTH:** In the C-1 district, there shall be provided not less than 3,000 square feet of lot area for each dwelling unit on a lot.
- D. MINIMUM YARD REQUIREMENTS:** In the C-1 district, each structure shall be set back not more than fifteen (15) feet from the front lot line.
- E. TRANSITIONAL YARD REQUIREMENTS**
1. Where a C-1 side lot coincides with a side or rear lot line in an adjacent residence district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Ordinance for a residential use on the adjacent residential lot.
 2. Where a C-1 rear lot line coincides with a side lot line in an adjacent residence district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Ordinance for a residential use on the adjacent residential lot.
 3. Where the extension of a C-1 front or side lot line coincides with a front lot line of an adjacent residence district, a yard equal in depth to the minimum front yard required by this Ordinance on such adjacent residential lot shall be provided along such front or side lot lines.
- F. MAXIMUM HEIGHT AND BULK LIMITATIONS:** Maximum principal use building height may not exceed 50 feet or 4 stories. No accessory use structure shall exceed 20 feet.
- G. MINIMUM OFF-STREET PARKING AND LOADING SPACE:** Off-street parking and loading facilities shall be provided in accordance with Section 1.34 of this Ordinance.
- H. SIGN REGULATIONS:** The following are allowable uses in the C-1 District:
1. Church bulletin boards.
 2. Exterior signs located on the street frontages of principal buildings referring only to a use or uses located within such building, and attached or integral thereto, provided that:
 - (a) Such signs shall not have an aggregate surface area in excess of twenty (20) percent of the total surface area of the building elevation to which they are attached;
 - (b) Signs which project out from the building more than eighteen (18) inches must be at least twelve (12) feet above grade and may only project a maximum of six (6) feet.
 - (c) No sign shall project more than four (4) feet above the roof line or parapet where one exists.

3. One free standing or post sign referring only to a use or uses conducted on the premises may be erected in any yard abutting a public street, provided:
 - (a) That such sign shall not have a surface area in excess of one hundred (100) square feet on any one side and not more than two sides of said sign shall be used for advertising purposes.
 - (b) The bottom of the surface area of such sign shall not be less than twelve (12) feet above ground surface upon which it is erected.

1.29 C-2 -- HIGHWAY COMMERCIAL DISTRICT

To establish and preserve general commercial areas outside of the Central Business District. The uses are intended to accommodate both the local retail consumer and the automobile traveling public.

A. PERMITTED PRINCIPAL USES AND STRUCTURES

1. Any use permitted in the C-1 District.
2. Motels and hotels.
3. Restaurants.
4. Motor vehicle sales, service and repair, service stations, and car washes (note: repair implies mechanical and electrical repairs only).
5. Farm implement displays and sales, service and repair.
6. Mobile home sales and building materials dealers.
7. Bowling alleys, skating rinks, dance halls, theaters, golf driving ranges and miniature golf.
8. Supermarkets and retail business.
9. Financial institutions.
10. Fruit, vegetable and produce stands.
11. Shopping centers or malls.
12. Convenience stores.
13. Other commercial uses determined by the Planning and Zoning Commission to be of the same general character as the uses permitted in Section 1.29 A, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter or glare or heat.

B. PERMITTED ACCESSORY USES: Accessory uses and buildings incidental to and on the same lot as the principal use.

C. SPECIAL USES: The following special exceptions are permitted in the C-2 District, subject to provisions of Section 1.11 of this Ordinance:

1. Public utilities, and service uses.
2. Veterinary clinics, animal hospitals, and kennels.
3. Night clubs and taverns
4. Feed mills and grain elevators.
5. Amusement parks, carnivals, circuses, fairs, road shows.

6. Automobile body repair shops.
7. Radio, Cellular or television broadcasting tower or station.

D. MINIMUM LOT AREAS AND WIDTH: Same as required in C-1 District.

E. MINIMUM YARD REQUIREMENTS: In the C-2 district, each structure shall be set back not less than 25 feet from each lot line. However, each veterinary clinic, animal hospital, and kennel exercising runway must be set back no less than two hundred (200) feet from any residential district boundary.

F. TRANSITIONAL YARD REQUIREMENTS

1. Where a C-2 side lot coincides with a side or rear lot line in an adjacent residence district, a yard shall be provided along such side lot line. Such yard shall be no less than twenty five (25) feet.
2. Where a C-2 rear lot line coincides with a side lot line in an adjacent residence district, a yard shall be provided along such rear lot line. Such yard shall be no less than twenty five (25) feet.
3. Where the extension of a C-2 front or side lot line coincides with a front lot line of an adjacent residence district, a yard shall be provided. Such yard shall be no less than twenty five (25) feet.

G. OPEN SPACE REQUIRED: The total land area devoted to open space and landscaping shall not be less than ten (10) percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings, except ornamental structures included as part of the landscaping theme.

H. MAXIMUM HEIGHT AND BULK LIMITATIONS: No principal use building or structure shall exceed 3 stories or 45 feet. No accessory use structure shall exceed 20 feet.

I. MINIMUM OFF-STREET PARKING AND LOADING SPACE: Off-street parking and loading facilities shall be provided in accordance with Section 1.34 of this Ordinance.

J. SIGN REGULATIONS

1. Church bulletin boards.
2. Exterior signs located on the street frontages of principal buildings referring only to a use or uses located within such building, and attached or integral thereto, provided that:
 - (a) Such signs shall not have an aggregate surface area in excess of twenty (20) percent of the total surface area of the building elevation to which they are attached;
 - (b) Signs which project out from the building more than eighteen (18) inches must be at least twelve (12) feet above grade and may only project a maximum of six (6) feet.

- (c) No sign shall project more than four (4) feet above the roof line or parapet where one exists.
3. One free standing or post sign referring only to a use or uses conducted on the premises may be erected in any yard abutting a public street, provided:
- (a) That such sign shall not have a surface area in excess of two hundred (200) square feet on any one side and not more than two sides of said sign shall be used for advertising purposes.
 - (b) The Zoning Administrator shall prohibit the erection of any sign that interferes with visibility for either vehicular or pedestrian traffic.
4. Billboards and outdoor advertising signs, subject to the following provisions:
- (a) All yard and height requirements for a permitted principal structure shall be complied with; provided however, that when a billboard is erected between two buildings that are within one hundred (100) feet of the structure, no part of said billboard shall be located closer to any street right-of-way line than a line drawn from the nearest front corner of the two buildings.
 - (b) The surface area on any one side shall not exceed three hundred (300) square feet in area. Double faced signs are permitted. If a single faced sign is erected, the back shall be suitably painted or otherwise covered to present a neat and clean appearance.
 - (c) The ground area around the billboard shall be kept clean and all brush and tall grass shall be cleared away.
 - (d) Billboards attached to the building shall not project above the roof line of the building or be located on the roof of a building.
 - (e) Billboards located on the same street facing the same traffic flow shall not be located closer than six hundred (600) feet. Each side of a double faced sign shall be considered as facing traffic flowing in the opposite direction.

1.30 I-1 -- LIGHT INDUSTRIAL

To establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses, and to make provision for certain kinds of commercial uses which are necessary to service the immediate needs of people in these areas.

A. PERMITTED PRINCIPAL USES AND STRUCTURES

1. Any use permitted in the C-2 District, except no new residential uses shall be permitted.
2. Contractor's, architect's and engineer's offices, shops and storage yards.
3. Bottling works.
4. Dairy processing facility.
5. Truck or bus garage and repair shop.
6. Farm implement sales, service, repair and assembly.
7. Grain elevator and feed mill.
8. Building material sales and storage.
9. Railroads.
10. Wholesaling and warehousing but not including the bulk storage of liquid fertilizers or flammable liquids.
11. Freight terminal.
12. Automobile body repair and paint shop.
13. Glass production and sales.
14. Frozen food lockers.
15. Welding and blacksmith shop.
16. Personnel storage lockers and warehouses.
17. High technology wholesaling and manufacturing to include electronics, medical and biogenetics, computers and soft-ware research, and related activities.
18. Public utility and service uses.
19. Light machinery production and manufacturing.
20. General manufacturing and production.
21. Cartage and express facilities.

22. Living quarters for watchmen and their families, located on the premises where they are employed in such capacity.
23. Laboratories for research and testing.
24. Temporary buildings for construction purposes, for a period not to exceed the duration of such construction.
25. Animal pound or kennel.
26. Concrete mixing, concrete products manufacturing, ready-mix plants.
27. Lumber yards.
28. Other manufacturing, processing, storage, or commercial uses determined by the Planning and Zoning Commission to be of the same general character as the uses permitted in Section 1.30 A, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter or glare or heat.

B. PERMITTED ACCESSORY USES AND STRUCTURES: Accessory uses and buildings incidental to and on the same lot as the principal use.

C. SPECIAL USES: The following special exceptions are permitted in the I-1 District, subject to provisions of Section 1.11 of this Ordinance:

1. Radio, Cellular or television broadcasting tower or station.
2. Stock yards and/or sales barns and yards.
3. Airports and heliports.
4. Chemical processing and production.
5. Recreation buildings and community centers.
6. Sewage treatment plants, municipal.
7. Stadiums, auditoriums, and arenas (open or enclosed).
8. Other manufacturing, processing, storage, or commercial uses determined by the Board of Adjustment to be of the same general character as the uses permitted in Section 1.30 A, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter or glare or heat.

D. REQUIRED CONDITIONS: No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive owing to the emission of dust, odor, smoke, cinders, gas, fumes, noise, vibrations, refuse matter or water-carried waste.

E. MINIMUM LOT AREAS AND WIDTH: No minimum requirements.

F. MINIMUM YARD REQUIREMENTS

	Front <u>Yard</u>	Side <u>Yard</u>	Rear <u>Yard</u>
All uses in I-1 district	25 feet	25 feet	25 feet

G. TRANSITIONAL YARD REQUIREMENTS

1. Where a I-1 side or rear lot line coincides with a side or rear lot line in an adjacent Residence or Commercial District, a yard shall be provided along such side or rear lot line not less than 25 feet in depth and shall contain landscaping and planting.
2. Where a lot within the I-1 District fronts on a street which forms the boundary line between the I-1 District and a Residence or Commercial District, then such lot shall provide a front yard of not less than 25 feet in depth.

H. OPEN SPACE REQUIRED: The total land area devoted to open space and landscaping shall not be less than ten (10) percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings, except ornamental structures included as part of the landscaping theme.

I. MAXIMUM HEIGHT AND BULK LIMITATIONS: Maximum principal use building height may not exceed 75 feet. No accessory use structure shall exceed 20 feet.

J. MINIMUM OFF-STREET PARKING AND LOADING SPACE: Off-street parking and loading facilities shall be provided in accordance with Section 1.34 of this Ordinance.

K. SIGN REGULATIONS: Signs permitted in and limited by the C-2 District regulations.

1.31 I-2 -- HEAVY INDUSTRIAL

To establish and preserve areas for necessary industrial and related uses of such a nature that they require isolation from many other kinds of land uses, and to make provision for commercial uses which are necessary to service the immediate needs of people in their areas.

A. PERMITTED PRINCIPAL USES AND STRUCTURES

1. Stone quarries
2. Bulk storage of petroleum products and commercial fertilizers.
3. Asbestos, brick and clay products manufacture.
4. Asphalt plants.
5. Flour, feed and grain milling storage.
6. Structural iron and steel fabrication.
7. Heavy machinery manufacture.
8. Paint and varnish manufacture.
9. All other uses permitted under I-1.
10. Other manufacturing, processing, storage, or commercial uses determined by the Planning and Zoning Commission to be of the same general character as the uses permitted in Section 1.31 A, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter or glare or heat.

B. PERMITTED ACCESSORY USES AND STRUCTURES: Accessory uses and buildings incidental to and on the same lot as the principal use.

C. SPECIAL USES: The following special exceptions are permitted in the I-2 District, subject to provisions of Section 1.11 of this Ordinance:

1. Radio and television broadcasting and microwave towers or stations.
3. Materials recycling.
4. Fertilizer manufacture.
5. Junk yards, including automobile wrecking and/or salvage.
6. Stock yards, slaughter houses, poultry processing and packaging, and/or sale barns and yards.
7. Explosive manufacture or storage.

- 8. Other manufacturing, processing, storage, or commercial uses determined by the Board of Adjustment to be of the same general character as the uses permitted in Section 1.32 A, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter or glare or heat.

D. REQUIRED CONDITIONS: The best practical means know for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, noise, vibration, smoke, gas, or similar nuisance, shall be employed.

E. MINIMUM LOT AREAS AND WIDTH: No minimum requirements.

F. MINIMUM YARD REQUIREMENTS

	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
All uses in I-2 district	50 feet	25 feet	40 feet*

* Except that where a railroad right-of-way lies immediately adjacent to the rear of the lot, the rear yard requirement need not apply.

G. TRANSITIONAL YARD REQUIREMENTS

- 1. Where a I-2 side or rear lot line coincides with a side or rear lot line in an adjacent Residence District, a yard shall be provided along such side or rear lot line not less than 200 feet in depth and shall contain landscaping and planting.
- 2. Where a lot within the I-1 District fronts on a street which forms the boundary line between the I-1 District and a Residence or Commercial District, then such lot shall provide a front yard of not less than 50 feet in depth.

H. OPEN SPACE REQUIRED: The total land area devoted to open space and landscaping shall not be less than ten (10) percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings, except ornamental structures included as part of the landscaping theme.

I. MAXIMUM HEIGHT AND BULK LIMITATIONS: Maximum principal use building height may not exceed 80 feet. No accessory use structure shall exceed 20 feet.

J. MINIMUM OFF-STREET PARKING AND LOADING SPACE: Off-street parking and loading facilities shall be provided in accordance with Section 1.34 of this Ordinance.

K. SIGN REGULATIONS: Signs permitted in and limited by the C-2 District regulations.

1.32 P-1 -- PUBLIC USE

It is intended that the Public Use (P-1) district provide reference on the zoning map to public uses of land. Thus land owned by the United States Federal Government, the State of Iowa, Iowa County, City of Marengo, or the Local School District, as well as any park or playground, may be designated Public Use.

A. PERMITTED PRINCIPAL USES AND STRUCTURES

1. Use of land, buildings or structures of the aforementioned federal and state governments or political subdivisions thereof.
2. Parks and playgrounds.

B. PERMITTED ACCESSORY USES AND STRUCTURES: Accessory uses and buildings incidental to and on the same lot as the principal use.

C. SPECIAL USES: None.

D. MINIMUM LOT AREAS AND WITH: None.

E. MINIMUM YARD REQUIREMENTS: None.

F. MAXIMUM HEIGHT: No principal use structure shall exceed 3 stories or 40 feet in height. No accessory use structure shall exceed 20 feet.

G. MINIMUM OFF-STREET PARKING AND LOADING SPACE: Off-street parking and loading facilities shall be provided in accordance with Section 1.34 of this Ordinance.

H. SIGN REGULATIONS: Signs shall be regulated by the Planning and Zoning Commission.

1.33 FENCE, WALL AND HEDGE REGULATIONS: Fences, walls and hedges shall meet the following requirements:

- A. HEIGHT:** Fences, walls and hedges may be erected, maintained, or grown within a lot line on residentially-zoned property or adjacent thereto to a height not exceeding five (6) feet above the ground level which is located in a required side yard, a height not exceeding four (4) feet above the ground level which is located in a required front yard, and a height not exceeding six (6) feet above the ground level which is located in a required rear yard.

Citizens with a request for fence heights exceeding six (6) feet shall apply to the Board of Adjustment for a permit.

Where such lot line is adjacent to nonresidentially-zoned property, there shall be an seven (7) foot limit on the height of a fence or wall.

- B. CORNER LOT REQUIREMENTS:** On a corner lot in any residential district, no fence, wall, hedge or other planting, signs or structure that will obstruct vision between a height of two and one-half (2 1/2) feet and ten (10) feet above the centerline grades of the intersecting street shall be erected, placed or maintained within the triangular area formed, the right-of-way lines as such corner and a straight line joining said right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines.

- C. SWIMMING POOL REQUIREMENTS:** Fenced enclosures shall be provided for all outdoor swimming pools with a depth of eighteen (18) inches or more and shall be subject to the following requirements: 1. An outdoor swimming pool, the edge of which is less than four feet (4') above grade, shall be completely enclosed by a fence not less than four feet (4') in height. The fence shall be so constructed as not to allow a five-inch (5") diameter sphere to pass through the fence. A principal or an accessory building may be used as a part of such enclosure. 2. All gates or doors opening through an enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except the door of any building which forms a part of the enclosure need not be so equipped.

- D. DOG RUNS:** Dog runs shall be enclosed by a fence of sufficient height and construction to contain the dog at all times.

- E. BARBED WIRE AND ELECTRIC FENCE REQUIREMENTS:** Barbed wire and electric fences shall be subject to the following requirements:

1. Barbed wire fences shall not be allowed in residential or commercial zones areas.
2. Barbed wire and electric fences shall be prohibited within five (5) feet of a public sidewalk or within four (4) feet of a street right-of-way where a public sidewalk does not exist.
3. Except for the enclosure of livestock operations in agricultural districts, electric fences shall not be permitted in any district.

1.34 PARKING AND LOADING SPACE REQUIREMENTS

A. LOADING SPACES REQUIRED: In any district, in connection with every building or part thereof hereafter erected, having a gross floor area over 10,000 square feet or more, which is to be occupied by a commercial or industrial use as described in the respective zoning districts, there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space plus one (1) additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area, so used, in excess of 10,000 square feet. In addition, each loading space shall be subject to the following requirements:

1. Each loading space shall not be less than twelve (12) feet in width and forty (40) feet in length.
2. Such space may occupy all or any part of any required yard or open space, except where adjoining an "R" district, in which case the transitional yard requirements shall prevail.

B. OFF-STREET PARKING REQUIRED: In all districts, except C-1, in connection with every industrial, commercial, residential, recreational or institutional uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule. Off-street parking facilities shall be primarily for the parking of private automobiles of occupants, patrons or employees of the principal use served.

1. *Automobile sales and service garages:* fifty (50%) percent of gross floor area.
2. *Banks, business and professional offices:* fifty (50%) percent of gross floor area, but in no case less than five (5) spaces.
3. *Bowling alleys:* five (5) spaces for each lane.
4. *Churches and schools:* one (1) space for every eighty (80) square feet of principal auditorium, including balcony, if any. Where no auditorium is involved, one (1) space for each two (2) staff members.
5. *Dance and assembly halls:* two hundred (200%) percent of floor area used for dancing or assembly.
6. *Dwellings:* two (2) spaces for each dwelling unit.
7. *Funeral homes:* one (1) space for each five (5) seats in the principal auditorium.
8. *Furniture and appliance stores:* fifty (50%) percent of gross floor area.
9. *Hospitals:* one (1) space for each four (4) beds, plus one (1) space for each three (3) employees, plus one (1) space for each two (2) staff doctors.
10. *Hotels, motels, lodging houses:* one (1) space for each bedroom.
11. *Manufacturing plants:* one (1) space for each three (3) employees on the maximum working shift, but in no case less than one (1) space for each 1,000 square feet of gross floor area.

12. *Nursing and retirement homes:* one (1) space per eight (8) beds, plus one (1) space per three (3) employees, plus one (1) space for each resident staff member.
13. *Restaurants, taverns and night clubs:* two hundred (200%) percent of gross floor area.
14. *Retail stores, shops, super markets:* over 2,000 square feet floor area – two hundred fifty (250%) percent of gross floor area.
15. *Retail stores, shops, super markets:* under 2,000 square feet floor area – one hundred (100%) percent of gross floor area.
16. *Theaters and assembly halls with fixed seats:* one (1) space for each five (5) seats.
17. *Wholesale establishments and warehouses:* one (1) space for each two (2) employees, but in no case less than one (1) space for each 2,000 square feet of gross floor area.
18. In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions of a use which is so mentioned and to which said use is similar, shall apply.

C. ACCESS DRIVES: Where a parking lot does not abut on a public or private street, alley or Easement of access, there shall be provided an access drive not less than ten (10) feet in width in the case of a Dwelling, and not less than sixteen (16) feet in width in all other cases leading to the loading or unloading spaces and parking areas required hereunder in such manner as to secure the most appropriate development of the property in question; provided, however, such access drive shall not be located in any residential district, except where serving a permitted use.

D. OFF-STREET PARKING REQUIREMENTS: Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

1. No part of any parking space shall be closer than five (5) feet to any established street right-of-way line. In case the parking lot adjoins an “R” district, it shall be subject to the respective transitional yard requirements.
2. All required off-street parking areas for more than two (2) vehicles shall be surfaced with an asphaltic or portland cement pavement or similar surface, so as to provide a durable and dustless surface. They shall be graded and drained so as to dispose of all surface water accumulation within the area and shall be arranged and marked to provide for safe and orderly loading and unloading and parking and storage of vehicles.
3. Lighting used to illuminate any off-street parking area shall be arranged to reflect the light away from the adjoining premises in any “R” district.

E. RESIDENTIAL DISTRICT REQUIREMENTS: Off-street parking areas in residential districts shall be provided on the same lot with the principal use.

1.35 SEVERABILITY: This Ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is hereby provided that the

application of such portion of the Ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing any special exception permit, variance, grading permit, zoning compliance permit, certificate of occupancy, site plan approval, or designation of nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision hereof, and to protect the public health, safety and welfare, and that the officer or Board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

- 1.36 REPEAL:** The existing zoning regulations of the City of Marengo, as amended, are hereby repealed. In addition, the existing ordinances regulation the use of mobile homes in the City, as amended, is hereby repealed. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Ordinances, as amended, if the violation is also a violation of the provisions of this Ordinance.
- 1.37 EFFECTIVE DATE:** This Ordinance, upon its adoption and publication according to the Code of Iowa, shall take effect and be in force on and after _____.

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF MARENGO, IOWA,
THIS 8th DAY OF MARCH, 1999.

(s) _____
Mayor; City of Marengo, Iowa

ATTEST:

(s) _____
Clerk, City of Marengo, Iowa