

SUBCHAPTER 1M ADDITIONAL HEIGHT AND AREA REGULATIONS

5-1M-1 SETBACK REQUIREMENTS FOR I-1, I-2, AND I-3 DISTRICTS

5-1M-2 PUBLIC BUILDINGS AND INSTITUTIONS, HEIGHT OF

5-1M-3 HEIGHT OF CHIMNEYS, STEEPLES AND LIKE STRUCTURES

5-1M-4 ACCESSORY BUILDINGS, AREA AND LOCATION

5-1M-5 ACCESSORY BUILDINGS, USE FOR DWELLING PURPOSES

5-1M-6 YARD UNOBSTRUCTED

5-1M-7 BASEMENT NOT OCCUPIED

5-1M-8 PROJECTING STRUCTURES IN REAR YARD

5-1M-9 OMITTED

5-1M-10 OMITTED

5-1M-11 SIDE YARD, TWO FAMILY AND MULTIPLE DWELLING

5-1M-12 GROUPS OF COMMERCIAL OR INDUSTRIAL BUILDINGS, OPEN SPACE REQUIRED

5-1M-13 GROUPS OF RESIDENTIAL, INSTITUTION OR HOTEL BUILDINGS, OPEN SPACE REQUIRED

5-1M-14 COURTS, MINIMUM DIMENSION REQUIRED

5-1M-15 SIDE YARDS FOR RESIDENTIAL USES ABOVE OTHER USES

5-1M-16 DOUBLE FRONTAGE, REQUIRED FRONT YARD ON BOTH STREETS

5-1M-17 YARD REQUIREMENTS FOR CORNER LOTS

5-1M-18 SIDE YARD WIDTH

5-1M-19 FRONT YARDS, ADJUSTMENT IN RELATION TO EXISTING BUILDINGS

5-1M-20 BED AND BREAKFAST FACILITIES

5-1M-21 DEFINITIONS

5-1M-22 DECKS AND PORCHES

5-1M-23 HANDICAP RAMPS

5-1M-1 SETBACK REQUIREMENTS FOR I-1, I-2, AND I-3 DISTRICTS.

1. Front Yards. Front yard setbacks for all industrial districts shall be thirty feet (30') or two feet (2') of lineal setback for every, one foot (1') of building height, whichever is greater.
 - a. Front yard regulations for dwellings in an industrial district are the same as those in the R-1 Residential district.
2. Side Yards. Side yard setbacks for all industrial districts shall be zero feet (0').
 - a. Side yard regulations for dwellings in an industrial district are the same as those in the R-1 Residential district.
3. Rear Yard. Rear yard setbacks for all industrial districts shall be thirty feet (30').
 - a. Rear yard regulations for dwellings in an industrial district are the same as those in the R-1 Residential district.
4. The front and rear yard regulations for commercial/ non-industrial use buildings in the I-1, I-2, and I-3 Industrial Districts shall be the same as those setbacks in the B-1 General Business District. No rear yards for commercial buildings are required, except on the rear of a lot abutting an R-1 and R-2 Residential District, in which event a rear yard of not less than thirty feet (30') shall be provided.
5. If a building contains both a business and industrial use in the I-1, I-2, and I-3 Districts, the industrial setback requirements shall prevail.

6. Existing business and commercial uses in existence in the I-1, I-2, and I-3 Industrial Districts at the time of the adoption of this Ordinance shall be allowed to continue and expand in their present location and shall not be considered as non-conforming uses for the purposes of the enforcement of this Ordinance.

5-1M-2 PUBLIC BUILDINGS AND INSTITUTIONS, HEIGHT OF. Public, semipublic or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty feet (60') if the building is set back from each yard line at least one foot (1') for each two feet (2') of additional building height above the height limit otherwise provided in the district in which the building is located.

5-1M-3 HEIGHT OF CHIMNEYS, STEEPLES, AND LIKE STRUCTURES. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances, are exempt from the height regulations as contained herein.

5-1M-4 ACCESSORY BUILDINGS, AREA AND LOCATION.

1. Location. Accessory buildings may be built in a required rear yard, but such accessory buildings shall not occupy more than fifty percent (50%) of the required rear yard area and shall not be nearer than two feet (2') to any side or rear lot lines and shall be located ten feet (10') more in back of or behind the main building. The two-foot (2') side yard setback shall be measured from the overhang or eave of the building.
2. Distance from the Main Building. If the accessory building is located closer than ten feet (10') to the main building, then the accessory building shall be regarded as part of the main building for purposes of determining side and rear yard areas.
3. Entrance from Alley. If the accessory building is a garage which is entered from an alley and is not located closer than ten feet (10') to the main building, then there shall be a rear yard of not less than ten feet (10').
4. Height Restriction. No accessory building in a residential district shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed fifteen feet (15') in height at the highest point from the ground level.
5. Permit. A building permit must be issued prior to construction of any accessory building or structure.
6. Number of Accessory Buildings. Only one (1) accessory building or structure, in addition to one (1) private garage, is permitted per lot. Private garages must meet the minimum principal structure front yard and side yard setback requirements.
7. Materials. Accessory buildings and structures and garages shall be constructed of materials comparable to the principal structure. (ECIA Model Code Amended in 2017)

5-1M-5 ACCESSORY BUILDINGS, USE FOR DWELLING PURPOSES. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes.

5-1M-6 YARD UNOBSTRUCTED. Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the projection of sills, belt course and cornices which do not exceed twelve inches (12"). Ornamental structures, hedges, play structures (with the exception of playhouses), mass plantings (non-trees) and handrails which do not obstruct vision from or within the public right of way are permitted.

5-1M-7 BASEMENT NOT OCCUPIED. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

5-1M-8 PROJECTING STRUCTURES IN REAR YARD. Open lattice enclosed fire escapes fireproof outside stairways, balconies opening upon fire towers and the ordinary projections of chimneys and flues into the rear yard are permitted.

5-1M-9 OMITTED

5-1M-10 OMITTED

5-1M-11 SIDE YARD, TWO FAMILY AND MULTIPLE DWELLINGS. For the purpose of this side yard regulation, a two (2) family dwelling, or a multiple dwelling, shall be considered as one building occupying one lot.

5-1M-12 GROUPS OF COMMERCIAL OR INDUSTRIAL BUILDINGS, OPEN SPACE REQUIRED. Where a lot or tract is used for farming or for a commercial or industrial purpose, more than one main building may be located upon the lot or tract, but only when such buildings conform to all open space and setback requirements around the lot for the district in which the lot or tract is located.

5-1M-13 GROUPS OF RESIDENTIAL, INSTITUTIONAL OR HOTEL BUILDINGS, OPEN SPACES REQUIRED. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for multiple dwelling, institutional, motel or hotel purposes, there may be more than one main building on the lot; provided however, that the open space between buildings that are parallel shall have a minimum dimension of twenty feet (20') for one story buildings, thirty feet (30') for two (2) story buildings and forty feet (40') for three (3) or four (4) story buildings.

5-1M-14 COURTS, MINIMUM DIMENSION REQUIRED. Where an open space is more than fifty percent (50%) surrounded by a building, the minimum width of the open space shall be at least twenty feet (20') for one (1) story buildings, thirty feet (30') for two (2) story buildings, and forty feet (40') for three (3) or four (4) story buildings.

5-1M-15 SIDE YARDS FOR RESIDENTIAL USES ABOVE OTHER USES. No side yards are required where dwelling units are erected above commercial and industrial structures.

5-1M-16 DOUBLE FRONTAGE REQUIRED FRONT YARD ON BOTH STREETS. Where lots have double frontage, the required front yard shall be provided on both streets.

5-1M-17 YARD REQUIREMENTS FOR CORNER LOTS. The required side yard street side of a corner lot shall be the same as the required front yard on such street, except that the building width shall not be reduced to less than thirty-two feet (32') and no accessory building shall project beyond the required front yard on either street.

5-1M-18 SIDE YARD WIDTH. Whenever a lot at the effective date of this Title has a width of less than sixty feet (60') the side yards may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than five feet (5').

5-1M-19 FRONT YARDS, ADJUSTMENT IN RELATION TO EXISTING BUILDINGS. The front yards heretofore established shall be adjusted in the following cases:

1. Where forty percent (40%) or more of the frontage on the same side of a street between two (2) intersecting streets is developed with two (2) or more buildings that have, with a variation of five feet (5') or less, a front yard greater in depth than herein required, new buildings or additions to existing buildings shall not be erected closer to the street than the front yard so established by the existing building nearest the street line.
2. Where forty percent (40%) or more of the frontage on one side of a street between two (2) intersecting streets is developed with two (2) or more buildings that have a front yard of less depth than herein required, then:
 - a. Where a building or building addition is to be erected on a parcel of land that is within one hundred feet (100') of existing buildings on both sides, the minimum front yard shall be a line drawn between the two (2) closest front corners of the adjacent building on each side.
 - b. Where a building or building addition is to be erected on a parcel of land that is within one hundred feet (100') of an existing building on one side only, such building or building addition may be erected as close to the street as the existing adjacent building.

5-1M-20 BED AND BREAKFAST FACILITIES. Intentions. The City wishes to limit the use of homes in the City for the accommodation of overnight guests and allow the limited accommodation of overnight guests in some homes in the R-2 General Residential District of the City. A bed and breakfast home are viewed as a way for property owners to supplement the renovation, upkeep, and maintenance on large historically significant homes. Bed and breakfast homes in the R-2 General Residential District are not intended to be commercial business located in a residential setting. (Adopted September 3, 1991)

6-1M-21 DEFINITIONS. The following words and phrases whenever used in the ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "A Bed and Breakfast Home" is any dwelling used for accommodation of overnight guests for a fee or for the service of food and beverages to overnight guests for a fee. A bed and breakfast home shall be no less than fifty (50) years old as of the date of this Ordinance and shall be the primary residence of the record title holder of the real estate; and shall have no more than six (6) rooms used for overnight stays by guests and the home shall be located in an R-2 General Residential District of the City. Overnight guests shall mean persons not related within the third degree as defined by Iowa law or

not related by marriage, who remain at the bed and breakfast home for a period of four (4) hours after midnight of any twenty-four (24) hour period.

2. **Bed and Breakfast Permitted.** It shall be lawful for the record title holder of any real estate who complies with all requirements of this Ordinance to provide accommodations for overnight guests for a fee or provide food and beverages for a fee to overnight guests.
3. **Regulations.** Person or persons or any business entity that provides overnight accommodations for a fee or food or beverages for a fee at a bed and breakfast home shall comply with the following restrictions and regulations:
 - a. The bed and breakfast home shall be at least fifty (50) years old as of the date of this Ordinance.
 - b. The bed and breakfast home shall be the primary residence of the record title holder of the real estate on which the home is located.
 - c. The bed and breakfast home shall be in an R-2 General Residential District.
 - d. The bed and breakfast home shall have no more than six (6) rooms designed for overnight accommodation of guests.
 - e. The bed and breakfast home shall have at least one (1) off street parking space per overnight guest room plus one parking space for the owner-manager.
 - f. The bed and breakfast home shall have no more than two (2) signs, or more than one (1) sign per street frontage, or a sign that is larger than a total of two square feet (2'). Signs on bed and breakfast homes shall have no internal lighting. Signs shall be attached to the bed and breakfast home or shall project from two sides of the home less than one foot (1').
 - g. The owner shall not allow the use of the bed and breakfast home for serving of food or beverages to groups or individuals who are not overnight guests during the twelve (12) hours preceding or succeeding the service of food and beverages.
 - h. The owner shall not allow the use of the bed and breakfast home for meetings of persons who are not overnight guests during the twelve (12) hours preceding or succeeding the meeting under the circumstance that a fee is charged.
4. **Violations.** A violation of this section constitutes a municipal infraction.
5. **Non-Conforming Use.** Any bed and breakfast home that was granted a special use permit by the Zoning Board prior to the adoption of this Ordinance shall be classified as a non-conforming use and allowed to continue to operate indefinitely within the limitations of the special use permit but without restriction to the expiration date stated in the permit and such operation shall not constitute a violation of this Ordinance. Specifically, the existing bed and breakfast home located at 418 West Pleasant Street need not be the primary residence of the record titleholders and may be managed by an employee who resides in the home, shall be allowed to expand within the existing structure to a total of nine rooms for guests, and shall provide one off street parking space for each guest room. The home also shall be available for meetings of not to exceed twenty-five (25) persons who need not be overnight guests and the home shall be permitted to serve coffee, soft drinks, desserts, refreshments and snacks but not full luncheons or dinners to persons at the meetings.
6. **Bed and Breakfast Homes in Business Districts.** Bed and breakfast homes shall be permitted use in the B-1 General Business District and the B-2 General Business District

and shall comply with the same sections of the zoning ordinance that govern hotels and motels.

5-1M-22 DECKS AND PORCHES A deck, porch or enclosed porch area shall be considered as an extension of the building and shall conform to the same setback requirements as the building.

1. “Deck” means a structure with no roof and no walls.
2. “Porch” means a structure with a roof and no walls
3. “Enclosed Porch” means a structure with a roof and with walls
4. “Patio or Terrace” means a paved area or platform no more than twelve inches (12”) above the ground.

5-1M-23 HANDICAP RAMPS. Handicap ramps may project into a required yard as long as the platform area is no greater than five feet (5’) in width, the ramp is no greater than four feet (4’) in width, the ramp and/or platform area are not covered or enclosed and the ramp and/or platform area do not block or obstruct vision from the right of way. All handicap ramps must be approved by the Building Official. (Ord. 1022, 03-20-2006) (Ord.1094, 08-01-2011)

TITLE V LAND USE REGULATIONS

CHAPTER 1 ZONING REGULATIONS

