

Title 20
ZONING*

Chapters:

- 20.04 Title, Purpose, Nature, Authority and Definitions
- 20.08 Establishment of Districts, Zoning Map, Boundary Interpretations, Annexed Territory
- 20.12 General Provisions
- 20.16 Special Flood Hazard Area
- 20.20 A-1 Suburban Agricultural Districts
- 20.24 R-1 Single-Family Residential Districts
- 20.28 R-2 Mixed Residential District
- 20.32 R-3 Multiple Residential District
- 20.36 R-4 Mobile Home District
- 20.40 C-1 Commercial District
- 20.44 C-2 Central Commercial District
- 20.48 M-1 Light Industrial and/or Manufacturing District
- 20.52 M-2 Heavy Industrial and/or Manufacturing District
- 20.56 U-1 Unclassified District
- 20.60 Off-Street Parking Areas and Loading Spaces
- 20.64 Signs
- 20.68 Planned Unit Developments
- 20.72 Nonconforming Buildings, Structures and Uses of Land
- 20.76 Additional Requirements, Exceptions, Modifications and Interpretations
- 20.80 Administration and Enforcement
- 20.84 Board of Adjustment
- 20.88 Planning and Zoning Commission
- 20.90 Amendments
- 20.92 Zoning Administrator
- 20.95 Building Construction, Certificates, Fees
- 20.97 Violations and Legal Status Provisions

* For statutory provisions authorizing cities and towns to enact zoning regulations, see I.C.A. 414. For statutory provisions pertaining to restricted residence districts, see I.C.A. 415. Prior ordinance history: Ord. 3-66, Ord. 3-70, Ord. 1-73, Ord. 4-81-A, Ord. 1-84 and Ord. 1-85.

Chapter 20.04

TITLE, PURPOSE, NATURE, AUTHORITY, AND DEFINITIONS

Sections:

- 20.04.01 Title
- 20.04.02 Purpose
- 20.04.03 Nature
- 20.04.04 Authority
- 20.04.05 Definitions

20.04.01 Title. This Ordinance shall be known as and may be referred to and cited as the "Zoning Ordinance of the City of Denver, Iowa."

20.04.02 Purpose. The various use districts, which are created by this Ordinance and the various articles and sections of this Ordinance, are adopted for the purpose among others of:

- a. Carrying out the Comprehensive Plan for the City of Denver, Iowa;
- b. Promoting the public health, safety, morals comfort, general welfare, and preserving the natural, scenic and historically significant areas of the City;
- c. Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities, which have similar needs, are compatible.
- d. Encouraging such distribution of population, classification of land use, and distribution of land development throughout the City that will tend to facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;
- e. Lessening, or avoiding congestion in public streets and highways;
- f. Protecting against fire, explosion, noxious fumes, flood, panic, and other dangers in the interest of public health, safety, comfort, and general welfare;
- g. Helping to insure that all residential, commercial, and manufacturing structures as well as other types of structures will be accessible to fire fighting and other emergency equipment.
- h. Prohibit the formation or expansion of nonconforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district;
- i. Promoting the development of residential neighborhoods which are free of noise, dust, fumes and heavy traffic volumes in which each dwelling unit is assured of light, air, and open spaces;
- j. Helping to prevent land development activities, which lead to roadside blight, and to minimize the effects of nuisance-producing activities;
- k. Promoting and guiding the continued growth and expansion of the City while protecting the natural, economic, historic and scenic resources of the City;
- l. Conserving the taxable value of land and buildings throughout the City; and
- m. Defining the powers and duties of the zoning officer and other bodies as provided herein. (Ord. 5-87 §1.01, 1987)

20.04.030 Nature. This Ordinance classifies and regulates the use of land, buildings and structures within the corporate limits of the City of Denver, Iowa, and hereinafter set forth. The regulations contained herein are necessary to promote the health, safety, convenience, morals and welfare of the inhabitants, and to preserve the natural, scenic and historically significant areas of the City by dividing the City into zoning districts and regulating therein the use of the land and the use and size of the buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population. (Ord. 5-87 §1.02, 1987)

20.04.040 Authority. This title, in pursuance of the authority granted by the Revised Statutes of the State of Iowa, Chapter 414, Section 1, shall be known and cited as the "Zoning Ordinance of the City of Denver, Iowa." (Ord. 5-87 §1.03, 1987)

20.04.050 Definitions. For the purpose of this title and in order to carry out the provisions contained herein, certain words, terms, phrases, and illustrations are to be interpreted and defined herein. Words used in the present tense shall include the future tense; the singular number includes the plural, and the plural number includes the singular. The word "lot" includes the word "plot" or "parcel" and the word "building" includes "structure." The word "shall" is mandatory, and the word "may" is permissive. The following word, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customarily assigned to them.

"Accessory building" or use is a building or use of the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use.

"Alley" means a public way, other than a street, twenty feet or less in width affording secondary means of access to abutting property.

"Alterations, Structural" "Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

"Apartment" means 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 three or more such rooms or suites.

"Auto Laundry" is a building, or portion thereof, containing facilities for washing more than two (2) automobiles; 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 automobiles, whether by operator or by a customer.

"Automobile service station" is any building, structure or land used for the dispensing, sale, or offering for sale at retail of any vehicular fuels, oils, or accessories and in connection with which is performed general vehicular servicing as distinguished from automotive repairs.

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

"Billboard" is a type of sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

"Board of adjustment" shall mean the zoning board of adjustment of the City of Denver, Iowa.

"Boarding, rooming and lodging house" means a building other than a hotel where, for compensation and by arrangement, meals, lodging, or lodging and meals are provided for three or more persons on a weekly or monthly basis.

"Building" means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

"Building height," means 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 mean height level between eaves and ridge for gable, hip and gambrel roofs.

"Carport" means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides. For the purpose of this ordinance a

carport attached to a principal building shall be considered a part of the principal building and subject to all yard requirements therein.

"Cellar" is a story having fifty (50) percent or more of its height below the average grade of the adjoining ground. A cellar shall not be counted as a story, for purposes of height measurement.

"Child Care Center" is any place, home, or institution which receives three or more children under the age of sixteen years, and not of common parentage, for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation.

"Clinic" means a building or buildings used by physicians, dentists, veterinarians, osteopaths, chiropractors and allied professions for out-patient care of persons requiring such professional service.

"Consignment and auction sales operations" means a business, which on an ongoing basis, stores and sells personal property to the public indoors.

Developmentally disabled means a disability of a person, which has continued or can be, expected to continue indefinitely and which is one of the following:

- (1) Attributable to mental retardation, cerebral palsy, epilepsy, or autism;
- (2) Attributable to any other condition found to be closely related to mental retardation;
- (3) Attributable to dyslexia resulting from a disability;
- (4) Attributable to a mental or nervous disorder.

"Drive-in restaurant or refreshment stand" is any place or premises principally used for the sale, dispensing or serving of food, refreshment, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on or off the premises.

"Driveway" means a private roadway, providing access for vehicles to a parking space, garage, dwelling or other structure.

"Dwelling" is any building or portion thereof which is designed for, or used for, residential purposes and is not less than twenty-four feet in width. Does not include a tent, cabin, trailer, or mobile home.

"Dwelling, condominium a multiple dwelling" as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each owner having an undivided interest in the common real estate.

"Dwelling, Row" Any one of Three (3) or more attached dwellings in a continuous row, each dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls. Also referred to as a "townhouse".

"Dwelling unit" is a dwelling which consists of one (1) or more rooms which are arranged, designed, or used as living quarters for one (1) family only.

"Dwelling, Single-Family" is a detached residential dwelling unit, other than a mobile home, designed for occupancy by one (1) family only.

"Dwelling, Two-Family" is a detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families with separate housekeeping and cooking facilities for each.

"Dwelling, Multiple-Family" is a residential building designed for occupancy by three (3) or more families, with separate housekeeping and cooking facilities for each.

"Dwelling, detached" means a dwelling, which is not attached to any other dwelling, by any means. The detached dwelling does not have any roof, wall, or floor in common with any other dwelling unit.

"Easement" means a grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

"Economic base" means the production, distribution and consumption of goods and services within a planning area.

"Egress" means an exit.

"Eminent domain" means the authority of a government to take, or to authorize the taking of, private property for public use for just compensation.

"Environmental Impact Statement (EIS)" means a statement on the effect of development proposals and other major activities, which significantly affect the environment.

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

"Family" means one (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or adoption, no such family shall contain over four persons.

"Family home" means a community-based residential home which is licensed as a residential care facility under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. A "family home" does not mean an individual foster care family as licensed under Chapter 237 of the Code of Iowa.

"Farm or Farmland" means a parcel of land used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of livestock.

"Farm animal" means the production, keeping or maintenance for sale, lease or personal use of animals useful to humans, including but not limited to: dairy animals, poultry, livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees, fish, and fur animals but not including rabbits kept as pets.

"Feasibility study," means an analysis of a specific project or program to determine if it can be successfully carried out.

"Feedlot" means any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs, sheep or poultry. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.

“Fence, residential” means a barrier and/or structure erected in an "R" district intended to provide security, mark a boundary or as a means of landscaping with the centerline of said barrier to be located inside the designated property line. Such fence shall be constructed of materials commonly used for landscape fencing such as masonry block, lumber, and chain link, but shall not include corrugated sheet metal, barbed wire, or salvage material.

“Fence, nonresidential” A barrier and/or structure erected in a district other than an "R" district intended to provide security, mark a boundary, or as a means of landscaping with the centerline of said barrier to be located inside the designated property line provided no such fence is constructed of salvaged material or uses barbed wire closer than six (6) feet to the ground except a fence used purely for agricultural purposes.

"Flag lot" is a lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.

“Flood” The temporary overflowing of water onto land which is usually devoid of surface water.

“Floodplain” The channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater. See Figure 1 below.

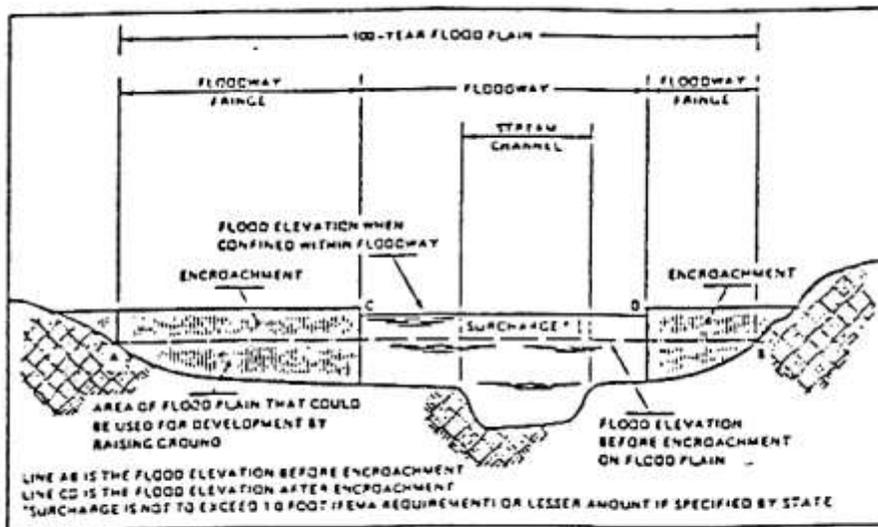


Figure 1.

“Frontage” That side of a lot abutting on a street; the front lot line.

“Garage, Private,” means an accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

“Garage, Public,” means 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.

“Garage, Storage” means a building or portion thereof designed or used exclusively for term storage by pre-arrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

“Grade” The degree of rise or descent of a sloping surface. See Figure 2.

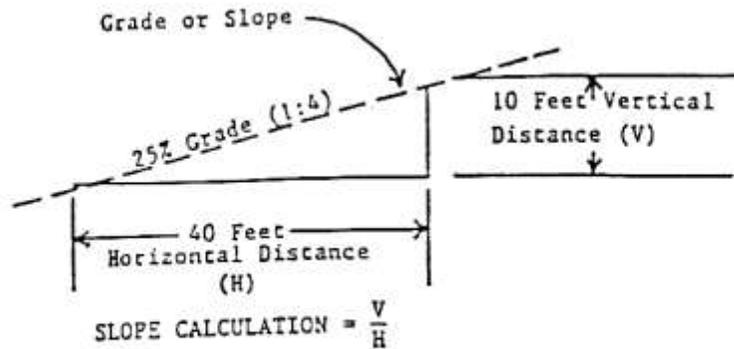


Figure 2.

“Grade, finished” The final evaluation of the ground surface after development. See Figure 3 below.

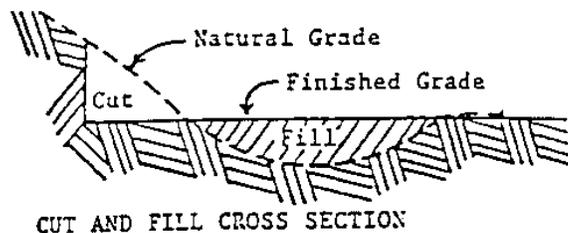


Figure 3.

“Grade, natural” The evaluation of the ground surface in its natural state before man-made alterations. See Figure 3.

“Group care facility” A facility, which provides resident services to seven (7) or more individuals of whom one or more, are unrelated. These individuals are handicapped, aged or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category includes any licensed or supervised federal, state or county health/welfare agencies, such as group homes (all ages), halfway houses, resident schools, resident facilities and foster or boarding homes.

“Historic preservation” The protection, rehabilitation and restorations of districts, sites, buildings, structures, and artifacts significant in American history, architecture, archaeology or culture.

"Home occupation" is an accessory use of a dwelling unit, conducted entirely within the dwelling unit, carried on by one (1) or more persons, all of whom reside within the dwelling unit and where no persons living outside the home are employed, other than resident and domestic help. The use is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part. There shall be no outside storage of any kind; and any indoor storage, construction, alterations or electrical or mechanical equipment used shall not change the fire rating of the structure of the fire district in which the structure is located. The use may increase vehicular traffic flow and parking by no more than one (1) additional vehicle at a time. When a use is a home occupation, it means that the owner, lessee or other persons who have a legal right to the use of the dwelling unit also have the vested right to conduct the home occupation without securing special permission to do so. However, such person shall be subject to all conditions which are applied in this ordinance generally, such as off-street parking, and to all other permits required under the City Code, such as Building permits and Business Licenses.

“Household” A family living together in a single dwelling unit, with common access to and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

“Ingress access” or entry.

“Institution” A nonprofit or quasi-public use or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

"Junkyard" means any area where waste, discarded or salvaged materials are bought, sold, exchanged, stored or abandoned, baled or packed, disassembled, or handled, including the dismantling or “wrecking” of automobiles or other vehicles or machinery, house wrecking yards, house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.

“Kennel, Dog Commercial” means any parcel of land on which three (3) or more dogs, six (6) months old or older are kept for the purposes of breeding, grooming, boarding or other activities associated with the care of dogs for commercial purposes.

“Kennel, Dog Private” means any parcel of land on which three (3) or more dogs are kept, however, this shall not include breeding, grooming, boarding or other activities associated with the care of dogs other than the owner's dogs.

“Laundromat” An establishment providing washing, drying and/or dry cleaning machines on the premises for rental use to the general public for family laundering and/or dry cleaning purposes.

“Loading space” An off-street space or berth used for the loading or unloading of vehicles.

“Lot” For the purposes of this ordinance, a lot is a parcel of land at least sufficient size to meet minimum zoning requirements for use, coverage and area to provide such yards and other open space as are herein required. Such lot shall have frontage on a public street or private street and may consist of (a) A single lot of record; (b) A portion of a lot of record; (c) A combination of complete lots of record; of complete lots or record and portions of lots of record; or of portions of lots of record; and (d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

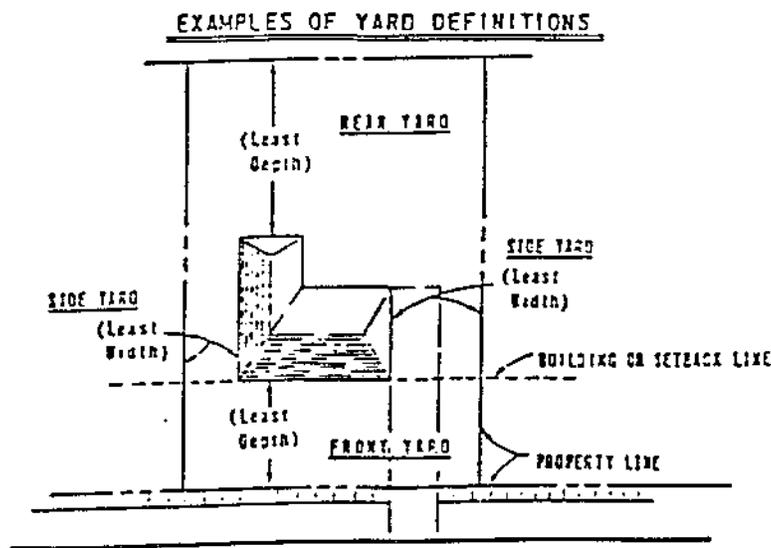


Figure 4.

“Lot area” The total area within the lot lines of a lot, excluding any street rights-of-way. (See Figure 4.)

“Lot Corner” means a lot abutting upon two (2) or more streets at their intersections.

“Lot depth,” means the mean horizontal distance between the front and rear lot lines. (See Figure 4.)

“Lot, Double Frontage” means a lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

“Lot frontage” the length of the front line measured at the street right-of-way line. (See figure 4)

“Lot, Interior,” means a lot other than a corner lot.

“Lot line” A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space. (See Figure 4.)

“Lot line, rear” The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length

entirely within the lot, parallel to and at a maximum distance from the front lot line. (See Figure 4.)

“Lot lines, side” Any lot line other than a front or rear lot line. (See Figure 4)

“Lot, minimum area” The smallest lot area established by the Zoning Ordinance on which a use or structure may be located in a particular district.

“Lot of record” means a lot which is a part of a subdivision, the plat of which has been recorded in the office of the county recorder of the county in which it is located.

“Lot width,” means the width of a lot measured at the building line and at right angles to its depth. (See Figure 4)

“Massage establishment” shall be construed and deemed to mean any place of business wherein massage (as the practice of a profession, scientifically applied to the patient by a massage therapist's hands) is administered or used.

“Manufactured home” means a factory-built, single family structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403, National Manufactured Home Construction and Safety Standards Act of 1974, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home. For the purpose of these regulations, a manufactured home built after June 15, 1976, shall bear the seal certifying that it is in compliance with the National Manufactured Home Construction and Safety Standards Act of 1974. For the purpose of these regulations, manufactured home shall be subject to the same standards as site-built dwellings.

“Manufacturing Establishments” engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

“Mobile home” A structure, transportable in one or more sections, which is at least eight feet in width and thirty-two feet in length, which is built on a permanent chassis and designed to be used as a dwelling unit.

“Mobile home park” A site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.

“Monument Sign” An identification device permanently embedded in the ground, upon which is affixed the name and/ or symbol of a particular neighborhood, subdivision, municipality, commercial or industrial development, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public pertaining only to a use on the premises where the sign is located. (Ord. 2-96)

“Motor Court or Motel” is a building or group of buildings used primarily for the temporary residence of motorists or travelers with parking facilities conveniently located to each unit, and may include accessory facilities such as swimming pool, restaurant, meeting rooms, etc.

“Nonconforming use” A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

"Nursing home" means a home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept or provided with food, shelter and care, for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

"Overhang" The part of a roof or wall, which extends beyond the facade of a lower wall.

"Planned unit development" (PUD) An area of a minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one (1) or more residential clusters or planned unit residential developments and one (1) or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified.

"Planning commission" shall mean the Planning Commission of the City of Denver, Iowa.

"Parking space" means a surfaced area, enclosed in the principal building, an accessory building, or an unenclosed area having an area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

"Place," means an open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.

"Recreational vehicle" A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

"Satellite dish antenna" shall mean a satellite receiver, a satellite ground dish antenna or a satellite rooftop antenna, which may or may not be able to rotate to enable the dish to aim at different satellites for the purpose of television reception.

"Sidewalk" A paved or surfaced area, paralleling and usually separated from the street, used as a pedestrian walkway.

"Sign" means any structure or part thereof or device attached thereto or painted, or represented thereon, which displays or includes any letter, work model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. Sign includes "billboard" but does not include the flag, pennant or insignia of any nation, state, City or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.

"Site plan" A plan (to scale) showing uses and structures proposed for a parcel of land as required by the regulations involved.

"Story" means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

"Story, half" A space under a sloping roof which has the line of intersection of roof decking and exterior wall face not more than four feet above the top floor level.

"Street" is a general term used to describe a public right-of-way which provides a channel for vehicular and pedestrian movement, and may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of utilities (both above and below ground).

"Structure" Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards and poster panels.

"Swimming pool" is a tank of water either above or below grade level in which the depth of water exceeds twelve (12) inches. "Swimming pools", hot tubs, whirlpool baths and tubs, Jacuzzi-type tubs or baths, and ponds shall be considered "swimming pools" if they are located outdoors.

"Trailer camp or tourist camp" means an area providing spaces for two (2) or more recreational vehicles, or tent sites for temporary occupancy, with necessary incidental services, sanitation and recreation facilities to serve the traveling public.

"Yard" means an open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the ground upward, except as otherwise provided herein. 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 shall be used. (See Figure 4.)

"Yard, front" A yard extending across the full width of the lot and measured between the front lot line and the building.

"Yard, Rear" means 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 or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard. (See Figure 4.)

"Yard, Side" means a yard between the main building 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 or any projections thereto. (See Figure 4.)

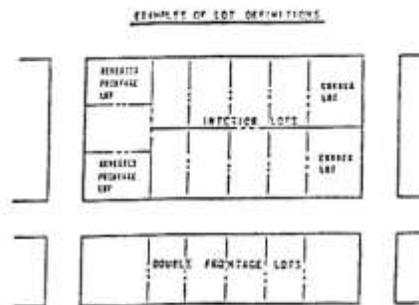


Figure 5.

Chapter 20.08

ESTABLISHMENT OF DISTRICTS, ZONING MAP, BOUNDARY INTERPRETATIONS,
ANNEXED TERRITORY

Sections:

20.08.010 Establishment of Districts

20.08.020 Zoning Map

20.08.030 Rules for Interpretation of District Boundaries

20.08.040 Annexed Territory

20.08.010 Establishment of Districts. For the purposes of this Ordinance, the City of Denver is hereby organized into the following zoning districts:

Agricultural Districts

A-1 Suburban agricultural districts;

Residential Districts

R-1 Single-family residential districts,

R-2 Mixed residential districts,

R-3 Multiple residential district,

R-4 Mobile home parks;

Commercial Districts

C-1 Commercial district,

C-2 Central Commercial district;

Manufacturing Districts

M-1 Light industrial and/or manufacturing districts,

M-2 Heavy industrial and/or manufacturing districts;

U-1 Unclassified District

20.08.020 Zoning Map. The location and boundaries of the zoning districts established by this title are set forth on the map entitled "Zoning Map" which is located in the Denver City Hall and made a part of this title. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this title as though fully set forth and described herein. (Ord. 5-87 §2.01, 1987)

20.08.030 Rules for Interpretation of District Boundaries. Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the zoning map, the following rules shall apply:

- a. Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the center lines of such streets, highways or alleys;
- b. Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to follow said boundary lines;
- c. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines;
- d. Boundaries shown as following or approximately following the center lines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel center line of such water courses taken at a mean low water mark;

- e. Boundaries shown as following or closely following the City limits of Denver shall be construed as following such City limit lines;
- f. Boundaries indicated as parallel to or extensions of features indicated in subsections a. through f. of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;
- g. 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 the Denver Subdivision Ordinance, the Board of Adjustment shall interpret the district boundaries;
- h. Whenever any street, alley or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classifications of the vacated land.

20.08.040 Annexed Territory. All territory, which may hereafter be annexed to the City of Denver, shall be classed automatically as being in an “A-1” Suburban Agricultural District until such classification shall have been changed by amendment of this Ordinance as provided hereafter.

Chapter 20.12 GENERAL PROVISIONS

Sections:

- 20.12.010 Zoning Affects Every Structure
- 20.12.020 Minimum Street Frontage, Lot of Record, Number of Buildings on Lot and Lots Unserved by Sewer or Water
- 20.12.030 Accessory Buildings, Structures, and Uses
- 20.12.040 More than One Principal Structure on Lot
- 20.12.050 Required Yard Cannot be Reduced or Used by Another Building
- 20.12.060 Conversion of Dwellings
- 20.12.070 Yard and Parking Space Restriction
- 20.12.080 Traffic Visibility Across Corner Lots
- 20.12.090 Essential Services
- 20.12.100 Validity of Existing Building Permits
- 20.12.110 Height Exceptions
- 20.12.120 Public Right-of-Way Use
- 20.12.130 Fences
- 20.12.170 Permitted Uses
- 20.12.180 Temporary Use Exceptions
- 20.12.190 Bulk Requirements
- 20.12.200 Requirements for Rezoning, Variances and Special Permits

20.12.010 Zoning Affects Every Structure. Except as hereinafter provided, no building, structure, or land shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired, except in conformity with the regulations herein specified for the class of District in which it is located.

20.12.020 Minimum Street Frontage, Lot of Record, Number of Buildings on Lot and Lots Unserved by Sewer or Water.

- a. Minimum Street Frontage. No lot shall be created after the adoption of this Ordinance unless it abuts at least thirty (30) feet on a public street.
- b. Lot of Record. In any residence district on a lot of record at the time of enactment of this title, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this title are complied with. However, where two (2) or more vacant and contiguous substandard recorded lots are held in common ownership, they shall be combined into zoning lots and shall thereafter be maintained in common ownership and shall be so joined and developed for the purpose of forming an effective and conforming zoning lot. For the purpose of this section, the razing of a building on a substandard lot shall constitute the formation of a vacant lot.
- c. Lots Unserved by Sewer and/or Water. In any residential district where neither public water supply nor public sanitary sewer is reasonably available, one (1) single dwelling may be constructed, provided the otherwise specified lot area and width requirements shall be a minimum of three (3) acres. (Ord. 5-87 §3.01, 1987)

20.12.030 Accessory Buildings, Structures, and Uses.

- a. Time of Construction. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- b. Percentage of Rear Yard Occupied. No detached accessory building or buildings shall occupy more than thirty (30) percent of the area of a rear yard.
- c. Height of Accessory Buildings. No detached accessory building or structure shall exceed fifteen (15) feet in height, and the sidewalls shall not exceed ten (10) feet in height.
- d. Location on Lot. No accessory building or structure shall be erected in any front yard. Accessory buildings or structures shall be no closer than five (5) feet from any main buildings.
- e. Swimming Pool Fences. No public or private swimming pool shall be erected unless the same be entirely enclosed by buildings, fences or walls not less than five (5) nor more than seven (7) feet in height and of such construction that a child may not reach the pool from the street or from any adjacent property without opening a door or gate or scaling a wall or fence. Holes or openings in the fence shall be four (4) inches or less in least dimension. Such fences or walls shall be equipped with self-latching gates or doors. All doors from houses and garages must also be self-closing and self-latching. (Ord. 5-87 §3.02, 1987)

20.12.040 More Than One Principal Structure on Lot. In any district more than one principal structure, housing a permitted principal use, may be erected on a single lot provided that the area, yard and other requirements shall be met for each structure as though it were on an individual lot. (Ord. 5-87 §3.03, 1987)

20.12.050 Required Yard Cannot be Reduced or Used by Another Building. No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by this title, and if already less than the minimum required it shall not be further reduced. No required

open space provided around any building or structure shall be included as part of any open space required for another building or structure. (Ord. 5-87 §3.04, 1987)

20.12.060 Conversion of Dwellings. The conversion of any building or structure into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the chapter applying to such district. (Ord. 5-87 §3.05, 1987)

20.12.070 Yard and Parking Space Restriction. No part of any yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this title, shall be included as part of yard, open space, off-street parking or loading space similarly required for any other building. (Ord. 5-87 §3.06, 1987)

20.12.080 Traffic Visibility Across Corner Lots. In a residential or agricultural district on any corner lot, no fence, wall, hedge or other planting 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 streets shall be erected, placed or maintained within the triangular area formed by the right-of-way lines at such corner and a straight line joining the 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. (Ord. 5-87 §3.07, 1987)

20.12.090 Essential Services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the community, it being the intention hereof to exempt such essential services from the application of this Ordinance. (Ord. 5-87 §3.08, 1987)

20.12.100 Validity of Existing Building Permits. Nothing contained in this title shall require any change in the overall layout, plans, construction, size or designated uses of any development, building, structure or part thereof, for which the official approvals and required building permits have been granted before the enactment of this Ordinance, the construction of which, conforming with such plans, shall have been started prior to the effective date of the title and the completion thereof carried on in a normal manner within the subsequent six (6) month period, and not discontinued until completion, except for reasons beyond the builder's control. (Ord. 5-87 §3.09, 1987)

20.12.110 Height Exceptions. The height limitations contained in Chapters 20.26 through 20.48 do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing or other structures placed above roof level and not intended for human occupancy. (Ord. 5-87 §3.10, 1987)

20.12.120 Public Right-of-Way Use. No portion of the public street or alley right-of-way shall be used or occupied by an abutting use of land or structures for storage or display purposes, or to provide any parking or loading space required by this title, or for any other purpose that would obstruct the use or maintenance of the public right-of-way. (Ord. 5-87 §3.11, 1987)

20.12.130 Fences. a. Fences in an "R" District. Residential fences or landscape features such as sculpture or walls may be erected or constructed with the centerline of said barrier to be located within the property with no portion of fence extending on to adjacent property or right-of-way; provided no such fence in any front, side, or rear yard having street frontage exceeds four (4) feet in height and six (6) feet in height in the case of side and rear yards not having street frontage

b. Fences in Districts other than an "R" District. Nonresidential fences located in a district other than an "R" district must be located with the centerline of said fence at least six (6) inches from the property line and cannot exceed eight (8) feet in height. (Ord. 5-87 §3.12, 1987)

20.12.170 Permitted Uses. (a) Use is permitted in all zoning districts for the purposes of the distribution of public utilities. However design and placement of said equipment and devices shall be reviewed by the planning and zoning commission and approved by the City Council.

(b) All other uses are permitted only as listed under each specific zoning district. (Ord. 5-87 §3.17, 1987)

20.12.180 Temporary Use Exceptions. The following uses may be permitted by a temporary use exception permit, valid for ten (10) days or less to the applicant, subject to the review and approval of the application by the board of adjustments:

a. Carnival, circus;

b. Festivals;

c. In determining whether a temporary use exception permit shall be granted, the board of adjustment shall give consideration to the health, safety, morals and comfort of area residents, any adverse impact on land uses, possibility of traffic congestion, harm to public roads, erosion of adjacent property and threat to any source of water supply. Conditions and restrictions as determined necessary to protect the public health, safety, morals, and comfort may be attached to the permit. (Ord. 5-87 §3.18, 1987)

20.12.190 Bulk Requirements.

(a) All new buildings shall conform to the building regulations established herein for the district in which each building shall be located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict or to further conflict with the bulk regulations of this title for the district in which such buildings shall be located.

(b) Minimum bulk requirements are listed on Table 1, Bulk Requirements, Denver, Iowa, on the following pages.

TABLE 1 BULK REQUIREMENTS

District Use	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Side Street, Corner Lot	Minimum Rear Yard	Maximum Coverage of Lot	Minimum Floor Area
A-1									
1) Single-family	35 ft. or 3 stories	3 acres	180 ft.	25 ft.	8 ft.	25 ft.	30 ft.	---	1 story: 910 sq. ft. 2 story: 1220 sq. ft. 3 story: 1100 sq. ft. ---
2) Other permitted uses	---	3 acres	180 ft.	50 ft.	50 ft.	50 ft.	50 ft.	---	---
R-1									
1) Single family	35 ft. or 3 stories	10,000 sq. ft.	80 ft.	25 ft.	8 ft.	25 ft.	30 ft.	---	1 story: 910 sq. ft. 2 story: 1220 sq. ft. 3 story: 1100 sq. ft. 1 story: 910 sq. ft. 2 story: 1220 sq. ft. 3 story: 1100 sq. ft.
2) Not served by public water and/or public sewer	35 ft. or 3 stories	30,000 sq. ft.	80 ft.	25 ft.	8 ft.	25 ft.	30 ft.	---	1 story: 910 sq. ft. 2 story: 1220 sq. ft. 3 story: 1100 sq. ft.
3) Other permitted uses		30,000 sq. ft.	160 ft.	40 ft.	16 ft.	40 ft.	40 ft.	---	1 story: 910 sq. ft. 2 story: 1220 sq. ft. 3 story: 1100 sq. ft.

R-2									
1) Single-family	35 ft. or 3 stories	8,000 sq. ft.	60 ft.	25 ft.	8 ft.	25 ft.	30 ft.	---	1 story: 860 sq. ft. 2 story: 1160 sq. ft. 3 story: 1030 sq. ft.
2) Multi-family (up to 4 family)	35 ft. or 3 stories	6,000 sq. ft. plus 1,500 sq. ft. per unit	90 ft.	25 ft.	8 ft.	25 ft.	30 ft.	---	400 sq. ft. per unit
3) Other permitted	---	2,400 sq. ft.	180 ft.	40 ft.	16 ft.	40 ft.	40 ft.	---	---
R-3									
1) Multi-family (5 plex or larger)	35 ft. or 3 stories	6,000 sq. ft. plus 1,500 sq. ft. per unit	90 ft.	25 ft.	8 ft.	25 ft.	30 ft.	---	400 sq. ft. per unit
2) Other permitted uses	---	1 acre	180 ft.	40 ft.	16 ft.	40 ft.	40 ft.	---	---
District Use	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Side Street, Corner Lot	Minimum Rear Yard	Maximum Coverage of Lot	Minimum Floor Area
R-4 per Unit	---	5 acres	40 ft.	20 ft.	10 ft.	---	10 ft.	---	---
Mobile Home parks	---	4,000 sq. ft.	360 ft.	40 ft.	40 ft.	40 ft.	40 ft.	---	---
C-1	35 ft.	---	---	---	*---	---	---	---	---
C-2	35 ft.	---	---	---	*---	---	---	---	---

M-1	---	---	---	40 ft.	20 ft.	30 ft.	30 ft.	---	---
M-2	---	---	---	40 ft.	20 ft.	30 ft.	30 ft.	---	---
U-1	---	---	---	40 ft.	20 ft.	20 ft.	30 ft.	---	---
Accessory Buildings For R-1, R-2, R-3	15 ft. or 1 story whichever is lower	---	---	---	**	Same as Permitted uses	**	30% of rear yard	---

*None required except adjoining any "R" district in which case not less than ten feet.

** Accessory buildings to be placed in the rear or side yards may reduce minimum side and rear yard requirements to four feet.

20.12.200 Requirements for Rezoning, Variances and Special Permits. All petitions for rezoning, use exception, variance, etc. must be in writing, stating the exact legal description of land involved. Said petitions must be received by the Zoning Administrator twenty (20) days prior to a stated or special meeting of the Zoning Commission or Board of Adjustment. A preliminary plat plan shall be submitted with a petition for rezoning for subdivisions. (Ord. 2-96)

Chapter 20.16

SPECIAL FLOOD HAZARD AREA

Sections:

- 20.16.010 Requirements in Special Flood Hazard Area
- 20.16.020 Establishment of Official Flood Plain Zoning Map
- 20.16.030 Lands to Which Regulations Apply
- 20.16.040 Rules for Interpretation of Boundaries
- 20.16.050 Compliance
- 20.16.060 Abrogation and Greater Restrictions
- 20.16.070 Interpretation
- 20.16.080 Warning and Disclaimer of Liability
- 20.16.090 Severability
- 20.16.100 Establishment of Flood Plain (Overlay) District
- 20.16.110 Purpose
- 20.16.120 Definitions
- 20.16.130 Floodplain Permits
- 20.16.140 Standards
- 20.16.150 New or Substantially Improved Residential Structures
- 20.16.160 New or Substantially Improved Non-Residential Structures
- 20.16.170 All New and Substantially Improved Structures
- 20.16.180 Factory-Built Homes
- 20.16.190 Mobile Homes
- 20.16.200 Watercourse Alterations or Relocations
- 20.16.210 Subdivisions
- 20.16.220 Utility and Sanitary Systems
- 20.16.240 Storage of Materials and Equipment
- 20.16.250 Administration
- 20.16.260 Permit Required

20.16.270 Findings of Fact

20.16.010 Requirements in Special Flood Hazard Area. The requirements applied to development in special flood hazard areas are intended to accomplish the following purposes:

- a. To reserve sufficient flood plain area for flood flows so that flood heights and velocities will not be substantially increased.
- b. To restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities;
- c. To require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement;
- d. To protect individuals from developing lands which may not be suited for intended purposes because of flood hazards; and
- e. To assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program (NFIP). (Ord. 5-87 §3.16, 1987)

20.16.020 Establishment of Official Flood Plain Zoning Map. The Flood Insurance Rate Maps prepared as part of the Flood Insurance Study for Bremer County dated July 16, 1990 are hereby adopted by reference and declared to be the Official Flood Plain Zoning map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.

20.16.030 Lands to Which Regulations Apply. The provisions of this regulation shall apply to all lands within the jurisdiction of the City which are located within the boundaries of the Special Flood Hazard Areas by the 100 year flood as shown official flood plain map.

20.16.040 Rules for Interpretation of Boundaries. The boundaries of the special flood hazard areas shall be determined by scaling distances on the Flood Insurance rate Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation.

20.16.050 Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of the regulation and other applicable regulations which apply to uses within the jurisdiction of this regulation.

20.16.060 Abrogation and Greater Restrictions. It is not intended by this regulation to repeal, abrogate or impair any existing easements, covenants, or deed or restrictions. However, where this regulation imposes greater restrictions, the provision of this regulation shall prevail. All other regulations inconsistent with this regulation are hereby repealed to the extent of the inconsistency only.

20.16.070 Interpretation. In their interpretation and application, the provisions of this regulation shall be the minimum requirements, and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

20.16.080 Warning and Disclaimer of Liability. The standards required by this regulation are considered reasonable for regulatory purposes. This regulation does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This regulation shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder.

20.16.090 Severability. If any section, clause, provision or portion of this regulation is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this regulation shall not be affected thereby.

20.16.100 Establishment of FloodPlain (Overlay) District. The areas within the jurisdiction of the City having special flood hazards are hereby designated as a Flood Plain (Overlay) District and shall be subject to the standards of the Flood Plain (Overlay) District (as well as those for the underlying zoning district). The Flood Plain (overlay) District boundaries shall be concurrent with the Special Flood Hazard Area boundaries as shown on the Flood Insurance Rate map (FIRM) for the City.

20.16.110 Purpose. All new development proposals in the Special Flood Hazard areas shall be reviewed and approved by the Zoning Administrator. The review is to ensure the following:

- a. New development will not change the flow of flood or other surface drainage waters so that other properties become more susceptible to damage.
- b. New development will not create special hazards or nuisances when flooded; and
- c. New buildings and major improvements to existing buildings will not be subject to damage by the base flood.

20.16.120 Definitions. For the purpose of this Section, the following definitions are adopted:

- a. Areas of Special Flood Hazard. The land within the City which is subject to a one percent or greater change of flooding in any given year. This land is identified in the Legend of the Flood Insurance Rate Map.
- b. Basement. Any enclosed area of a building which has its floor or lowest level below ground level (sub grade) on all sides. Also see "lowest floor".
- c. Development. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining dredging, filling, grading, paving, excavating or drilling.
- d. Factory Homes. Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this regulation, factory-built homes include mobile homes, manufactured homes and modular homes and also include park trailer, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

e. Factory-built Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two (2) or more factory-built home lots for sale or rent.

f. Flood: A temporary rise in a stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff or surface waters from an source.

g. Floodproofing: any combinations of structural and non-structural additions, changes or adjustments to structures including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

h. Floodway: the channel of a river or stream and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.

Lowest Floor: The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

1. The enclosed area is designed to flood and equalize hydro-static pressure during floods with walls or openings.

2. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

3. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at lease one (1.0) foot above the 100-year flood level, and

4. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria 1,2,3, and 4 above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

j. One-hundred-year Flood: A flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded once every one hundred (100) years.

k. Structure: A walled and roofed structure, including a gas or liquid storage tank that is principally above the ground, and including, without limitation, dwellings, garages, factories, sheds, cabins, mobile homes and other buildings.

1. Substantial Improvement: Any repair, reconstruction or improvement of any structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement is started, or if the structure has been damaged and is being restored before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. Substantial improvement does not, however, include any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations, nor to structures listed in National or State Registers of Historic Places.

20.16.130 Floodplain Permits. No person, firm, or corporation shall commence any development or building activity in the special Flood Hazard area without first obtaining a Floodplain Permit from the Zoning Administrator. The Zoning

Administrator shall not issue a Flood plain Permit if the proposed development does not meet the requirements of the Section.

a. Application for a Floodplain Permit shall be made on a form provided by the Zoning administrator. The application shall be accompanied by:

1. A description of the land on which the proposed work is to be done (the lot, block, tract, street address or similar description) which will readily identify and locate the proposed work;
2. A description of the work to be covered by the permit for which the application is made;
3. An indication of the use or occupancy for which the proposed work is intended.
4. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including the basement) of buildings. These elevations shall be certified by a registered, professional engineer or land surveyor licensed in the State of Iowa;
5. The estimated cost of improvements and market value of the buildings prior to the improvements (for buildings being improved or rebuilt);
6. The elevation of the one hundred (100) year flood (for developments involving more than five (5) acres);
7. Such other information as the Zoning Administrator deems necessary for the purpose of this article.

b. The Zoning Administrator shall make a determination as to whether the proposed development meets the applicable provisions of this Article and shall approve or disapprove the application. In reviewing any proposed development, and Zoning Administrator shall obtain, review and reasonable utilize any available floodplain information or data from Federal, State or other sources.

20.16.140 Standards. The following standards are applicable to all areas of the City, which are within the Special Flood Hazard Area. Where needed, the Department of Natural Resources shall be contacted to compute one hundred (100) year flood elevation and floodway data.

a. All development shall:

1. Be consistent with the need to minimize flood damage;
2. Use construction methods and practices which will minimize flood damage; and
3. Use construction materials and utility equipment, which are resistant to flood damage.
4. Obtain all other necessary permits from Federal, State and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

b. All structures shall be designed or anchored to prevent the flotation, collapse or lateral movement of the structures or portions of the structures due to flooding; and where one hundred (100) year flood elevation is available from a federal state or other source the following elevation or flood proofing standards shall be met:

20.16.150 New or Substantially Improved Residential Structures Shall Have the First Floor (To Include Basement) Elevated a Minimum of One (1) Foot Above the One Hundred (100) Year Flood Level;

20.16.160 New or Substantially Improved Non-Residential Structures Shall Have the First Floor (Including Basement) Elevated a Minimum on One (1) Foot Above the One Hundred (100) Year Flood Level or Together With Attendant Utility and Sanitary Systems be Floodproofed to Such a Level. When floodproofing is utilized a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths pressures velocities impact and uplift forces and other factors associated with the one hundred (100) year flood; and that the structure below the one hundred (100) year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to the National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator.

20.16.170 All New and Substantially Improved Structures. a. Fully enclosed areas below the “lowest floor” (not including basements) that area subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 2. The bottom of all openings shall be no higher than one (1) foot above grade,
 3. Openings may be equipped with screens, louvers, valves, or other coverings, or devices provided that they permit the automatic entry and exit of floodwaters.
- b. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- c. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

20.16.180 Factory—Built Homes. a. Factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement.

b. Factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the one hundred (100) year flood level.

20.16.190 Mobile Homes. All mobile homes shall be anchored to prevent flotation, collapse or lateral movement in accordance with the following anchoring requirements:

- a. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home with two (2) additional ties per side at intermediate locations, and mobile homes less than fifty (50) feet long shall be provided with one (1) additional tie per side.

- b. Frame ties shall be provided at each corner of the mobile home with five (5) additional ties per side at intermediate points, and mobile homes less than fifty (50) feet long shall be provided with four (4) additional ties per side;
- c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4800) pounds;
- d. Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the systems and the risk associated with such flood damage or impaired systems.

20.16.200 Watercourse Alterations or Relocations. Must be designed to maintain the flood-carrying capacity within the altered or relocated portion.

20.16.210 Subdivisions (Including Factory-Built Home Parks and Subdivisions). Shall be Consistent With the Need to Minimize Flood Damage and Shall Provide Adequate Drainage to Reduce Exposure to Flood Hazards. Development associated with subdivisions shall meet the applicable standards of this section.

20.16.220 Utility and Sanitary Systems. a. All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of floodwaters into the system as well as the discharge of effluent into floodwaters.

- b. On-site waste disposal systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- c. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- d. Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the systems and the risk associated with such flood damaged or impaired systems.

20.16.240 Storage of Materials and Equipment that are Flammable, Explosive or Injurious to Human, Animal or Plant Life is Prohibited Unless Elevated a Minimum of One (1) Foot Above the One Hundred (100) Year Flood Level. Other material and equipment must either be similarly elevated or:

- a. Not subject to major flood damage and be anchored to prevent movement due to flood waters, or
- b. Be readily removable after flood warning.

20.16.250 Administration. The provisions of this Article shall be implemented, administered and enforced as follows:

- a. The Zoning Administrator is appointed to administer the provisions of this article and the duties of the zoning Administrator shall include in addition to all other duties under the provisions of the Zoning Ordinance of the City the following:
 1. Reviewing all Floodplain Permit applications to assure that the provisions of this Chapter will be satisfied;
 2. Reviewing all Floodplain Permit applications to assure that all necessary permits have been obtained from Federal, State or local governmental agencies, including

approval when required from the Department of Natural Resources for floodplain construction;

3. Recording and maintaining a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including the basement) of all new or substantially improved structures in the Special Flood Hazard Area;

4. Recording and maintaining a record of the elevation (in relation to National Geodetic Vertical Datum) to which all new or substantially improved structures have been flood proofed:

5. Notifying adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

6. Keeping a record of all permits appeals and other transactions and correspondence pertaining to the administration of this Article;

7. Reviewing all subdivision proposals within the Special Flood Hazard Area to assure that such proposals are consistent with the purpose and spirit of this article and shall advise the City Council of potential conflicts. Floodplain development in connection with a subdivision (including installation of public utilities) shall require a special floodplain permit as provided in the subdivision ordinance of Denver Iowa. For developments with more than fifty (50) lots the developer shall be responsible for providing flood elevation data.

20.16.260 Permit Required. A Flood Plain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate including but not limited to buildings or other structures mining filling grading paving excavation or drilling operations) including the placement of factory-built homes.

20.16.270 Findings of Fact. (a) The flood hazard areas of Denver, Iowa, are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the peace, safety, health, welfare, comfort, and convenience of its residents.

(b) These flood losses, hazards, and related adverse effects are caused by: (1) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (2) the cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.

(c) This regulation relies upon engineering methodology for analyzing flood hazards, which is consistent with the standards established by the Department of Natural Resources. (Ord. 5-87 §3.16.01, 1987)

Chapter 20.20

A-1 SUBURBAN AGRICULTURAL DISTRICTS

Sections:

- 20.20.010 General Description
- 20.20.020 Principal Uses Permitted
- 20.20.030 Use Exceptions
- 20.20.040 Height Regulations
- 20.20.050 Lot Area, Frontage and Yard Requirements
- 20.20.060 Off-Street Parking and Loading Requirements
- 20.20.070 Sign Regulations

20.20.010 General Description. The A-1 suburban agricultural district is intended to provide regulations for land situated on the fringe of the urban area that is used primarily for agricultural purposes, but which will be undergoing urban development in the near future. Many tracts in this district will be in close proximity to developing residential, commercial or industrial uses. The purpose of this district is to restrict the permitted uses

- (e) Public schools, elementary, junior high and high schools;
- (f) Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes;
- (g) Public buildings; public, semipublic parks, playgrounds or community buildings;
- (h) Golf courses and country clubs, except miniature courses or driving ranges operated for a profit;
- (i) Accessory uses and buildings which are customarily incidental to any of the above stated uses, but not involving the conduct of business. (Ord. 5-87 §4.01, 1987)

20.20.030 Use Exceptions. The following use exceptions deemed appropriate on review by the board of adjustment in accordance with provisions contained herein:

- (a) Hospitals; rest, nursing, convalescent, and family homes; homes for children and aged; off-street parking and yards comparable for other institutional uses to be provided under its chapter;
- (b) Public utilities;
- (c) Cemetery or mausoleum;
- (d) Recreational development for seasonal or temporary use;
- (e) Roadside stand for sale of produce raised on the premises;
- (f) Extraction of sand, gravel, topsoil or other natural resources provided the land is restored to a condition suitable for the permitted uses of this district;
- (g) Dog kennels;
- (h) Riding stables;
- (i) Greenhouses and plant nurseries operated for commercial purposes;
- (j) Dairy farming, livestock farming, poultry farming, general farming and other agriculture activities. (Ord. 5-87 §4.02, 1987)

20.20.040 Height Regulations. In the A-1 suburban agricultural district, height regulations shall be those regulations as specified in Section 20.12.190. (Ord. 5-87 §4.03, 1987)

20.20.050 Lot Area, Frontage and Yard Requirements. In the A-1 suburban agricultural district, lot area, frontage and yard requirements shall be those regulations as specified in Section 20.12.190. (Ord. 5-87 §4.04, 1987)

20.20.060 Off-Street Parking and Loading Requirements. In the A-1 suburban agricultural district, off-street parking and loading requirements shall be those regulations as specified in Chapter 20.60. (Ord. 5-87 §4.05, 1987)

20.20.070 Sign Regulations. In the A-1 suburban agricultural district, sign regulations shall be those regulations as specified in Chapter 20.64. (Ord. 5-87 §4.06, 1987)

Chapter 20.24

R-1 SINGLE FAMILY RESIDENTIAL DISTRICTS

Sections:

- 20.24.010 General Description
- 20.24.020 Principal Uses Permitted
- 20.24.030 Use Exceptions
- 20.24.040 Height Regulations
- 20.24.050 Lot Area, Frontage and Yard Requirements
- 20.24.060 Off-Street Parking and Loading Requirements
- 20.24.070 Sign Regulations

20.24.010 General Description. The R-1 is the most restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from encroachment of uses, which are not appropriate to a residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses. (Ord. 5-87 §5.00, 1987)

20.24.020 Principal Uses Permitted. Property and buildings in an R-1 single-family residential district shall be used only for the following purposes:

- (a) Single family detached dwellings;
- (b) Manufactured housing;
- (c) Churches and temples;
- (d) Public schools, elementary, junior high and high schools;
- (e) Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes;
- (f) Public, semi-public parks and playgrounds;
- (g) Accessory uses which are customarily incidental to any of the above stated uses, but not involving the conduct of business. Accessory uses shall include private garages and carports, private swimming pools, and private greenhouses not operated for commercial purposes;
- (h) Home occupations. (Ord. 5-87 §5.01, 1987)

20.24.030 Use Exceptions. The following use exceptions deemed appropriate on review by the board of adjustments in accordance with the provisions contained herein:

- (a) Hospitals, family homes, nursing homes, convalescent homes, public buildings, and/or community buildings, with the same off-street parking and yards as those required for other institutional uses under this title;
- (b) Public utilities;
- (c) Swimming pools, golf courses and country clubs, except miniature courses or driving ranges operated for a profit;
- (d) The taking of boarders or the leasing of rooms by a resident family, providing total number does not exceed two per building. (Ord. 5-87 §5.02, 1987)

20.24.040 Height Regulations. In the R-1 single family residential district, height regulations shall be those regulations as specified in Section 20.12.190. (Ord. 5-87 §5.03, 1987)

20.24.050 Lot Area, Frontage and Yard Requirements. In the R-1 single-family residential district, lot area, frontage and yard requirements shall be those regulations as specified in Section 20.12.190. (Ord. 5-87 §5.04, 1987)

20.24.060 Off-Street Parking and Loading Requirements. In the R-1 single-family residential district, off street parking and loading requirements shall be those regulations as specified in Chapter 20.60. (Ord. 5-87 §5.05, 1987)

20.24.070 Sign Regulations. In the R-1 single-family residential district, sign regulations shall be those regulations as specified in Chapter 20.64. (Ord. 5-87 §5.06, 1987)

Chapter 20.28

R-2 MIXED RESIDENTIAL DISTRICT

Sections:

20.28.010 General Description

20.28.020 Principal Uses Permitted

20.28.030 Use Exceptions

20.28.040 Height Regulations, Lot Area, Frontage and Yard Requirements

20.28.050 Off-Street Parking and Loading Requirements

20.28.060 Sign Regulations

20.28.010 General Description. The R-2 mixed residential district is to provide for two-family and medium high population density. The principle use of land may range from single-family to multiple-family dwelling units. Certain uses are permitted which are more compatible functionally with intensive residential uses than with commercial uses. The recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area are included. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through

consideration of the proper functional relationship of each use permitted in the district. (Ord. 5-87 §6.00, 1987)

20.28.020 Principal Uses Permitted. Property and buildings in an R-2 mixed residential district shall be used only for the following purposes:

- (a) Any use permitted in the R-1 single-family residential district;
- (b) Dwellings for a maximum of four families;
- (c) Religious and educational institutions;
- (d) Private club or lodge, excepting one where the major activities are a service customarily carried on as a business;
- (e) Accessory uses and buildings which are customarily incidental to any of the above stated uses, but not involving the conduct of business;
- (f) Home occupations. (Ord. 5-87 §6.01, 1987)

20.28.030 Use Exceptions. The following principal uses deemed appropriate on review by the board of adjustment in accordance with the provisions contained herein:

- (a) Private kindergartens and day nurseries, and child care centers;
- (b) Hospitals, family homes, nursing homes, convalescent homes, public buildings, and/or community buildings, with the same off-street parking and yards as those required for other institutional uses under this title;
- (c) Public utilities;
- (d) Mortuary or funeral homes;
- (e) Medical and dental clinics;
- (f) Planned unit developments upon tracts of ten acres or more, subject to the requirements in Chapter 20.68;
- (g) Group care facilities. (Ord. 5-87 §6.02, 1987)

20.28.040 Height Regulations, Lot Area, Frontage and Yard Requirements. In the R-2 mixed residential district, height regulations and lot area, frontage and yard requirements shall be those regulations as specified in Section 20.12.190. (Ord. 5-87 §6.03, 1987)

20.28.050 Off-Street Parking and Loading Requirements. In the R-2 mixed residential district, off street parking and loading requirements shall be those regulations as specified in Chapter 20.60. (Ord. 5-87 §6.04, 1987)

20.28.060 Sign Regulations. In the R-2 mixed residential district, sign regulations shall be those regulations as specified in Chapter 20.64. (Ord. 5-87 §6.05, 1987)

Chapter 20.32

R-3 MULTIPLE RESIDENTIAL DISTRICT

Sections:

20.32.010 General Description

20.32.020 Principal Uses Permitted

20.32.030 Use Exceptions

20.32.040 Height Regulations, Lot Area, Frontage and Yard Requirements

20.32.050 Off-Street Parking and Loading Requirements

20.32.060 Sign Regulations

20.32.010 General Description. The R-3 multiple residential district is to provide for dwelling structures containing five units or more and high population density. The principle use of land may range from five-plexes to multiple-family dwelling units including condominiums and row housing. Certain other uses are permitted which are more compatible functionally with intensive residential uses than with commercial uses. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district. (Ord. 5-87 §7.00, 1987)

20.32.020 Principal Uses Permitted. Property and buildings in a R-3 multiple residential district shall be used only for the following purposes:

- (a) Any use permitted in the R-2 district except that the bulk requirements for that district must be met;
- (b) Five-plexes and larger dwelling structures;
- (c) Religious and educational institutions;
- (d) Boarding and lodging houses;
- (e) Family home;
- (f) Hospitals (except animal hospitals) day nurseries or care facilities, nursing and convalescent home and medical clinics;
- (g) Private clubs, lodges and similar uses;
- (h) Funeral homes and mortuaries;
- (i) Hotels, motels, and motor courts, in which retail shops may be operated for convenience of the occupants of the building; provided, however, that there shall be no entrance to such place of business, except from the inside of the building, nor shall any display of stock or goods for sale be so arranged that it can be viewed from the outside of the building;
- (j) Offices such as:
 Accountants, Dental Offices,
 Architects, Insurance,
 Art schools, Lawyers,
 Barber shop, Medical office with
 Beauty shop, dispensary,
 Church offices, Nurses registry,
 Civil engineers, Psychologists,
 Collection agency, Public stenographers,
 Credit bureau, Real estate.
 Other uses similar to the foregoing designated uses, but subject to review by the City planning and zoning commission and approval of the City Council;
- (k) Accessory uses and buildings which are customarily incidental to any of the above uses. (Ord. 5-87 §7.01, 1987)

20.32.030 Use Exceptions. Any other uses deemed appropriate on review by the board of adjustment to be the same general character as the foregoing permitted uses. (Ord. 5-87 §7.02, 1987)

20.32.040 Height Regulations, Lot Area, Frontage and Yard Requirements. In the R-3 multiple residential district, height regulations and lot area, frontage and yard requirements shall be those regulations as specified in Section 20.12.190. (Ord. 5-87 §7.03, 1987)

20.32.050 Off-Street Parking and Loading Requirements. In the R-3 multiple residential district, off street parking and loading requirements shall be those regulations as specified in Chapter 20.60. (Ord. 5-87 §7.04, 1987)

20.32.060 Sign Regulations. In the R-3 multiple residential district, sign regulations, shall be those regulations as specified in Chapter 20.64. (Ord. 5-87 §7.05, 1987)

Chapter 20.36

R-4 MOBILE HOME DISTRICT

Sections:

20.36.010 General Description

20.36.020 Principal Uses Permitted

20.36.030 Use Exception

20.36.040 Height Regulations, Lot Area, Frontage and Yard Requirements

20.36.050 Off-Street Parking and Loading Requirements

20.36.060 Sign Regulations

20.36.010 General Description. The R-4 mobile home district is intended and designed for high-density mobile home development. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district. (Ord. 5-87 §8.00, 1987)

20.36.020 Principal Uses Permitted. Property and buildings in an R-4 mobile home district shall be used only for the following purposes:

- (a) Mobile home parks;
- (b) Accessory uses and buildings which are customarily incidental to the above stated uses, but not involving the conduct of business. (Ord. 5-87 §8.01, 1987)

20.36.030 Use Exception. Any other uses deemed appropriate on review by the board of adjustment to be the same general character as the foregoing permitted uses. (Ord. 5-87 §8.02, 1987)

20.36.040 Height regulations, lot area, frontage and yard requirements. In the R-4 mobile home district, off street parking and loading requirements shall be those regulations as specified in Section 20.12.190. (Ord. 5-87 §8.03, 1987)

20.36.050 Off-Street Parking and Loading Requirements. In the R-4 mobile home district, off-street parking and loading requirements shall be those regulations as specified in Chapter 20.60. (Ord. 5-87 §8.04, 1987)

20.36.060 Sign Regulations. In the R-4 mobile home district, sign regulations shall be those regulations as specified in Chapter 20.64. (Ord. 5-87 §8.05, 1987)

Chapter 20.40

C-1 COMMERCIAL DISTRICT

Sections:

20.40.010 General Description

20.40.020 Principal Uses Permitted

20.40.030 Use Exception

20.40.040 Height Regulations, Lot Area, Frontage and Yard Requirements

20.40.050 Off-Street Parking Areas and Loading Requirements

20.40.060 Signs

20.40.010 General Description. The C-1 commercial district is intended and designed for business, professions and occupations which are located in areas other than the central business district and require off-street parking areas and loading spaces. (Ord. 5-87 §9.00, 1987)

20.40.020 Principal Uses Permitted. Property and buildings in a C-1 commercial district shall be used only for the following purposes:

- (1) Any use permitted in the R-3 district except that the bulk requirements for that district must be met;
- (2) Antique shops;
- (3) Apartments above first story level of a store or shop, with off-street/on-site parking;
- (4) Apparel shops;
- (5) Art shops;
- (6) Automobile accessory stores;
- (7) Automobiles, trailer, motorcycle, boat and farm implement establishments for display, hire, rental, and sales (including sales lots). This subsection shall not be construed to include automobile, tractor or machinery wrecking and rebuilding and used parts yards;
- (8) Automobile, trailer, motorcycle, boat and farm implement service/repair establishments;
- (9) Bakeries or bakery outlets, retail sales only;
- (10) Banks, savings and loan associations, and similar financial institutions;
- (11) Barbershops and beauty parlors;
- (12) Bicycle shops, sales and repair;
- (13) Bowling alleys;
- (14) Business offices, professional offices and studios;
- (15) Camera stores;
- (16) Carpenter and cabinet making shops;
- (17) Car wash with truck bay;
- (18) Churches and temples;

- (19) Clothes cleaning and laundry pick-up stations;
- (20) Clothing stores;
- (21) Collection office of public utility;
- (22) Confectionery stores, including ice cream or snack bars;
- (23) Dairy stores, retail only;
- (24) Dance studio;
- (25) Delicatessens;
- (26) Dental and medical clinics;
- (27) Department stores;
- (28) Drive-in restaurants;
- (29) Drug stores;
- (30) Dry goods stores;
- (31) Florist shops;
- (32) Furniture stores;
- (33) Gift shops;
- (34) Grocery stores, including supermarkets;
- (35) Hardware stores;
- (36) Hobby shops;
- (37) Hotels and motels;
- (38) Household appliances, sale and repair;
- (39) Jewelry stores and watch repair shops;
- (40) Launderettes, coin-operated dry cleaning establishments, and dry-cleaning or pressing establishments using only non-flammable solvents;
- (41) Lawn mower repair shops;
- (42) Locker plant for storage and retail sales only;
- (43) Leather goods store;
- (44) Lumber yards;
- (45) Music stores and music studios;
- (46) Paint and wallpaper stores;
- (47) Pet shops;
- (48) Photographic studios, printing and developing establishments;
- (49) Plumbing and heating shops;
- (50) Post offices;
- (51) Printing and lithographing shops;
- (52) Publishing and engraving establishments;
- (53) Radio and television sales and repair shops;
- (54) Rental storage buildings;
- (55) Restaurants;
- (56) Sheet metal shops;
- (57) Shoe and hat repair shops;
- (58) Sporting goods stores;
- (59) Tailor and dressmaking shops;
- (60) Theaters;
- (61) Toy stores;
- (62) Upholstering shops;
- (63) Used car lots;

- (64) Variety stores;
- (65) Video equipment rental and sales;
- (66) Accessory uses and buildings which are customarily incidental to the above stated uses;
- (67) Any other use determined by the board of adjustment to be of the same general character as the foregoing permitted uses. (Ord. 5-87 §9.01, 1987)

20.40.030 Use Exception. The following principal uses deemed appropriate on review by the board of adjustment in accordance with the provisions stated herein:

- (1) Agricultural feed and seed sales, but excluding grinding, mixing and bleeding;
- (2) Animal hospitals and veterinary clinics;
- (3) Billiard parlors and pool halls;
- (4) Book stores;
- (5) Dance halls;
- (6) Funeral homes and mortuaries;
- (7) Liquor stores;
- (8) Private clubs and lodges;
- (9) Public buildings and community buildings;
- (10) Public utilities;
- (11) Roadside stands for the sale of fresh fruits, vegetables, nursery stock, and plant food;
- (12) Service stations;
- (13) Restaurants, cafes and nightclubs;
- (14) Wholesale display and sales rooms and offices;
- (15) Welding and machine shops;
- (16) Any other use exceptions deemed appropriate on review by the board of adjustment to be of the same general character as the foregoing use exceptions. (Ord. 5-87 §9.02, 1987)

20.40.040 Height Regulations, Lot Area, Frontage and Yard Requirements. In the C-1 commercial district, height regulations and lot area, frontage and yard requirements shall be those regulations as specified in Section 20.12.190. (Ord. 5-87 §9.03, 1987)

20.40.050 Off-Street Parking Areas and Loading Requirements. In the C-1 commercial district, off-street parking areas and loading requirements shall be those regulations as specified in Chapter 20.60. (Ord. 5-87 §9.04, 1987)

20.40.060 Signs. In the C-1 commercial district, sign regulations shall be those regulations as specified in Chapter 20.64. (Ord. 5-87 §9.05, 1987)

Chapter 20.44

C-2 CENTRAL COMMERCIAL DISTRICT

Sections:

- 20.44.010 General Description
- 20.44.020 Principal Uses Permitted
- 20.44.030 Uses Exceptions
- 20.44.040 Height Regulations, Lot Area, Frontage and Yard Requirements
- 20.44.050 Off-Street Parking Areas and Loading Requirements

20.44.060 Signs

20.44.010 General Description. The C-2 central commercial district is designed to accommodate the needs of the central business district, allowing a wide range of services and goods permitted for consumer daily and occasional shopping and service needs. (Ord. 5-87 §10.00, 1987)

20.44.020 Principal Uses Permitted. Property and buildings in a C-2 central commercial district shall be used only for the following purposes:

- (1) Auto parts stores
- (2) Bakery and catering service;
- (3) Barber and beauty shops;
- (4) Banks and other financial institutions;
- (5) Business, professional offices, studios;
- (6) Business and vocational schools;
- (7) Clothing stores;
- (8) Commercial parking lots and garages;
- (9) Florist and gift shops;
- (10) Frozen food lockers;
- (11) Hardware stores;
- (12) Jewelry stores;
- (13) Laundries and dry-cleaning establishments;
- (14) Medical and dental clinics;
- (15) Office supplies shops;
- (16) Personal service and repair shops;
- (17) Pharmacy;
- (18) Printing, publishing and engraving;
- (19) Public buildings, playgrounds, community buildings, public parks;
- (20) Public utilities;
- (21) Restaurants and taverns;
- (22) TV and appliance repair and sales;
- (23) Variety stores;
- (24) Video/movie film and equipment rental;
- (25) Accessory uses and buildings which are customarily incidental to the above stated uses and including temporary buildings used in conjunction with construction work, provided such buildings are removed promptly upon completion of the construction work. (Ord. 5-87 §10.01, 1987)

20.44.030 Use Exceptions. Any other uses deemed appropriate on review by the board of adjustment to be of the same general character as the foregoing permitted uses, but not including any use that may become obnoxious or offensive in a C-2 district.

- (1) Apartments above first story level of a store or shop with off-street/on site parking;
- (2) Commercial amusements;
- (3) Grocery stores;
- (4) Multi-family dwelling with off-street/on site parking;
- (5) Private clubs and lodges. (Ord. 5-87 §10.02, 1987)

20.44.040 Height Regulations, Lot Area, Frontage and Yard Requirements. In the C-2 central commercial district, height regulations and lot area, frontage and yard requirements shall be those regulations as specified in Section 20.12.190. (Ord. 5-87 §10.03, 1987)

20.44.050 Off-Street Parking Areas and Loading Requirements. In the C-2 central commercial district, off street parking areas and loading requirements shall be those regulations as specified in Chapter 20.60. (Ord. 587 §10.04, 1987)

20.44.060 Signs. In the C-2 central commercial district, sign regulations shall be those regulations as specified in Chapter 20.64. (Ord. 5-87 §10.05, 1987)

Chapter 20.48

M-1 LIGHT INDUSTRIAL AND/OR MANUFACTURING DISTRICT

Sections:

20.48.010 General Description

20.48.020 Principal Uses Permitted

20.48.030 Use Exceptions

20.48.040 Height Regulations, Lot Area, Frontage and Yard Requirements

20.48.050 Off-Street Parking Areas and Loading Requirements

20.48.060 Signs

20.48.010 General Description. The following described real estate is changed from M-1 (Light Industrial and/or manufacturing District) to R-3 (Multiple Residential District) said real property being legally described as:

Original Description as recorded in Book 198, Page 469:

Commencing at a point 106 rods South of the NW corner of the NW ¼ of Sec 25, Twp 91 N, Rge 13 W of the 5th PM, running thence East 18 rods, thence South 16 rods, thence West 18 rods to west line of said sec 25, thence North 16 rods on said Section line to the place of beginning, except public highway.

Description Parcel 1 of above:

That part of the above described property lying North of the North line of the proposed Schumacher's Addition to Denver, Iowa, more particularly described as:

Commencing at the West Quarter corner of Section 24, T91N, R13W of the 5th PM in Bremer County, Iowa; thence along the West line of the Northwest Quarter of said Section 25, North 00°00'00" East 906.31 feet to the Point of Beginning, said point being the Northwest corner of the above described property; thence along the North line of the above described property, North 89°46' East 297.00 feet to the East line of the above described property; thence along said East line, South 00°00'00" East 148.28 feet to the North line of the proposed Schumacher's Addition; thence along said North line South 90°00'00" West 297.00 feet to the West line of the Northwest Quarter of said Section 25, thence along said West line, North 00°00'00" East 147.06 feet to the Point of Beginning, except public highway. (Ord. 5-97)

20.48.020 Principal Uses Permitted. Property and buildings in an M-1 light industrial and/or manufacturing district shall be used only for the following purposes:

- (1) Contractor's shop and storage yard enclosed by presentable solid fence eight feet high;
- (2) Bottling works;
- (3) Creamery and/or dairy processing plant;
- (4) Truck or bus garage and repair shop;
- (5) Farm implement sales, service, repair and assembly;
- (6) Freight terminal and grain elevator;
- (7) Building material sales and storage;
- (8) Wholesaling and warehousing but not including the bulk storage of hazardous chemicals;
- (9) Public utilities;
- (10) Automobile body repair and paint shop;
- (11) Clothing manufacture;
- (12) Welding shop;
- (13) Light manufacturing and assembly plants;
- (14) Consignment and auction sales operations having no more than four (4) public sales per month, but excluding the sale of livestock, fish, fowl or animals of any kind. (Ord. 5-87 §11.01, 1987)

20.48.030 Use Exceptions. The following uses deemed appropriate on review by the board of adjustments in accordance with provisions contained herein:

- (1) Animal, poultry and bird raising, commercial;
- (2) Animal pound or kennel;
- (3) Carnivals, circuses, fairs, road shows;
- (4) Cleaning and dyeing plants;
- (5) Radio and television broadcasting tower or station;
- (6) Sheet metal products manufacture;
- (7) Accessory uses and buildings which are customarily incidental to the above stated permitted uses and including temporary buildings used in conjunction with construction work, provided such buildings are removed promptly upon completion of the construction work;
- (8) Junkyards, including automobile wrecking and/or salvage, enclosed by a presentable solid fence eight feet high. (Ord. 5-87 §11.02, 1987)

20.48.040 Height Regulations, Lot area, Frontage and Yard Requirements. In the M-1 light industrial and/or manufacturing district, height regulations and lot area, frontage and yard requirements shall be those regulations as specified in Section 20.12.190. (Ord. 5-87 §11.03, 1987)

20.48.050 Off-Street Parking Areas and Loading Requirements. In the M-1 light industrial and/or manufacturing district, off-street parking areas and loading requirements shall be those regulations as specified in Chapter 20.60. (Ord. 5-87 §11.04, 1987)

20.48.060 Signs. In the M-1 light industrial and/or manufacturing district, sign regulations shall be those regulations as specified in Chapter 20.64. (Ord. 5-87 §11.05, 1987)

Chapter 20.52

M-2 HEAVY INDUSTRIAL AND/OR MANUFACTURING DISTRICT

Sections:

20.52.010 General Description

20.52.020 Principal Uses Permitted

20.52.030 Use Exceptions

20.52.040 Height Regulations, Lot Area, Frontage and Yard Requirements

20.52.050 Off-Street Parking Areas and Loading Regulations

20.52.060 Signs

20.52.010 General Description. The M-2 heavy industrial and/or manufacturing district is intended to provide for heavy manufacturing, industrial uses and other uses not otherwise provided for in the districts established by this title. The intensity of uses permitted in this district makes it most desirable that they be separated from residential and commercial uses. (Ord. 5-87 §12.00, 1987)

20.52.020 Principal Uses Permitted.

- (1) Anything allowed in M-1 district is allowable in M-2 district;
- (2) Cleaning and dyeing plants;
- (3) Wholesaling and warehousing;
- (4) Sheet metal products manufacture;
- (5) Brick and clay products and central mixing and proportioning plant;
- (6) Flour, feed and grain milling and storage;
- (7) Tool and die shops, and machine shops;
- (8) Structural iron and steel fabrication;
- (9) Machinery manufacture;
- (10) Mini-steel plants;
- (11) PVC products manufacturing;
- (12) Accessory uses and buildings which are customarily incidental to the above stated permitted uses and including temporary buildings used in conjunction with construction work, provided such buildings are removed promptly upon completion of the construction work. (Ord. 5-87 §12.01, 1987)

20.52.030 Use Exceptions. The following principal uses deemed appropriate on review by the board of adjustment in accordance with provisions contained herein:

- (1) Carnivals, circuses, fairs and road shows;
- (2) Radio and television broadcasting tower or station;
- (3) Areas for dumping or disposal of trash and garbage;
- (4) Fertilizer manufacture;
- (5) Stock yards, slaughterhouses and/or sale barns and yards;
- (6) Explosive manufacture;
- (7) Bulk storage of petroleum products and liquid fertilizers;

- (8) Acid manufacture;
- (9) Animal pound or kennel;
- (10) Animal, poultry and bird raising for commercial purposes;
- (11) Paint and varnish manufacture;
- (12) Wholesaling and warehousing of hazardous chemicals. (Ord. 5-87 §12.02, 1987)

20.52.040 Height Regulations, Lot Area, Frontage and Yard Requirements. In the M-2 heavy industrial and/or manufacturing district, height regulations and lot area, frontage and yard requirements shall be those regulations as specified in Section 20.12.190. (Ord. 5-87 §12.03, 1987)

20.52.050 Off-Street Parking Areas and Loading Regulations. In the M-2 heavy industrial and/or manufacturing district, off-street parking areas and loading regulations shall be those regulations as specified in Chapter 20.60. (Ord. 5-87 §12.04, 1987)

20.52.060 Signs. In the M-2 heavy industrial and/or manufacturing district, sign regulations shall be those regulations as specified in Chapter 20.64. (Ord. 5-87 §12.05, 1987)

Chapter 20.56

U-1 UNCLASSIFIED DISTRICT

Sections:

- 20.56.010 General Description
- 20.56.020 Principal Uses Permitted
- 20.56.030 Height Regulations
- 20.56.040 Lot Area, Frontage and Yard requirements
- 20.56.050 Off-Street Parking and Loading Requirements
- 20.56.060 Sign Regulations

20.56.010 General Description. The U-1 unclassified district is intended and designed to preserve and protect the natural character of the lands within the district and their values for flood control and water holding capacity. The areas within this district should be protected from developmental encroachment. (Ord. 5-87 §13.00, 1987)

20.56.020 Principal Uses Permitted. Property and buildings in an U-1 unclassified district shall be used only for the following purposes:

- (1) Agriculture and the usual agricultural buildings and structures;
- (2) Amusement enterprises, such as race tracks, carnival, circus, rides and shows subject to prior recommendation from the planning and zoning commission and approval by the City Council;
- (3) Truck gardening and nurseries, provided that no permanent dwelling units shall be erected thereon unless the tract contains ten or more acres;
- (4) Mining and extraction of minerals or raw material subject to approval by the City Council;
- (5) Airports and landing fields;
- (6) Forest and forestry;

- (7) Parks, playgrounds, golf courses, both public and private, and recreational uses;
- (8) Any use erected or maintained by a public agency;
- (9) Public utility structures and equipment necessary for the operation thereof;
- (10) Transmitting stations;
- (11) Dumping of noncombustible materials for landfill purposes;
- (12) Railroad right-of-way;
- (13) Accessory buildings and uses customarily incidental to any of the above uses. (Ord. 5-87 §13.01, 1987)

20.56.030 Height Regulations. In the U-1 unclassified district, height regulations shall be those regulations as specified in Section 20.12.190. (Ord. 5-87 §13.02, 1987)

20.56.040 Lot Area, Frontage and Yard Requirements. In the U-1 unclassified district, lot area, frontage and yard requirements shall be those regulations as specified in Section 20.12.190. (Ord. 5-87 §13.03, 1987)

20.56.050 Off-Street Parking and Loading Requirements. In the U-1 unclassified district, off-street parking and loading requirements shall be those regulations as specified in Chapter 20.60. Ord. 5-87 §13.04, 1987)

20.56.010 General Description. The U-1 unclassified district is intended and designed to preserve and protect the natural character of the lands within the district and their values for flood control and water holding capacity. The areas within this district should be protected from developmental encroachment. (Ord. 5-87 §13.00, 1987)

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- (8) Any use erected or maintained by a public agency;
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- (10) Transmitting stations;
- (11) Dumping of noncombustible materials for landfill purposes;
- (12) Railroad right-of-way;
- (13) Accessory buildings and uses customarily incidental to any of the above uses. (Ord. 5-87 §13.01, 1987)

20.56.030 Height Regulations. In the U-1 unclassified district, height regulations shall be those regulations as specified in Section 20.12.190. (Ord. 5-87 §13.02, 1987)

20.56.040 Lot Area, Frontage and Yard Requirements. In the U-1 unclassified district, lot area, frontage and yard requirements shall be those regulations as specified in Section 20.12.190. (Ord. 5-87 §13.03, 1987)

20.56.050 Off-Street Parking and Loading Requirements. In the U-1 unclassified district, off-street parking and loading requirements shall be those regulations as specified in Chapter 20.60. (Ord. 5-87 §13.04, 1987)

20.56.060 Sign Regulations. In the U-1 unclassified district, sign regulations shall be those regulations as specified in Chapter 20.64. (Ord. 5-87 §13.05, 1987)

Chapter 20.60

OFF-STREET PARKING AREAS AND LOADING SPACES

Sections:

- 20.60.010 Off-Street Loading Spaces
- 20.60.020 Provisions of Off-Street Parking
- 20.60.030 Number of Parking Spaces Required
- 20.60.040 Definitions and Interpretation
- 20.60.050 Development Standards
- 20.60.060 Exceptions
- 20.60.070 Trucks, Buses and Mobile Homes

20.60.010 Off-Street Loading Spaces. (a) In all districts, in connection with every building or part thereof hereafter erected which is to be occupied by uses requiring receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building the following off-street loading spaces:

Gross Floor Areas (Sq. Ft.) Spaces Required

0 to 19,999	1
20,000 to 29,999	2
30,000 to 39,999	3
40,000 to 49,999	4

(b) For each additional ten thousand square feet in excess of fifty thousand square feet, one additional off street loading space shall be required.

(c) Such spaces may occupy all or any part of a required rear yard or with authorization of the board of adjustment, part of any other yard or court space on the same premises. (Ord. 5-87 §14.00.01, 1987)

20.60.020 Provisions of Off-Street Parking. In all districts, off-street accessory parking areas, in the open or in a garage, shall be provided in connection with the uses set forth hereinafter and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas, in the case of A or R districts, shall be on the premises intended to be served; and in the case of C-1, C-2, M-1, and M-2 districts, such areas shall be on the premises intended to be served or on adjoining or nearby property within one hundred

feet of any part of said premises and in the same or less restricted district. (Ord. 5-87 §14.00.02, 1987)

20.60.030 Number of Parking Spaces Required.(a) In C-1, employee parking shall be provided at the rate of one space per employee plus the customer spaces as listed below.

USE SPACES REQUIRED

Animal hospitals and veterinarian clinics	1 for each 200 square feet of floor area
Automobile or farm implement sales and service garages	1 for each 2 employees
Barber shops and beauty parlors	1 for each chair, plus one
Bowling alleys	3 for each lane
Clothing stores, grocery stores, jewelry stores, pharmacies, hardware stores	1 for each 300 square feet of floor area
Church or temple	1 for each 6 seats
Community center, library, museum	11 plus 1 for each 300 square feet in excess of 2,000 square feet of floor area
Dental and medical clinics	1 for each 300 square feet of floor area except in R-2, where 3 plus 1 additional per 400 square feet in excess of 1,000 square feet of floor area
Drive-in restaurant	for each employee on maximum unit
Dwelling	or each dwelling unit except for C-2, where 1 per dwelling unit
USE SPACES REQUIRED	
Financial institutions, business offices, professional offices, and studios	1 for each 300 square feet of floor area
Frozen food lockers, laundries and drycleaning	1 for each 300 square feet of floor area

Furniture and household appliance sale and area service establishments	1 for each 500 square feet of floor
Hospitals	1 for each 4 beds
Indoor theaters	1 for each 4 seats
Mortuary or funeral home	1 for each 100 square feet of floor area
Motels and hotels	1 for each unit or suite plus 1 for each 100 square feet of commercial floor area
Printing, publishing engraving establishments	1 for each 500 square feet of floor area
Private club or lodge	5 plus 1 for each 200 square feet in excess of 1,000 square feet of floor area
Restaurants, cafes, nightclubs	1 for each 100 square feet of floor area
Sanitarium, nursing, rest or convalescent home	1 for each 6 beds
Schools and public Buildings	1 for each classroom or office room plus 1 for each 11 seats in main auditorium, stadium, or place of public assembly
Skating rinks	1 for each 100 square feet of floor area
USE SPACES REQUIRED	
Warehouse, storage and manufacturing operations	1 for each 2 employees plus 1 for each vehicle used by the industry
Wholesale display and sales rooms and offices	1 for each 300 square feet of floor area

(b) In the case of any use, which is not specifically mentioned herein, the provisions for a similar use mentioned shall apply or see Section 20.60.060. (Ord.5-87 §14.00.03, 1987)

20.60.040 Definitions and Interpretation. (a) Benches in Place of Public Assembly. In stadiums, sports arenas, churches, and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat for the

purpose of determining requirements for off-street parking facilities under the ordinance codified in this chapter.

(b) Floor Area. In the case of merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to public or customers, patrons or clients, but shall not include areas used principally for nonpublic purposes, such as toilet or restroom, utilities, or dressing rooms.

(c) Loading Space. Each loading space shall not be less than ten (10) feet wide, sixty-five (65) feet in length and fourteen (14) feet in height, exclusive of access and turning areas.

(d) Parking Space. Each parking space rectangular in shape shall be not less than nine (9) feet wide and twenty (20) feet long, or not less than one hundred and eighty (180) square feet in area exclusive of access drives or aisles. (Ord. 5-87 §14.00.04, 1987)

20.60.050 Development Standards. Off-street accessory parking areas shall be of usable shape, and shall be improved with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate such parking areas shall be arranged as to reflect light away from adjoining premises in an R district. (Ord. 5-87 §14.00.05, 1987)

20.60.060 Exceptions. The board of adjustment may authorize on appeal a modification, reduction or waiver of the foregoing requirements, if it should find that in the particular case the peculiar nature of the use, or other exceptional situation or condition would justify such modification, reduction or waiver. (Ord. 5-87 §14.00.06, 1987)

20.60.070 Trucks, Buses and Mobile Homes. Trucks, buses and mobile homes shall not be parked or stored on any lot occupied by a dwelling or any lot in any agricultural or residential district except in accordance with the following provisions:

- a. Truck or Bus. No truck or bus exceeding one and one-half ton capacity shall be parked or stored on any residential street for longer than forty-eight hours.
- b. Mobile Home. A mobile home shall be parked or stored only in a mobile home park or mobile home sales area. A mobile home shall not be occupied whether temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under the ordinances of the City of Denver. (Ord. 5-87 §14.01, 1987)

Chapter 20.64 SIGNS

Sections:

- 20.64.010 General Provisions
- 20.64.020 Agricultural Districts
- 20.64.030 Residential Districts
- 20.64.040 Commercial Districts
- 20.64.050 Industrial Districts
- 20.64.060 Outdoor Advertising Signs

20.64.010 General Provisions. (a) All signs and billboards shall be maintained in a neat and presentable condition and in the event their use will cease, they shall be removed promptly and the surrounding area restored to a condition free from refuse and debris.

(b) All temporary, illuminating, flashing or portable signs must secure a sign placement permit from the zoning administrator, valid for a maximum time limit of seventy two (72) hours. Such permit will not be renewed to the same person or business for fourteen days. The fourteen day period is calculated from the first day as written on the sign placement permit. (Ord. 6-94 §2(part), 1994; Ord. 587 §14.02.01, 1987)

20.64.020 Agricultural Districts. In any agricultural district the following signs are permitted:

(a) Name plates not to exceed one (1) square foot in area;

(b) Church or public bulletin boards;

(c) Temporary signs advertising the lease or sale of the premises, not to exceed twelve square feet in area;

(d) Bulletin boards and signs pertaining to the lease, hire or sale of a building or premises, or signs pertaining to any material that is grown or treated within the district; provided, however, that such signs shall be located upon or immediately adjacent to the building or in the area in which such materials are treated, processed or stored. (Ord. 5-87 §14.02.02, 1987)

20.64.030 Residential Districts. In any residential district the following signs are permitted:

(a) Name plates not to exceed one (1) square foot;

(b) Church or public bulletin boards;

(c) Temporary signs advertising the lease or sale of the premises, not to exceed twelve square feet in area;

(d) Facilities, other than single family dwellings, normally required to provide an attractive R-1 residential area may illuminate signs, bulletin boards and name plates only with indirect non-intermittent lights that do not exceed sixty watts;

(e) Signs for home occupations not exceeding three square feet in area;

(f) Signs must not project more than four feet above the roofline. (Ord. 5-87 §14.02.03, 1987)

20.64.040 Commercial Districts. The following signs are permitted in all commercial districts:

(a) Signs permitted in the residential districts;

(b) Any exterior sign shall pertain only to a use conducted within the building and be integral or attached thereto. No sign may project over any street line (back of curb) or extend more than six (6) feet over any building line whether fixed to the building or any other structure. In no case shall any sign project more than four (4) feet above the roof line, and the total area of all signs pertaining to the business conducted in any building shall not exceed two (2) square feet in area for every lineal foot occupied by the front of the building displaying such sign, but not to exceed lot frontage. Where the lot adjoins an R district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the R district, however, this does

not apply to the side of the building which is opposite that side adjoining the F district. For the purpose of determining sign area, the front of a building shall be considered that portion of the building fronting on the street from which the building's address is derived;

(c) One (1) post sign or business identification sign provided, however, that said post sign shall not have a surface of greater than forty (40) square feet on any one (1) side thereof and not more than two (2) sides of post sign shall be used for advertising purposes. The bottom of said post sign or surface area thereof shall not be less than twelve (12) feet above the sidewalk or above the surface of the ground upon which it is erected, and the total vertical dimension of twelve (12) feet or horizontal dimension of said sign shall not be greater than seven (7) feet. Total maximum height of said sign shall not be over twenty-four (24) feet;

(d) The term "post sign," as herein defined, shall not be deemed to include any sign advertising the trade name, merchandise or service of any person, firm, or corporation who pays a consideration for the privilege of placing, maintaining, or using any portion of said sign to the owner or occupant of the premises upon which said sign is erected or placed. Said post sign shall not extend over street right-of-way lines nor otherwise obstruct or impair the safety of pedestrians or motorists. (Ord. 5-87 §14.02.04, 1987)

(e) One monument sign, provided said monument sign meets the following: contains no more than 45 sq. ft., a maximum height of 48 inches off the lowest point of finished grade, a maximum overall length of 30 ft.; signage shall be allowed on two surfaces only. If the sign is to be placed on a corner lot, as herein defined, the location must be approved by the Chief of Police to assure adequate sight distance. All monument signs must be located a minimum of two ft. inside the property line.(Ord. 2-96)

20.64.050 Industrial Districts. All signs allowed within the commercial district are allowed within the industrial district. (Ord. 5-87 §14.02.05, 1987)

20.64.060 Outdoor Advertising Signs. In all districts where permitted, signs shall be set back from the proposed right-of-way line of any state or federal highway, any major City thoroughfare so designated by the official major street plan, and from the right-of-way line of any other street or highway, at least as far as the required front yard depth for a principal building in such districts; however, the setback of any outdoor advertising sign (not including, however, business identification and directional and other incidental signs otherwise permitted under the provisions of this title) on corner lots, in the triangle formed by the lines of streets intersecting at an angle of less than sixty (60) degrees and a line joining points on such lines one hundred (100) feet distant from their point of intersection, no outdoor advertising sign shall be permitted. No such sign shall be permitted which faces the front or side lot line of any lot in any R district used for residential purposes within one hundred (100) feet of such lot lines, or which faces any public parkway, public square or entrance to any public park, public or parochial school, church, cemetery or similar institution, within three hundred (300) feet thereof. (Ord. 5-87 §14.02.06, 1987)

Chapter 20.68

PLANNED UNIT DEVELOPMENTS

Sections:

- 20.68.010 Purpose
- 20.68.020 Permitted Uses
- 20.68.030 Density
- 20.68.040 Yard Requirements
- 20.68.050 Height Requirements
- 20.68.060 Floor Area Requirements
- 20.68.070 Parking
- 20.68.080 Signs
- 20.68.090 Design Standards
- 20.68.100 Subdivision
- 20.68.110 Use Exceptions

20.68.010 Purpose. Any such planned unit development shall promote to the extent possible and without adversely affecting adjacent property:

- (a) A maximum choice in the types of environment available to the public by allowing a development which would not be possible under the strict application of the provisions of Chapter 20.28;
- (b) The permanent preservation of open areas and recreational facilities;
- (c) A creative approach to the use of land and related physical facilities which results in better development, design and construction;
- (d) A development which is consistent with the spirit and intent of the City's comprehensive plan;
- (e) The efficient use of land resulting in more economic networks of utilities, streets and other facilities;
- (f) A use of land which promotes the health, safety, comfort, morals, and welfare of the public;
- (g) The foregoing shall not be interpreted to permit the reduction of the other standards set forth in Sections 20.60.030 and 20.60.040. (Ord. 5-87 §§14.03.01, 14.03.02, 1987)

20.68.020 Permitted Uses. The permitted uses within any planned unit development shall be limited to the following:

- (a) Single-family, two-family, townhouse, row house and multiple-family residential;
- (b) Parks and playgrounds;
- (c) Customary accessory or associated uses, such as private garages, storage spaces and recreational and community facilities. (Ord. 5-87 §14.03.03, 1987)

20.68.030 Density. The maximum residential density within any planned unit development shall be as follows:

Type of Development Maximum Density

Single-family dwellings 7 units or 18 bedrooms per acre

Two-family dwellings 8 units or 20 bedrooms per acre

Townhouse dwellings 9 units or 22 bedrooms per acre

Row house dwellings 11 units or 25 bedrooms per acre

Multifamily dwellings 12 units or 30 bedrooms per acre
(Ord. 5-87 §14.03.04, 1987)

20.68.040 Yard Requirements. The minimum yard requirements within any planned unit development shall be as follows:

Type of Development	Front	Rear	Side
Single-family dwelling	25	25	8
Two-family dwelling	25	25	8
Townhouse dwellings	25	30	11
Row house dwellings	25	35	12
Multifamily dwellings	30	35	12

Provided that nothing herein contained shall reduce the yard abutting upon any public street to less than twenty-five feet. (Ord. 5-87 §14.03.05, 1987)

20.68.050 Height Requirements. The maximum height of any structure within any planned unit development shall not exceed thirty feet. (See Table 1, Bulk Requirements.) (Ord. 5-87 §14.03.06, 1987)

20.68.060 Floor Area Requirements. The minimum floor area of any dwelling unit within any planned unit development shall be those established by Section 20.12.190. (See Table 1, Bulk Requirements.) (Ord. 5-87 §14.03.07, 1987)

20.68.070 Parking. The off-street parking within any planned unit development shall be fixed by the board of adjustment at not less than five hundred square feet nor more than eight hundred square feet for each dwelling unit, exclusive of access drive or aisles. (Ord. 5-87 §14.03.08, 1987)

20.68.080 Signs. Signs within any planned unit development shall be restricted to those signs permitted by Chapter 20.64. (Ord. 5-87 §14.03.09, 1987)

20.68.090 Design Standards. All improvements within any planned unit development, including street pavement, the sidewalks and the electric, sewer, water and gas lines and mains, shall be built to the design standards of the City. (Ord. 5-87 §14.03.10, 1987)

20.68.100 Subdivision. If any planned unit development is to be subdivided into two or more lots, then the development shall be subdivided in accordance with the applicable ordinance of the City, provided that the board of adjustment may:

- (a) Reduce the width of any street right-of-way to not less than forty (40) feet.
- (b) Reduce the size of any lot to not less than eight thousand (8000) square feet. (Ord. 5-87 §14.03.11, 1987)

20.68.110 Use Exceptions. (1) The petition for use exception pursuant to the provisions of this chapter shall include a site development plan.

(2) Prior to the granting of use exception pursuant to this chapter, the board of adjustment shall refer the petition for the use exception and all supporting documents to the planning and zoning commission for its review and recommendation.

- (3) Any decision of the board of adjustment relative to the development shall include, but not by limitation, findings of fact on the following:
- (a) The extent to which the development is consistent with the purposes of planned unit developments as set forth in this chapter;
 - (b) The extent to which the development meets the requirements and standards of planned unit developments as set forth in this chapter;
 - (c) The manner in which the development conforms with the intent and spirit of the City's comprehensive plan;
 - (d) The reasons why the granting of the use exception is deemed to be in the public interest;
 - (e) The relationship and compatibility of the development to the adjacent properties and neighborhood;
 - (f) The desirability of the development as it relates to the well-being of the City.
- (4) Any use exception granted pursuant to this chapter shall be expressly subject to such conditions as may be necessary to fully carry out the intents and purposes of this chapter, the City's comprehensive plan and the zoning ordinance of the City
- (5) The petition for the use exception and all supporting documents and the conditions to which the use exception is subject shall be binding upon the titleholders and upon their successors in interest, and shall limit and control the use of the development and the location of buildings and structures within the development as therein set forth.
- (6) Upon the granting of a use exception pursuant to this chapter, the zoning administrator shall issue building permits for construction within the development, provided that the application for such permits conforms to the petition for the use exception and all supporting documents and the conditions to which the use exception is subject. (Ord. 5-87 §§14.03.12--14.03.17, 1987)

Chapter 20.72

NONCONFORMING BUILDING'S, STRUCTURES AND USES OR LAND

Sections:

- 20.72.010 General
- 20.72.020 Alteration or Enlargement of Building and Structures
- 20.72.030 Building Vacancy
- 20.72.040 Destruction of Nonconforming Building or Structure
- 20.72.050 Change of Uses
- 20.72.060 Swimming Pool Fences
- 20.72.070 Nonconforming Uses of Land

20.72.010 General. A nonconforming building or structure existing at the time of adoption of this chapter may be continued, maintained and repaired, except as otherwise provided in this chapter. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe. (Ord. 5-87 §15.00.01, 1987)

20.72.020 Alteration or Enlargement of Building and Structures. A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all the regulations of the district in which it is located; provided, however, that if a building or structure is conforming as to its use, but nonconforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which said building or structure is located. No nonconforming building or structure shall be moved in whole or part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located. (Ord. 5-87 §15.00.02, 1987)

20.72.030 Building Vacancy. A building or structure or portion thereof, which is nonconforming as to use, which is or hereafter becomes vacant and remains unoccupied for continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located. (Ord. 5-87 §15.00.03, 1987)

20.72.040 Destruction of Nonconforming Building or Structure. Any nonconforming building or structure which has been or may be damaged by fire, flood, explosions, earthquake, war, riot, or any other act of God, may be reconstructed and used as before if it can be done within twelve months of such calamity, unless damaged more than fifty percent of its fair market value, as determined by the board of adjustment, at the time of the damage, in which case reconstruction shall be in accordance with the provisions of this title. (Ord. 5-87 §15.00.04, 1987)

20.72.050 Change of Uses. (a) A nonconforming use of a conforming building or structure may be expanded or extended into any other portion of the structure provided the structure was manifestly arranged or designed for such use at the time of adoption or amendment of the ordinance codified in this title, but no such use shall be extended to occupy any land outside such building.

(b) If such a nonconforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant conforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of this Ordinance, but otherwise it shall be used in conformity with the regulations of the district in which it is located.

(c) The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of nonconforming building or structure is changed to a use of a more restricted district classification it thereafter shall not be changed to a use of a less restricted district classification; provided, however, that a building or structure that is nonconforming at the time of adoption of this title is not in violation. For the purpose of this subsection only, the R-

1 district shall be considered the most restrictive and the M-2 district the least restrictive district. (Ord. 5-87 §15.00.05, 1987)

20.72.060 Swimming Pool Fences. The lawful use of a swimming pool existing at the effective date of this title may be continued, provided that twelve (12) months after the effective date of this title all nonconforming pools shall conform to Section 20.12.030(e). (Ord. 5-87 §15.00.06, 1987)

20.72.070 Nonconforming Uses of Land. A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than five (500) hundred dollars, existing at the time of adoption of this title, may be continued for a period of not more than three (3) years therefrom provided that:

- (a) Said nonconforming use may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of this Ordinance;
- (b) If said nonconforming use or any portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which said land is located. (Ord. 5-87 §15.01, 1987)

Chapter 20.76

ADDITIONAL REQUIREMENTS, EXCEPTIONS, MODIFICATIONS AND INTERPRETATIONS

Sections:

20.76.010 Generally

20.76.020 Height and Size Limits

20.76.030 Front Yard Exceptions and Modifications

20.76.040 Side Yard Exceptions and Modifications

20.76.050 Rear Yard Exceptions and Modifications

20.76.010 Generally. The requirements and regulations specified elsewhere in this title shall be subject to additional requirements, exceptions, modifications, and interpretations contained in this chapter. (Ord. 5-87 §16.00, 1987)

20.76.020 Height and Size Limits. Height limitations stipulated elsewhere in this title shall not apply in the following situations:

- (a) To barns, silos, or other farm buildings or structures on farms provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts, and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if in the opinion of the zoning administrator, such structure would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the board of adjustment;
- (b) To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators,

gas holders or other structures, where the manufacturing process requires a greater height than specified, such may be authorized by the board of adjustment;

(c) To satellite ground dish antennas where the minimum height shall be three (3) feet above the ground measured at the lowest point of the dish. Any satellite ground dish antennas where in the opinion of the zoning administrator such structure would adversely affect adjoining or adjacent properties shall not be authorized except by the board of adjustment;

(d) To satellite rooftop dish antennas which shall exceed three (3) feet in diameter provided that the satellite dish antennas meet the structural requirements as required by the building code. Satellite rooftop dish antennas in excess of three feet in diameter shall not be authorized by the board of adjustment. (Ord. 5-87 §16.01, 1987)

20.76.030 Front Yard Exceptions and Modifications. (a) Front yard requirements do not apply to bay windows or balconies that do not project more than two (2) feet into the front yard.

(b) In any district where the average depth of two (2) or more existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average depth of said existing front yards or the average depth of the two (2) lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of the front yard on a lot in any R district shall be at least ten (10) feet and need not exceed sixty (60) feet.

(c) For the purpose of determining lot width, that portion of a flag lot used for ingress and egress shall not be included as a part of the required front yard.

(d) Satellite ground dish antennas are prohibited from front yards in all residential and noncommercial zones. (Ord. 5-87 §16.02, 1987)

20.76.040 Side Yard Exceptions and Modifications. (a) Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have a least width equal to that required in the more restricted district. Where a lot in an M district abuts a lot in an R district, the side yard shall be increased by three (3) feet for each story that the building proposed on such lot exceeds the height limit of the said R district.

(b) On a corner lot the least width of a side yard along the side street lot line shall be equal to the required front yard along the side street. No part of any accessory building shall be nearer a side street lot line than the least depth on any front yard required along such side street.

(c) The following projections or structures may be permitted in side yards:

(1) Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance;

(2) Fences or walls not over six (6) feet above the average natural grade except as noted in Section 20.12.130;

(3) Fire escapes, three (3) feet from side lot line. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within planes drawn from either main corner of the sidewall. The sum of the lengths of such

projection shall not exceed one-third (1/3) of the length of the wall of the main building;

(4) Chimneys, flues, belt courses, leaders, sills, pilasters, and lintels, ornamental features, cornices, gutters and the like into or over a required side yard not more than one and one-half (1½) feet;

(5) Terraces, steps, uncovered porches, stoops or similar features, not higher than the elevation of the ground story of the building and distant three (3) feet from the side lot line. (Ord. 5-87 §16.03, 1987)

(6) In any district, a building which is nonconforming as to side yard setbacks may be expanded or enlarged, provided the enlargement or expansion does not encroach closer to the side property line than the already existing building. All other bulk requirements must be met. (Ord. 1-96)

20.76.050 Rear Yard Exceptions and Modifications. The following projections or structures may be permitted in rear yards:

1. Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.

(a) In any district, a building which is non-conforming as to rear yard setbacks may be expanded or enlarged, provided the enlargement or expansion does not encroach closer to the rear property line than the already existing building. All other bulk requirements must be met; (Ord. 1-96)

(b) Accessory buildings or structures subject to the provisions contained elsewhere in this title;

(c) Fences or walls, not over six (6) feet above the average natural grade;

(d) Fire escapes, six (6) feet, bays and balconies, not more than three (3) feet provided these projections are entirely within planes drawn from either main corner of the rear wall, making an interior angle twenty-two and one-half (22½) degrees in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed one-half (1/2) of the width of the rear wall;

(e) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, and the like, into or over a required rear yard not more than one and one-half (1 ½) feet;

(f) Terraces, steps, uncovered porches, or similar features not more than ten (10) feet into a required rear yard, nor closer than six (6) feet of an alley or within ten (10) feet of a rear lot line;

(g) Swimming pools and satellite ground dish antennas. (Ord. 5-87 §16.04, 1987)

In any district a building which is nonconforming as to rear yard setbacks may be expanded or enlarged, provided the enlargement or expansion does not encroach closer to the rear property line than the already existing building. All other bulk requirements must be met.

Chapter 20.80

ADMINISTRATION AND ENFORCEMENT

Sections:

20.80.010 Organization

20.80.020 Basis of Regulations

20.80.030 Mayor and City Council

20.80.010 Organization. The administration of this Ordinance is vested in the following four (4) offices of the government of the City of Denver: City Council, Plan and Zone Commission, Board of Adjustment, and Zoning Administrator.

20.80.020 Basis or Regulations. Regulations are made in accordance with the comprehensive Plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision or transportation, water sewerage, schools, parks, and other public requirements.

20.80.030 Mayor and City Council. Jurisdiction. The Mayor and City Council of the City of Denver, Iowa shall discharge the following duties under this Ordinance.

1. Appoint a Zoning Administrator whose responsibilities it will be to enforce the provisions of this Ordinance.
2. Appoint members of the Board of Adjustment as provided for in this Ordinance.
3. Appoint member to the Planning and Zoning Commission as provided for in this Ordinance.
4. Receive and decide upon all recommendations concerning amendments, supplements, and changes presented by the Planning and Zoning Commission.
5. Receive from the Planning and Zoning Commission all recommendations on the effectiveness of this Ordinance.
6. To decide all matters upon which it is required to pass under this Ordinance.

Chapter 20.84

BOARD OF ADJUSTMENT

Sections:

20.84.020 Appointment--Terms--Removal

20.84.030 Powers and Duties

20.84.040 Meetings and Rules

20.84.050 Finality of Decisions of the Board of Adjustment

20.84.020 Appointment--Terms--Removal. The board shall consist of five (5) members to be appointed by the City Council for a term of five (5) years excepting that when the board shall first be created one (1) member shall be appointed for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year. A majority of the members of the board of adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate. Members of the board of adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies

shall be filled by the City Council for the unexpired term of the member affected. (Ord. 5-87 §17.03.02, 1987)

20.84.030 Powers and Duties. The board of adjustment is vested with the following powers and duties:

- (a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this title;
- (b) To hear and pass on all applications for special exceptions in the manner prescribed in this Ordinance;
- (c) To hear and pass on all applications for variances from the terms provided in the title in the manner prescribed and subject to the standards herein. (Ord. 5-87 §17.03.03, 1987)

20.84.040 Meetings and Rules. (a) The board of adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this chapter. 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/her absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public.

(b) 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 public record and be immediately filed in the office of the zoning administrator.

(c) The concurring vote of three (3) members of the boards shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in application of this title. (Ord. 5-87 §17.03.04, 1987)

20.84.050 Finality of Decisions of the Board of Adjustment. All decisions and findings of the board of adjustment on appeals applications for a variance, or application for a special exception, after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as by law may be provided. (Ord. 5-87 §17.03.05, 1987)

Chapter 20.88

PLANNING AND ZONING COMMISSION

Sections:

20.88.010 Creation

20.88.020 Membership

20.88.030 Powers and Duties

20.88.040 Secretary of the Planning and Zoning Commission and the Board of Adjustments

20.88.050 Variances

20.88.060 Appeals

20.88.070 Use Exception and Other Powers of the Board of Adjustments

20.88.010 Creation. The planning and zoning commission of the City of Denver, as established under the applicable provisions of the Iowa State Statutes, is the Planning and Zoning Commission referred to in this Ordinance. (Ord. 5-87 §17.04.01, 1987)

20.88.020 Membership. (a) Said planning and zoning commission shall consist of five (5) members, citizens of the City of Denver, IA and qualified by knowledge or experience to act in matters pertaining to the development of a City plan and who shall not hold any elective office in the municipal government, shall be appointed by the Mayor, subject to the approval of the City Council.

(b) Of the five (5) members, one (1) shall serve for a period of one (1) year, one (1) shall serve for a period of two (2) years, one (1) for a period of three (3) years, one (1) for a period of four (4) years, and one (1) for a period of five (5) years. Vacancies shall be filled by appointments for unexpired terms only. All members of the Commission shall serve without compensation except for actual expenses, which shall be subject to the approval of the City Council.

(c) Immediately following their appointment the members of the Planning and Zoning Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with City ordinances and state laws. The Commission shall keep written records of its proceedings, which shall be open at all times to public inspection. The Commission shall also file an annual report to the Mayor and City Council setting forth its transactions and recommendations. (Ord. 5-87 §17.04.02, 1987)

20.88.030 Powers and Duties. The planning and zoning commission shall hold the following powers and discharge the following duties under this title:

(a) Make such surveys, studies, maps, plans, or charts of the whole of the municipality or any land outside thereof, which in the opinion of the commission bears relation to the comprehensive plan and shall bring to the attention of the Council, and may publish its studies and recommendations;

(b) Review all public improvement plans. No such improvements shall be made, site obtained, nor permit issued until the design and proposed location of any such improvement has been submitted to the planning and zoning commission and its recommendations obtained. Should the commission fail to make recommendations within thirty day's written notice, these requirements shall not act as a stay upon action for any improvement;

(c) Review all plans, plats, or re-plats or subdivision or re-subdivision of land embraced in the municipality or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions intended for public dedication to the municipality;

(d) Make careful and comprehensive studies of present conditions and future growth of the municipality with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environment which will promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development;

(e) Hold at least one public hearing before the adoption of any such comprehensive plan, notice of which shall be given by local newspaper not less than seven or more than twenty days before the date of the hearing. The adoption of the plan shall be by resolution of the commission carried by the affirmative vote of a simple majority of the members;

(f) Consider any proposed amendments or modifications of the adopted comprehensive plan. If the planning and zoning commission disapproves the proposed change it may be adopted by the Council only by the affirmative vote of at least three-fourths of the Council members;

- (g) Recommend to the City Council changes in the zoning regulations or districts;
- (h) File recommendations, within thirty (30) days, in connection with any proposed changes in the zoning regulations or districts made by the City Council;
- (i) Expend all sums of money appropriated, and expend all gifts, donations or payments received by the county for county plan purposes;
- (j) Contract debts within the limits of income for the present year. (Ord. 5-87 §17.04.03, 1987)

20.88.040 Secretary of the Planning and Zoning Commission and Board of Adjustment. a. Jurisdiction. The Secretary of the Planning and zoning Commission and the Secretary of the Board of Adjustment shall be the Zoning Administrator.

b. The Secretary of the Planning and Zoning Commissions shall attend all meetings of the Commission, take full and accurate minutes of the proceedings, prepare all necessary reports and documents for and on behalf of the commission, and perform such duties and functions as may be necessary for the orderly recording of the business of the commission.

c. The Secretary of the Board of Adjustment shall attend all meetings of the Board, take full and necessary reports and documents for and on behalf of the Board, and perform such other duties and functions as may be necessary for the orderly recording of the business of the Board.

20.88.050 Variances. a. Purpose and Findings of Fact. The Board of Adjustment, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment makes written findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are no practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.

b. Application for Variance. An application for a variance shall be filed in writing with the Zoning Administrator. Said application shall contain such information as the Board of Adjustment may, by rules, require.

c. Standards for Variance. The Board of Adjustment shall not vary the regulations of this Ordinance, as authorized in this Section, unless there is evidence presented to it in each specific case that:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
2. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. Special conditions and circumstances do not result from the actions of the applicant.
4. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

c. Further Requirements.

1. 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.

2. 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 Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

3. 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 title and punishable under Article XIX.

4. Under no circumstances shall the Board of Adjustment grant a variance to allow for use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the District.

5. If a variance is sought to permit building within four (4) feet or less of a property line, the request must be accompanied by a certified survey.

20.88.060 Appeals. 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 of such decision, in the manner provided by the laws of the state and particularly by the Code of Iowa.

20.88.070 Use Exception and other Powers of the Board of Adjustment. Use Exception.

a. Purpose. The development and administration of this Ordinance is based upon the division of the City into Zoning Districts, within which Districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular District or Districts, without consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular locations. Such exceptions fall into two categories:

1. Uses publicly operated or traditionally affected with a public interest, and
2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

b. Initiation of Use Exceptions. Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one (1) or more of the special exceptions provided for in this ordinance in the zoning district in which the land is located.

c. Application for Special Exception. An application for a special exception shall be filed with the zoning Administrator on a form as the Zoning Administrator shall prescribe. The application shall be accompanied by such plans and/or data prescribed by the Board of Adjustment and shall include a statement indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested.

d. Hearing on Application. Upon receipt in proper form of the application and statement referred to above, the Board of Adjustment shall hold at least one (1) public

hearing on the proposed special exception. Notice of time and place of such hearing shall be published not less than seven (7) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in the City of Denver. Before an appeal is filed with the Board of adjustment, the appellant shall pay to the City of Denver the sum on one hundred fifty (\$150) dollars to cover the publishing and administration costs of said appeal.

e. Authorization. For each application for a special exception the zoning Administrator shall prepare and file with the Board of Adjustment finding and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.

f. Standards. No special exception shall be granted by the Board of Adjustment unless such Board shall find:

1. That the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
2. That the special exception will not be injurious to the use and enjoyment of other property already permitted, not substantially diminish and impair property values within the neighborhood.
3. that the establishment of special exceptions will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
4. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment.

g. Conditions and Guarantees. Prior to the granting of any special use, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the Standards and requirements specified in Subsection (f) above. In all cases in which special exceptions are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

h. Denial and Revocation of Special Exception.

1. Denial of Special Exception. No application for a special exception that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.

2. Revocation of a Special Exception. In any case where special exception has not been established within one (1) year after the date of granting thereof, then without further action by the Board of Adjustment the use on review or authorization shall be null and void.

i. Other Powers of the Board of Adjustment. The Board of Adjustment is hereby vested with the following additional authority and jurisdiction.

1. Interpretation of District Map. Where the application of the rules for interpretation of district boundaries contained in this chapter leaves a reasonable doubt to the boundary between two (2) Zoning Districts, the Board of Adjustment after notice to the owners of the property and after public hearing, shall interpret the Map in such away as to carry out the intent and purposes of this Ordinance.

2. Temporary Uses and Permits. The Board of Adjustment may issue a permit for the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this Ordinance, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

Chapter 20.90 AMENDMENTS

Sections:

20.90.010 Procedure

20.90.020 Rezoning Applications

20.90.030 Fee

20.90.010 Procedure. The regulations, restrictions, and boundaries may from time to time, be amended, supplemented, changed, modified, or repealed, but no such amendments shall be made without public hearing before the Council and after a report has been made upon the amendment by the Planning and zoning Commission. However, the regulation, restriction, or boundary shall not become effective until after a public hearing at which parties in interest and citizens shall have an opportunity to be heard. The notice of the time and place of the hearing shall be published not less than seven (7) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general local circulation, but in no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice. In case the Planning and Zoning Commission does not approve the change, or in the case of a protest filed with the City Council against such change signed by the owner of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending the depth of one (1) lot or not to exceed two hundred (200) feet therefrom, or of those directly opposite thereto, extending the depth of one (1) lot or not to exceed two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not be passed except buy the favorable vote of three-fourths (3/4)of all members of the City Council. As part of the ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the City Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of that

hearing. The conditions must be reasonable and imposed to satisfy public needs, which are directly caused by the requested change in zoning district.

20.90.020 Rezoning Applications. An application for rezoning shall contain the following items:

- a. The legal description and local address of the property.
- b. The present zoning classification and the zoning classification requested for the property.
- c. The existing use and proposed use of the property.
- d. The names and addresses of the owners of all property within two hundred (200) feet of the property for which the change is requested.
- e. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
- f. A plat showing the location, 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.

20.90.030 Fee. Before any action is taken upon an application as provided in this section, the applicant shall pay the Zoning Administrator the sum of one hundred fifty (\$150) dollars to cover the approximate cost of the procedure and she/he shall forthwith pay over in this amount to the credit of the general revenue fund of the City. The failure to approve the change will not be construed as any reason for refunding the fee to the applicant.

Chapter 20.92 ZONING ADMINISTRATOR

Sections:

20.92.010 Designation of Zoning Administrator

20.92.020 Powers and Duties of the Zoning Administrator

20.92.010 Designation of Zoning Administrator. The Zoning Administrator shall be designated by the Mayor and the City Council.

20.92.020 Powers and Duties of the Zoning Administrator. The Zoning Administrator shall enforce this ordinance and in addition thereto and in furtherance of said authority, shall:

- a. Issue all zoning permits and collect any fees.
- b. Process all applications for variances, special exceptions, and rezoning for referral to the Board of Adjustment.
- c. Respond to complaints of alleged violations to the Ordinance.
- d. Provide and maintain a public information service relative to all matters arising out of this Ordinance.
- e. Provide proper forms to the public for the zoning process.
- f. Review site plans for conformance with the Ordinance.

- g. Carry out the administrative duties for both the Planning and Zoning Commission and the Board of Adjustment.
- h. Shall act as the Secretary to the Planning and Zoning Commission and the Board of Adjustment.
- i. Insure that public notices hearings are properly advertised in local newspapers, and notice to the parties in interest.

Chapter 20.95

BUILDINGS CONSTRUCTION, CERTIFICATES, FEES

Sections:

20.95.010 Building Construction

20.95.020 Certificate of Occupancy

20.95.030 Fees

20.95.010 Building Construction. No building shall hereafter be erected, reconstructed or structurally altered nor shall any work be started upon any building until an application for building permit for any work has been filed with the zoning administrator. Said application shall contain a plot plan showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this ordinance. After approval of the application by the zoning administrator, the application shall be presented to the building official for approval prior to issuance of a building permit.

20.95.020 Certificate of Occupancy. No change in the use or occupancy of land nor any change in use or occupancy in an existing building, other than for single family dwelling purposes, shall be made, nor shall any new building be occupied for any purpose other than a single family dwelling or a farming use until a certificate of occupancy has been issued by the Zoning Administrator. Every certificate of occupancy shall state that the new occupancy complies with the provisions of this Ordinance.

20.95.030 Fees. The Zoning Administrator is instructed to issue permits, under this Ordinance, for the construction, reconstruction or alteration of buildings and charge a fee therefor in the following sums: There shall be no fees for zoning permits.

Chapter 20.97

VIOLATIONS AND LEGAL STATUS PROVISIONS

Sections:

20.97.010 Notice to Violators

20.97.020 Responsibility

20.97.030 City Remedies

20.97.040 Repealer

20.97.050 Severability

20.97.060 Effective Date

20.97.070 Zoning Amendment Review

20.97.010 Notice to Violators. If the Zoning Administrator finds that any provision of this Ordinance is being violated, she/he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. She/he shall order discontinuance of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation or its provisions.

20.97.020 Responsibility. 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 may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

20.97.030 City Remedies. If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the City may, in addition to other remedies, institute injunction, mandamus, or other appropriate lawful action necessary to prevent, correct, or abate such violation.

20.97.040 Repealer. All ordinances and resolutions or any part thereof in conflict with all or any part of this Ordinance are hereby repealed.

20.97.050 Severability. In any section or part thereof of this ordinance shall be held to be unconstitutional by a court of competent jurisdiction, the remainder of the provisions herein shall be deemed to continue in full force and effect.

20.97.060 Effective Date. This Ordinance shall take effect and be in full force from and after its adoption and publication in pamphlet form by authority of the corporate authority as permitted by Statute.

20.97.080 Zoning Amendment Review. To promote a systematic review of major considerations, every proposed Zoning Amendment shall be analyzed by answering the following question in relation to the facts presented. The individual must also ask him/herself the reasons for his/her conclusions and express them for the record.

1. Will the rezoning fulfill a public need for that type of land use?
2. Have procedural requirements been met?
3. Would the public interest be better served by rezoning another area of the community?
4. Is change contrary to the established land use patterns?
5. Does a rezoning conform to the future land use map in the Comprehensive Plan?
6. Will change contribute to dangerous traffic patterns or congestion?
7. Will the new land use complement the present and future traffic flows?

8. Can adequate off-street parking be provided if the rezoning request is granted?
9. Can the owner of the property realize an economic benefit from uses in accord with existing zoning?
10. Have the adjacent landowners been fully informed of the rezoning request?
11. Are the adjacent landowners in favor of the change?
12. Are the potential hardships and nuisances (such as noise, neon lights, odors, etc.) of the rezoning request on adjacent landowners adequately considered?
13. Will property values in the vicinity be inflated by change?
14. Will property values in the vicinity be adversely affected by change?
15. Can you assure yourself that this is not spot zoning, a violation of precedents, or arbitrary and capricious?
16. Will change result in private investment, which would be beneficial to the development of a deteriorated area?
17. Is it really needed, or is it merely for the convenience of the applicant?