

## Title 20 ZONING\*

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\* 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.

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## Chapter 20.04

## TITLE, PURPOSE, NATURE, AUTHORITY, IOWA OPEN MEETING LAW AND DEFINITIONS

## Sections:

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20.04.020 Purpose

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20.04.010 Title.

This Ordinance shall be known as and may be referred to and cited as the “Zoning Ordinance of the City of Denver, Iowa.”

20.04.020 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:

1. Carrying out the Comprehensive Plan for the City of Denver, Iowa;
2. Promoting the public health, safety, morals comfort, general welfare, and preserving the natural, scenic and historically significant areas of the City;
3. Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities, which have similar needs, are compatible.
4. 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;
5. Lessening, or avoiding congestion in public streets and highways;
6. Protecting against fire, explosion, noxious fumes, flood, panic, and other dangers in the interest of public health, safety, comfort, and general welfare;
7. 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.
8. 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;
9. 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;

10. Helping to prevent land development activities, which lead to roadside blight, and to minimize the effects of nuisance-producing activities;
11. To prevent, whenever possible, land boundary disputes or real estate title problems;
12. Promoting and guiding the continued growth and expansion of the City while protecting the natural, economic, historic and scenic resources of the City; m. Conserving the taxable value of land and buildings throughout the City; and n. 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 Iowa Open Meetings Law.

The Denver City Council, Planning and Zoning Commission and Board of Adjustment, which are public bodies, are subject to the terms, regulations, and restrictions of the Iowa Open Meeting Law, Chapter 21 of the Code of Iowa as amended. Wherever in this Ordinance a conflict appears between the Ordinance and the open meeting law, the open meeting law shall control.

#### 20.04.060 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.

1. "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.

2. "Agricultural Uses" uses primarily adapted for growing or raising crops or animals which are used for food, fuel or fiber.
3. "Alley" means a public way, other than a street, twenty feet or less in width affording secondary means of access to abutting property.
4. "Alterations, Structural" "Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
5. "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.
6. "Appeal" a request for review by the Board of Adjustment of the Zoning Administrator's interpretation of any provision of this Ordinance.
7. "Auto Body Repair Shop" any building, structure or land use for automobile body repair, restoration, and painting.
8. "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.
9. "Bed and Breakfast" a private residence which provides lodging and meals for guests only, in which the host or hostess resides, and in which no more than four (4) guest families are lodged at the same time. A bed and breakfast does not hold itself to the public to be a restaurant, hotel, or motel and serves only food to overnight guests. For the purposes of this Ordinance, a bed and breakfast shall be considered a home occupation.
10. "Block" an area of land within a subdivision that is entirely bounded by streets, railroad right-of-way, rivers, tracts of public land, or the boundary of the subdivision.
11. "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.
12. "Board of adjustment" shall mean the zoning board of adjustment of the City of Denver, Iowa.
13. "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.
14. "Breezeway" a roofed or covered walkway between a principal building and accessory building. If connected to the principal building with a breezeway, an accessory building is no longer "accessory" to the principal use or building, and said building shall be considered part

of the principal building for determining bulk requirement standards.

15. "Building" means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.
16. "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.
17. "Building Line" a line on a plat between which said line and street, alley, or private place no building or structure may be erected.
18. "Business or Commercial Use" Engaging in the purchase, sale, or exchange of goods or services, or the operation for profit of offices or recreational or amusement enterprises.
19. "Car Wash" a building, or portion thereof, containing facilities for washing two (2) or more 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.
20. "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.
21. "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.
22. "Channel" a natural or human-made open watercourse with definite bed and banks which periodically or continuously contains moving water, or which forms a connecting link between two (2) bodies of water.
23. "Child Care Center (Institutional)" Any established institution, such as a church or nonprofit organization, which receives three (3) or more children under the age of sixteen (16) years for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation. An institutional child care center shall not be conducted in a dwelling unit or private home.
24. "Child Care Center (In-Home)" An organization located in a dwelling unit, or private home, which provides care services for children under the age of sixteen (16) years for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation. For the purposes of this Ordinance, a child care center operated in the home shall be considered a "home occupation" and shall follow the provisions outlined in this Ordinance.

25. "City Council" shall mean the City Council of the City of Denver, Iowa.
26. "City Engineer" shall mean the professional engineer registered in the State of Iowa designated as City Engineer by the City Council or other hiring authority.
27. "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.
28. "Commercial Sales (Electronic)" Sales of merchandise by means of telephone, fax or internet. No outside storage is allowed under this particular use. Not limited to materials, components, parts, storage containers, machinery or other equipment.
29. "Common Sewer System" A central sewer collecting system, if available, to each platted lot and discharging into a treatment plant, the construction and location of which is approved by the City and County or State Boards of Health.
30. "Common Water System" A central water supply system, if available, to each platted lot from one single source approved by the City and County or State Boards of Health.
31. "Comprehensive Plan" The general plan outlining the development of the community, which may also be titled or referred to as the master plan, comprehensive land use plan or some other title, which has been adopted by the City Council. Said Comprehensive Plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
32. "Consignment and auction sales operations" means a business, which on an ongoing basis, stores and sells personal property to the public indoors.
33. "Contiguous" Adjoining or lying next to.
34. "Convenience Store" A retail store that is designed and stocked to sell primarily food, beverages, fuel, and other household supplies to customers who purchase only a relatively few items. It is designed to attract and depends on a large volume of stop-and-go traffic.
35. "Court" An open, unobstructed, and unoccupied space other than a yard which is bounded on two (2) or more sides by a building on the same lot.
36. "Deck" An outdoor structure that is attached or unattached to a house or accessory building which is generally constructed of wood or structurally approved materials and used for recreational or relaxation purposes. A deck is not an accessory building unless it is a minimum of five (5) feet away from other buildings or structures. An attached deck shall be considered part of the principal building for setback measurement purposes.
37. "Development" Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving,

excavation, or drilling operations or storage of equipment or materials.

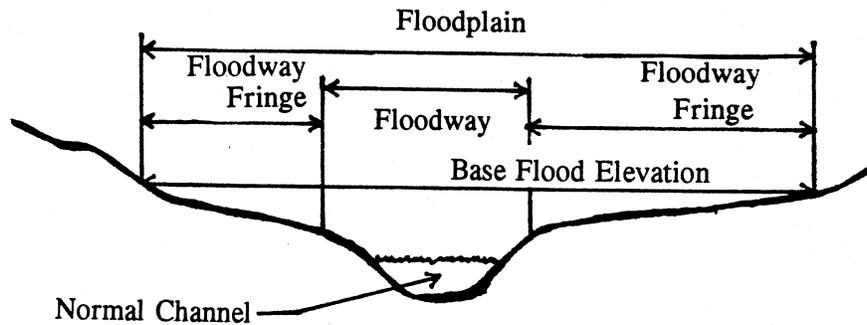
38. "Developmentally disabled" means a disability of a person, which has continued or can be, expected to continue indefinitely and which is one of the following:
- a. Attributable to mental retardation, cerebral palsy, epilepsy, or autism;
  - b. Attributable to any other condition found to be closely related to mental retardation;
  - c. Attributable to dyslexia resulting from a disability;
  - d. Attributable to a mental or nervous disorder.
39. "District" A section or sections of the City within which certain uniform regulations and requirements governing the use of buildings and premises or the height and areas of buildings and premises are enforced.
40. "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.
41. "Driveway" means a private roadway, providing access for vehicles to a parking space, garage, dwelling or other structure.
42. "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.
43. "Dwelling, Attached" A dwelling that is physically attached, by a common roof, wall, or floor to another dwelling or accessory building.
44. "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.
45. "Dwelling, Rowhouse or Townhouse" Any one of two (2) 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.
46. "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.
47. "Dwelling, Single-Family" is a detached residential dwelling unit, other than a mobile home, designed for occupancy by one (1) family only.

48. "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.
49. "Dwelling, Multiple-Family" is a residential building designed for occupancy by three (3) or more families, with separate housekeeping and cooking facilities for each.
50. "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.
51. "Earth Home" An earth home is a structure that is built for habitation below the finished or natural grade on two (2) or more sides and may be constructed with passive solar energy generation in mind. An earth home is to be considered a single-family dwelling for the purposes of this Ordinance. This definition is not to be confused with the definition of a basement or cellar.
52. "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.
53. "Egress" means an exit.
54. "Elder Home" A home for elderly residents that conforms to the definition of 'family home' in this Ordinance.
55. "Eminent domain" means the authority of a government to take, or to authorize the taking of, private property for public use for just compensation.
56. "Environmental Impact Statement (EIS)" means a statement on the effect of development proposals and other major activities, which significantly affect the environment.
57. "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.
58. "Exotic Animals" Domesticated animals kept for commercial or personal purposes that are not common domesticated animals including, but not limited to: emus, ostriches, llamas, monkeys, snakes, spiders, chinchillas, and mink.

59. "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 (4) persons.
60. "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.
61. "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.
62. "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.
63. "Feasibility study," means an analysis of a specific project or program to determine if it can be successfully carried out.
64. "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.
65. "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, salvage material, hog fence, cattle fence or chicken wire. (Ord. 6-2015)
66. "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.
67. "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.

68. "Flood" The temporary overflowing of water onto land which is usually devoid of surface water.
69. "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: Floodplain Definitions



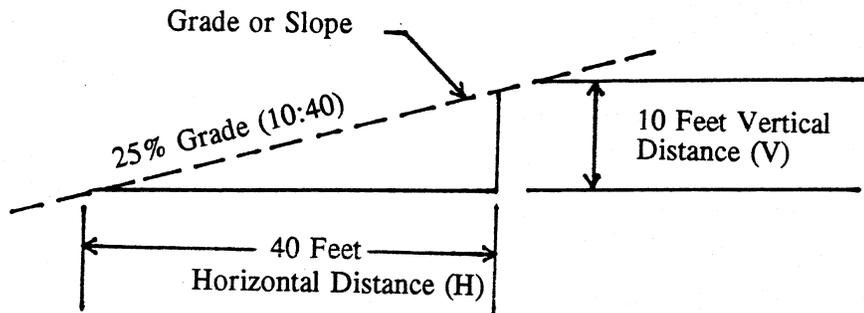
70. "Floor Area" In the case of merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to public or customers, patrons or clients, but shall not include areas used principally for non-public purposes, such as toilet or rest room, utilities, or dressing rooms.
71. "Floor Area Ratio" The gross floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.
72. "Frontage" That side of a lot abutting on a street; the front lot line.
73. "Garage, Attached" An attached structure designed or used for the storage of motor-driven vehicles owned and used by the occupants of the primary building.
74. "Garage, Detached" A detached accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the primary building (See Section 20.12.030).
75. "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.
76. "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. (See Section 20.12.030).

77. “Garage, Storage” A building or portion thereof designed or used exclusively for term storage by pre-arrangement of motor-driven vehicles or other private items or materials, 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. This definition includes uses also referred to as ‘mini-storage’. (See Section 20.12.030).

78. “Governing Body” The City Council of the City of Denver, Iowa.

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

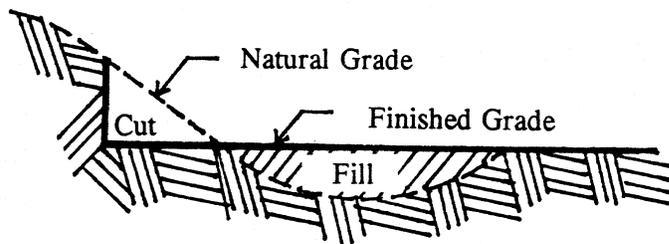
Figure 2: Grade or Slope



$$\text{SLOPE CALCULATION} = V / H$$

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

Figure 3: Grade or Slope; Cut and Fill Cross Section



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

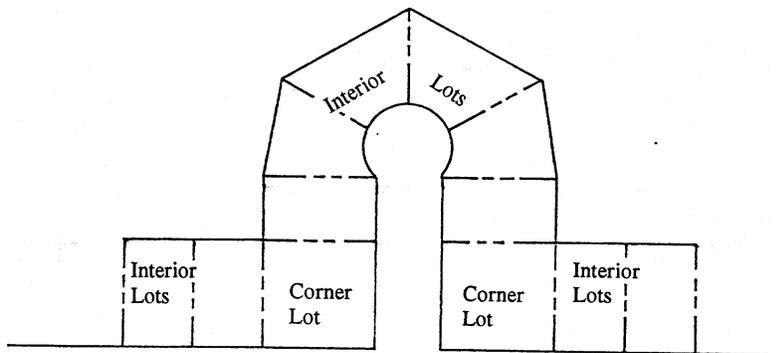
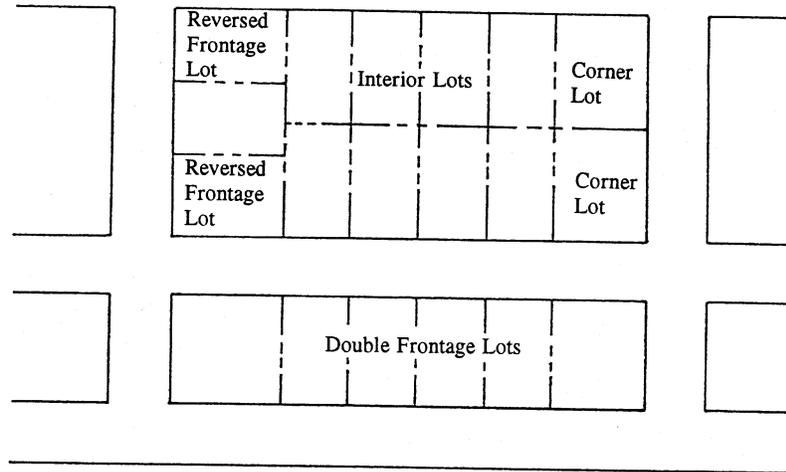
82. “Grain Elevator” A structure or group of related structures whose purpose is limited to the receiving, storing, drying, and transporting of bulk grain.

83. "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.
84. "Historic preservation" The protection, rehabilitation and restorations of districts, sites, buildings, structures, and artifacts significant in American history, architecture, archaeology or culture.
85. "Historic Structure" Any structure that is:
- (a) Listed individually in the National Register of Historic Places a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - (i) By an approved state program as determined by the Secretary of the Interior or
    - (ii) Directly by the Secretary of the Interior in states without approved programs.
86. "Home Industry" An occupation or profession conducted entirely within an enclosed accessory building(s) and/or an attached garage of a dwelling unit that is clearly incidental and secondary to the residential occupancy and does not change the character thereof.
87. "Home Occupation" An occupation or profession conducted entirely within an enclosed dwelling unit that is clearly incidental and secondary to residential occupancy and does not change the character thereof.
88. "Hotel" A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or rooming house
89. "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.
90. "Improvements" Changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, storm sewers, sanitary sewers, drainage ways, and other public works and appurtenances.

91. "Ingress access" or entry.
92. "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.
93. "Junk or Salvage" All old or scrap copper, brass, lead, broken glass, rope, rags, batteries, paper trash, tires and rubber, debris, waste, tin-ware, plastics, appliances, furniture, equipment, building demolitions materials including wood and lumber, structural steel materials, or similar materials. This definition shall also include junked, dismantled, or wrecked motor vehicles, or parts of motor vehicles, and iron, steel, or other scrap ferrous or nonferrous material.
94. "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.
95. "Junk Vehicle" As defined in Chapter of the Denver Code of Ordinances.
96. "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.
97. "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.
98. "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.
99. "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 or this ordinance.
100. "Lot area" The total area within the lot lines of a lot, excluding any street rights-of-way. (See Figure 4.)

101. "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.)
102. "Lot, Double Frontage" means a lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.
103. "Lot frontage" the length of the front line measured at the street right-of-way line. (See figure 4)
104. "Lot, Interior," means a lot other than a corner lot.
105. "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.)
106. "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.)
107. "Lot lines, side" Any lot line other than a front or rear lot line. (See Figure 4)
108. "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.
109. "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)

**Figure 4: Examples of Lot Definitions**



- 110. "Lumber Yard" A premises on which primarily new lumber and related building materials are sold.
- 111. "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.
- 112. "Manufactured Home" A single-family structure which is manufactured or constructed under the authority of 42 U.S.C. Section 5403 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. For the purpose of these regulations, a manufactured home shall be subject to the same standards as a site-built dwelling, and if located outside of a factory built home park, shall be constructed with a permanent foundation system that is visually compatible with surrounding residential structures. The

home shall also be converted to real estate and taxed as such, as required by Chapter 435 of the Iowa Code. For the purposes of this Ordinance, a manufactured home may also be known as a modular home.

113. "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.
114. "Manufacturing or Industrial Use" 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.
115. "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.
116. Mobile Home Park/ Land Lease Community: A parcel of land, not less than five (5) acres in area, divided into two (2) or more mobile home lots for rent or sale.
117. "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.
118. "Nonconforming Building" A building which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is situated.
119. "Nonconforming Use" A use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is situated
120. "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.
121. "Overhang" The part of a roof or wall, which extends beyond the facade of a lower wall.
122. "Overlay District" A district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.
123. "Owner" The legal entity holding title to the property being subdivided, or such

representative or agent as is fully empowered to act on its behalf.

124. "Parcel" A part of a tract of land.
125. "Parking Lot" A parcel of land devoted to unenclosed parking spaces.
126. "Parking Space" A surfaced area, enclosed in the principal building, an accessory building, or an unenclosed 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.
127. "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.
128. "Planning commission" shall mean the Planning Commission of the City of Denver, Iowa.
129. "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.
130. "Porch, Unenclosed" A roofed projection which has no more than fifty (50) percent of each outside wall area enclosed by a building or siding material other than meshed screens.
131. "Principal Building or Use" The primary use of land or structures as distinguished from an accessory use.
132. "Recreational Vehicle" A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towed by a light duty truck, and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.
133. "Residential Use" Uses that are primarily adapted or constructed for human habitation as dwellings.
134. "Restaurant" An establishment that prepares and retails food for consumption on the premises or for carry-out.
135. "Rights-of-Way" The land area, which is secured or reserved by the contracting authority, that is to be used for road, rail, or other transportation purposes.
136. "Satellite dish antenna" shall mean a satellite receiver, a satellite ground dish antenna or a

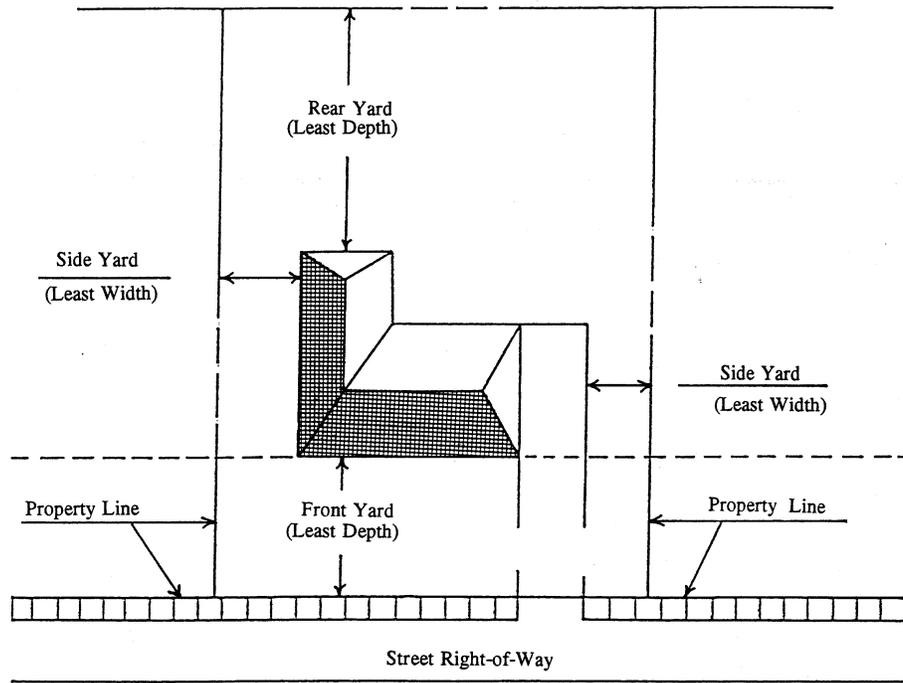
satellite rooftop antenna, which may or may not be able to rotate to enable the dish to aim at different satellites for the purpose of television reception.

137. "Screening" Either: (a) a strip of land at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting of a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation, unless in accordance with this Ordinance.
138. "Sidewalk" A paved or surfaced area, paralleling and usually separated from the street, used as a pedestrian walkway.
139. "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.
140. "Site plan" A plan (to scale) showing uses and structures proposed for a parcel of land as required by the regulations involved.
141. "Special Exception" A listed use that may not be in exact compatibility with other principal permitted uses of a zoning district, but which may be allowed according to the provisions and requirements of this Ordinance by the Board of Adjustment.
142. "Stable, Private" A building, incidental to an existing residential, principal use, that shelters equine for the exclusive use of the occupants of the premises.
143. "Stable, Public" An accessory building in which equine are kept for commercial use including boarding, hire, and sale.
144. "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.
145. "Story, First" The lowest story in a building, excluding the basement, which qualifies as a story, as defined herein, except that a floor level in a building having only one (1) floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade for more than fifty (50) percent of the total perimeter, or not more than eight (8) feet below grade at any point.
146. "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.

147. "Street or Road" Any throughway having a public right-of-way that is designed to channel or circulate vehicular and pedestrian traffic. The term "street" may refer to any right-of-way bounded by adjacent property lines or to the paving installed within such right-of-way.
148. "Street, Arterial" A major street in the City's street system that serves as an avenue for the circulation of traffic into, out of, or around the city and carries high volumes of traffic. Standards for an arterial street shall be those established in the Denver Subdivision Ordinance.
149. "Street, Collector" A street whose principal function is to carry traffic between minor, local, and sub-collector streets and arterial streets but that may also provide direct access to abutting properties. Standards for a collector street shall be those established in the Denver Subdivision Ordinance.
150. "Street, County" Any road or street owned, operated, and maintained by Bremer County.
151. "Street, Local or Service" A street whose sole function is to provide access to abutting properties. Standards for a local street shall be those established in the Denver Subdivision Ordinance.
152. "Street, Private" Any privately-owned road, street, or driveway.
153. "Street Width" Street width is defined as the horizontal distance, paved or unpaved, that is located within rights-of-way.
154. "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.
155. "Structural Alteration" Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
156. "Structural Member" A component part of a structural system required to carry the primary supportive stresses of the building to the ground, as opposed to members carrying little or no supportive stress other than their own weight, and functioning as an in-fill or nonstructural enclosure.
157. "Surveyor" A licensed land surveyor who engages in the practice of land surveying pursuant to the Code of Iowa.
158. "Swimming Pool" A tank of water either above or below grade level that is designed and constructed for human occupancy.
159. "Towers" Any radio, television, telephone, short-wave, cellular telephone, wind generation, or microwave antenna or tower.

160. "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.
161. "Utilities" Systems for the distribution or collection of water, gas, electricity, wastewater, stormwater, telephone and cablevision. See the definition of "essential services".
162. "Variance" A grant of relief considered by the Board of Adjustment to an applicant from the terms of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.
163. "Violation" An intentional or deliberate failure of a structure or other development to be fully compliant with the provisions of this Ordinance.
164. "Wetlands" That classification of land subject to protection measures as indicated by the U.S. Army Corps of Engineers and/or the Iowa Department of Natural Resources.
165. "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.)
166. "Yard, front" A yard extending across the full width of the lot and measured between the front lot line and the building.
167. "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.)
168. "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.)
169. "Zoning Administrator" The administrative officer designated or appointed by the City Council to administer and enforce the regulations contained in this Ordinance.

**Figure 5: Yard Definitions**



## Chapter 20.08

## ESTABLISHMENT OF DISTRICTS, ZONING MAP, RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES, 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 Planned mobile home district;

## 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:

1. 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;
2. Boundaries shown as following or approximately following platted lot lines or other property

lines shall be construed to follow said boundary lines;

3. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines;
4. 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;
5. Boundaries shown as following or closely following the City limits of Denver shall be construed as following such City limit lines;
6. 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;
7. 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;
8. 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 20.10

#### ON-SITE STORAGE CONTAINERS

##### Sections:

20.10.10 Purpose

20.10.20 Definitions

20.10.30 Restrictions on On-Site Storage Containers

20.10.40 Permit Required

20.10.45 Restrictions on Storage Containers in allowed areas

20.10.50 Conflicts

20.10.60 Violation-Penalties

20.10.70 Severability Clause

20.10.80 Effective Date

#### 20.10.10 Purpose.

The purpose of this chapter is to protect the public health, safety, and welfare, and promote positive aesthetics on residential properties in the City of Denver by regulating the placement within the City of Denver of certain On-Site Storage Containers that are designed for use as commercial storage, or for the transportation of goods or other cargo.

#### 20.10.20 Definitions.

For purposes of this chapter, the term “On-Site Storage Container” shall mean:

- a. Any container or vessel originally designed for, or used in, the packing, storage, shipping, movement or transportation of cargo, freight, goods, equipment or commodities; and/or
- b. Any container or vessel designed to be, or capable of being, mounted or moved by rail, truck, or ship by means of being mounted on a chassis or other transport device, including portable on-site storage containers, or units having similar characteristics;
- c. Any railroad cars, truck vans, converted mobile homes, trailers, recreational vehicle, bus bodies, vehicles, and similar pre-fabricated items originally built for purposes other than the storage of goods and materials;

#### 20.10.30 Restrictions on On-Site Storage Containers.

- a. No On-Site Storage Container shall be permitted in any residentially-zoned district of the City, or on any property within the City used for residential purposes.
- b. No On-Site Storage Container shall be permitted in any C2 district.
- c. An On-Site Storage Container shall not be considered to be an “Accessory Building”
- d. Notwithstanding the provisions set forth in subsection (1) of this section, the temporary placement of portable On-Site Storage Containers on residentially-zoned properties, or on properties the primary use of which are residential, for the limited purpose of temporary storage to accommodate a move, a remodeling project, or the clean-up of a casualty loss, shall be permitted for a period of time not exceeding sixty(60) consecutive days, with sixty (60) day extensions possible at the discretion of the City Council.
- e. Notwithstanding the provision set forth in subsection (1) of this section, licensed and bonded contractors may use On-Site Storage Containers for the temporary location of an office, or the temporary storage of equipment, and/or materials during construction which is taking place on the property where the Container is located
- f. The temporary placement of portable On-Site Storage Containers in allowed areas for the purpose of loading and shipping coincident to the primary business operation is permitted.

#### 20.10.40 Permit Required.

- a. A building permit is required prior to the permanent or semi-permanent placement of On-Site Storage Container.
- b. As a condition of placement, On-Site Storage Containers may be required to be screened with steel, masonry, or other non-penetrable material from abutting properties as determined by the City Council.
- c. No permit is required for temporary placement of storage containers in compliance with section 20.10.030 (#4 and #6)

20.10.45 Restrictions on Storage Containers in allowed areas.

- a. On-site Storage Containers shall not be stacked above the height of a single container.
- b. Storage containers are limited to twenty (20) foot nominal length. Forty (40) foot containers may be allowed with prior approval.
- c. On-Site Storage Containers shall not be used for any advertising purpose and shall be kept free of all alpha-numeric signage and writing larger than six (6) inches.
- d. Storage containers must be a neutral color: tan, gray, or beige. Or a color consistent with the primary building.
- e. Containers shall be set back a minimum of 100 feet from the property line of an abutting property that is zoned for R1, R2, R3, or C2
- f. On-Site Storage Containers shall not occupy required off-street parking, loading or landscaping areas.
- g. Materials stored within Storage Containers are subject to inspection and approval by local and state fire officials
- h. The container shall be safe, structurally sound, in good repair and be placed on a stable surface. Any container that becomes unsafe, unstable or dangerous, as determined by the City, shall be removed or repaired by the property owner within 60 days of notification.
- i. Containers shall not be connected to utility services.

20.10.50 Conflicts.

In the event any conflict exists between the provisions of this chapter and other currently existing provisions of the Denver City Code or other ordinances of the city, the terms and provision of this chapter shall take precedence and to the extent of any such conflict, the terms and conditions of any existing provisions of the Denver City Code or other ordinances of the city shall be and hereby are amended insofar as necessary to conform to the provision of this chapter.

20.10.60 Violation-Penalties.

A violation of the provisions of this Chapter shall be deemed to be a municipal infraction pursuant to Iowa Code 364.22, and subject to enforcement and remedial action as permitted thereunder.

20.10.70 Severability Clause.

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

20.10.80 Effective Date.

This Ordinance shall become effective upon publication, and any pre-existing On-Site Storage Container in place prior to said effective date shall be allowed to remain as long as the current owner remains in title of the premises.

(Ord. 1-20 §1, 2020)

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 in an "R" District
- 20.12.140 Proposed Use Not Covered By Title
- 20.12.150 Access Required
- 20.12.160 Application of Regulations
- 20.12.170 Permitted Uses
- 20.12.180 Temporary Special exceptions
- 20.12.190 Bulk Requirements
- 20.12.200 Requirements for Rezoning, Variances and Special Permits
- 20.12.210 Home Occupation Standards
- 20.12.220 Home Industry Standards
- 20.12.230 Home Occupation and Home Industry Sign Regulations

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.

1. 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.
2. Lot of Record: in any Residential District on a lot of record at the time of enactment of this Ordinance, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this Ordinance are met.
3. Further, where two (2) or more contiguous recorded lots are held in common ownership, they may be combined into a zoning lot and shall thereafter be maintained in common ownership

by deed restriction and shall be so joined and developed for implementing this section. The razing of a building on a substandard lot shall constitute the formation of a vacant lot.

4. 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.

1. General Provisions: The provisions in this section shall apply to all accessory buildings constructed within the City.
2. Time of Construction: No garage, accessory building, or structure shall be constructed on any lot prior to the completion of the foundation of the principal building to which it is accessory. In situations where an accessory building is to be built on a vacant lot that is contiguous to the lot of the principal building and where both lots are held in common ownership, a deed restriction on both lots may be used to satisfy this requirement.
3. 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.
4. 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.
5. 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.
6. Accessory Building Materials: No detached accessory building walls or roofs shall be constructed of any type of fabric, plastic, vinyl, or fibrous materials.

#### 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. With the exception of buildings and telecommunication towers, it is the intent to exempt such essential services from the application of this Ordinance. Associated buildings and telecommunication towers must be located in the appropriate Zoning District, and must abide by the corresponding requirements thereof (See Section 20.12.170).

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)

No structure, building, sign, fencing or landscaping shall be placed in an easement. The City will not bear any responsibility, financial or otherwise, for moving or reconstructing any of these types of structures when access is required to an easement

#### 20.12.130 Fences in an "R" District.

1. 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 or rear yards not having street frontage. ( See definitions #65, #66 for approved fencing materials.) (Ord. 6-2015)
2. 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)

#### 20.12.140 Proposed Use Not Covered By Title.

Any proposed use not specifically addressed or listed in this Ordinance as a principal permitted use or special exception shall be referred to the Planning and Zoning Commission for a recommendation as to the proper District in which said use should be permitted. The Ordinance shall be amended as provided herein, before a request is made or permit is issued for the proposed use.

#### 20.12.150 Access Required.

Every building hereinafter erected or structurally altered shall be accessible from a public right-of-way, either directly or by easement.

#### 20.12.160 Application of Regulations.

The regulations within each district of this Ordinance shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

#### 20.12.170 Permitted Uses.

1. 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.
2. All other uses are permitted only as listed under each specific zoning district. (Ord. 5-87§3.17, 1987)

#### 20.12.180 Temporary Special Exceptions.

The following uses may be permitted by a temporary special 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 Adjustment:

1. Carnival, circus;
2. Festivals;
3. In determining whether a temporary special 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.

1. 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.
2. 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 <sup>4</sup>	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard <sup>2,3,5</sup>	Minimum Side Yard <sup>2,3,5</sup>	Minimum Side Yard on a Corner Lot <sup>2,3,5</sup>	Minimum Rear Yard <sup>2,3,5</sup>
<b>A-1</b>							
Single Family	35 Ft. or 3 Stories	3 Acres	180 Ft.	25 Ft.	8 Ft.	25 Ft.	30 Ft.
Other Permitted Uses	--	3 Acres	180 Ft.	50 Ft.	50 Ft.	50 Ft.	50 Ft.
<b>R-1</b>							
Single Family	35 Ft. or 3 Stories	10,000 Sq. Ft.	80 Ft.	25 Ft.	8 Ft.	25 Ft.	30 Ft.
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.
Other Permitted Uses	---	30,000 Sq. Ft.	160 Ft.	40 Ft.	16 Ft.	40 Ft.	40 Ft.
<b>R-2</b>							
Single Family	35 Ft. or 3 Stories	8,000 Sq. Ft.	60 Ft.	25 Ft.	8 Ft.	25 Ft.	30 Ft.
Multiple Family, including Town homes (up to four (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.
Other Permitted Uses	---	30,000 Sq. Ft.	160 Ft.	40 Ft.	16 Ft.	40 Ft.	40 Ft.
<b>R-3</b>							
Multiple Family; including Town Homes (Five (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.
Other Permitted Uses	---	1 Acre	180 Ft.	40 Ft.	16 Ft.	40 Ft.	40 Ft.
<b>R-4</b>							
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 which-ever is lower	---	---	---	**	Same as permitted uses	**

**NOTES:**

<sup>1</sup>None required except adjoining any Residential District, in which case not less than (15) feet. However, development shall not have a negative impact on surrounding properties.

<sup>2</sup>Accessory building to be placed in the rear or side yards may reduce minimum side and rear yard requirements to five (5) feet.

<sup>3</sup>Accessory Buildings standards are defined in Section 20.12.030.

<sup>4</sup>Maximum Height shall be measured by either the designated footage or by stories, whichever is lower.

<sup>5</sup>Yard dimensions shall be measured from the wall of the structure(s).

20.12.200 Requirements for Rezoning, Variances and Special Permits.

All petitions for rezoning, special 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)

20.12.210 Home Occupation Standards

The following standards and criteria shall apply to home occupations.

1. The home occupation shall be clearly incidental and secondary to the use of the dwelling unit as a residence.
2. The home occupation shall be conducted entirely within an existing dwelling unit.
3. The home occupation shall be conducted by a member(s) of the family residing within the dwelling unit and no more than one (1) non-resident employee.
4. There shall be no evidence of such occupation being conducted within the dwelling unit, which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation.
5. Water, sewer, and waste disposal systems shall be subject to approval of the City Council.
6. Customer parking shall be provided and be as inconspicuous as possible on the premises.
7. The home occupation shall occupy less than fifty (50) percent of the floor area of the dwelling unit in which it is located.

20.12.220 Home Industry Standards

The following standards and criteria shall apply to home industries.

1. The home industry shall be clearly incidental and secondary to the residential occupancy of a dwelling unit located up on the property.
2. The home industry shall be conducted entirely and confined within an accessory detached building(s) located upon the property.
3. The home industry shall be conducted by a member(s) of the family residing within the dwelling unit located on the property and no more than one (1) non-resident employee.
4. There shall be no evidence of such industry being conducted within the accessory building(s) which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation.
5. Water, sewer, and waste disposal systems shall be subject to approval of the City Council.

6. Customer parking shall be provided and be as inconspicuous as possible on the premises.
7. Meet the accessory building requirements outlined in Section 20.12.030.

20.12.230 Home Occupation and Home Industry Sign Regulations

Only one (1) identification sign may be displayed upon the lot, subject to the following requirements.

1. Contains only the name of the occupant and the nature of the occupation.
2. Shall not contain more than four (4) square feet and shall be attached to the principal building.
3. Shall not be illuminated.
4. If located along a state or federal highway, an Iowa Department of Transportation permit must be obtained.

Chapter 20.16

FLOODPLAIN MANAGEMENT ORDINANCE

Section I – Statutory Authority, Findings of Fact and Purpose

1. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, as amended, delegated the power to cities
  - to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
2. Findings of Fact
  - A. The flood hazard areas of the City of Denver 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 public health, safety and general welfare of the community.
  - B. These flood losses, hazards, and related adverse effects are caused by: (i) 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 (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
  - C. This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.
3. Statement of Purpose
 

It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Denver and its residents and to preserve and improve the peace, safety, health,

welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section I(2)(A) of this Ordinance with provisions designed to:

- A. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
- B. 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. 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. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- E. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program. (Ord. 5-20 §1, 2020)

## Section II – General Provisions

### 1. Lands to Which Ordinance Apply

The provisions of this Ordinance shall apply to all lands within the jurisdiction of the City of Denver shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, and General Floodplain, as established in Section IV.

### 2. Establishment of Official Floodplain Zoning Map

The Flood Insurance Rate Map (FIRM) for Bremer County and Incorporated Areas, City of Denver, Panels 19017C0311E and 0312E, dated January 29, 2021, which were prepared as part of the Flood Insurance Study for Bremer County, is (are) hereby adopted by reference and declared to be the Official Floodplain 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.

### 3 Rules for Interpretation of District Boundaries

The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this Ordinance.

### 4 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 this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

### 5. Abrogation and Greater Restrictions

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

### 6. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be 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.

### 7. Warning and Disclaimer of Liability

The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Denver or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

### 8. Severability

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. (Ord. 5-20 §2, 2020)

## Section III – Administration

### 1. Appointment, Duties and Responsibilities of Local Official

A.. The Zoning Administrator is hereby appointed to implement and administer the provisions of this Ordinance

and will herein be referred to as the Administrator.

B. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

- 1) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
- 2) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
- 3) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
- 4) Notify 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.
- 5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

- 6) Submit to the Federal Insurance Administration an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administration.
- 7) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
- 8) Review subdivision proposals to ensure such proposals are consistent with the purpose of this ordinance and advise the Board of Adjustment of potential conflict.
- 9) Maintain the accuracy of the community's Flood Insurance Rate Maps when;
  - a. Development placed within the Floodway (Overlay) District results in any of the following:
    - (i). An increase in the Base Flood Elevations, or
    - (ii). Alteration to the floodway boundary
  - b. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
  - c. Development relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

- 10) Perform site inspections to ensure compliance with the standards of this Ordinance.
- 11) Forward all requests for Variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

## 2. Floodplain Development Permit

- A. Permit Required - A Floodplain 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, storage of materials or equipment, excavation or drilling operations), including the placement of factory-built homes.
- B. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:
  - 1) Description of the work to be covered by the permit for which application is to be made.
  - 2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
  - 3) Location and dimensions of all structures and additions.
  - 4) Indication of the use or occupancy for which the proposed work is intended.
  - 5) Elevation of the base flood.
  - 6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.

- 7) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.
  - 8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
- C. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.
- D. Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, structure floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure. (Ord. 5-20 §3, 2020)

#### Section IV – Establishment of Zoning (Overlay) Districts

The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

1. Floodway (Overlay) District (FW) - those areas identified as Floodway on the Official Flood Plain Zoning Map;
2. Floodway Fringe (Overlay) District (FF) - those areas identified as Zone AE on the Official Flood Plain Zoning Map but excluding those areas identified as Floodway, and;
3. General Flood Plain (Overlay) District (GF) - those areas identified as Zone A on the Official Flood Plain Zoning Map.

The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as Permitted Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment. (Ord. 5-20 §4, 2020)

#### Section V – Floodway (Overlay) District (FW)

##### 1. Permitted Uses

All development within the Floodway District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway District.

##### 2. Performance Standards

All Floodway District uses allowed as a Permitted Use shall meet the following standards.

- A. No development shall be permitted in the Floodway District that would result in any increase in the base flood elevation. Consideration of the effects of any development on

- flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
- B. All development within the Floodway District shall:
    - 1) Be consistent with the need to minimize flood damage.
    - 2) Use construction methods and practices that will minimize flood damage.
    - 3) Use construction materials and utility equipment that are resistant to flood damage.
  - C. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
  - D. Structures, buildings, recreational vehicles, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
  - E. Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.
  - F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
  - G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
  - H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
  - I. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.
- (Ord. 5-20 §5, 2020)

## Section VI – Floodway Fringe (Overlay) District (FF)

### 1. Permitted Uses

All development within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

### 2. Performance Standards

All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

- A. All development shall:
  - 1) Be designed and adequately anchored to prevent flotation, collapse or lateral movement.
  - 2) Use construction methods and practices that will minimize flood damage.

- 3) Use construction materials and utility equipment that are resistant to flood damage.
- B. Residential structures - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed, subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

- C. Non-residential structures - All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, 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 base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.
- D. All new and substantially improved structures
- 1) Fully enclosed areas below the "lowest floor" (not including basements) that are 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:
    - a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
    - b. The bottom of all openings shall be no higher than one foot above grade.
    - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

- 2) 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.
- 3) New and substantially improved structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities elevated or floodproofed to a minimum of one (1) foot above the base flood elevation.

#### E. Factory-built homes

- 1) All new and substantially improved 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 base flood elevation.
- 2) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

#### F. Utility and Sanitary Systems

- 1) On-site wastewater disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
- 2) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.
- 3) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.
- 4) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

G. 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 base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

H. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.

- I. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.
- J. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Floodway Fringe (Overlay) District.
- K. Accessory Structures to Residential Uses
  - 1) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:
    - a. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.
    - b. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
    - c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
    - d. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
    - e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
    - f. The structure's walls shall include openings that satisfy the provisions of Section VI(2)(D)(1) of this Ordinance.
  - 2) Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.
- L. Recreational Vehicles
  - 1) Recreational vehicles are exempt from the requirements of Section VI(2)(E) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:
    - a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
    - b. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- 2) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section VI(2)(E) of this Ordinance regarding anchoring and elevation of factory-built homes.
- M. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.
- N. Maximum Damage Potential Development - All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, 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 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations. (Ord. 5-20 §6, 2020)

## Section VII – General Floodplain (Overlay) District (GF)

### 1. Permitted Uses

- A. All development within the General Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District.
- B. Any development which involves placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
- C. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:
  - 1) The bridge or culvert is located on a stream that drains less than two (2) square miles, and
  - 2) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

### 2. Performance Standards

- A. All development, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District **Section V** of this ordinance.
- B. All development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District **Section VI** of this ordinance. (Ord. 5-20 §7, 2020)

Section VIII – Reserved (Ord. 5-20 §8, 2020)

Section IX – Appointment and Duties of Board of Adjustment

1. Appointment and Duties of Board of Adjustment - A Board of Adjustment is hereby established which shall hear and decide (i) appeals and (ii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.
2. Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
3. Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards:
  - A. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
  - B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
  - C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - D. In cases where the variance involves a lower level of flood protection for structures than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
  - E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

#### 4. Hearings and Decisions of the Board of Adjustment

- A. Hearings. Upon the filing with the Board of Adjustment of an Appeal or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
- B. Decisions. The Board shall arrive at a decision on an Appeal or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Variance, the Board shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in Section IX(4)(B)(2) of this ordinance.
- 1) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
  - b. The danger that materials may be swept on to other land or downstream to the injury of others.
  - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - e. The importance of the services provided by the proposed facility to the City.
  - f. The requirements of the facility for a floodplain location.
  - g. The availability of alternative locations not subject to flooding for the proposed use.
  - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
  - l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
  - m. Such other factors which are relevant to the purpose of this Ordinance.

- 2) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
  - a. Modification of waste disposal and water supply facilities.
  - b. Limitation of periods of use and operation.
  - c. Imposition of operational controls, sureties, and deed restrictions.
  - d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
  - e. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
  
5. Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board. (Ord. 5-20 §9, 2020)

#### Section X – Nonconforming Uses

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
  - A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
  - B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
  - C. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.
2. Except as provided in Section X(1)(B) of this ordinance, any use which has been permitted as a Variance shall be considered a conforming use. (Ord. 5-20 §10, 2020)

#### Section XI – Penalties for Violation

Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of

Variations) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (five hundred dollars) or imprisoned for not more than 30 (thirty) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent the City of Denver from taking such other lawful action as is necessary to prevent or remedy violation. (Ord. 5-20 §11, 2020)

#### Section XII – Amendments

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources. (Ord. 5-20 §12, 2020)

#### Section XIII – Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. **APPURTENANT STRUCTURE** - A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
2. **BASE FLOOD** - The flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the 100-year flood).
3. **BASE FLOOD ELEVATION (BFE)** - The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
4. **BASEMENT** - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see lowest floor.
5. **DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. Development does not include minor projects or routine maintenance of existing buildings and facilities as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
6. **ENCLOSED AREA BELOW LOWEST FLOOR** - The floor of the lowest enclosed area in a building when all the following criteria are met:
  - A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Section VI(2)(D)(1) of this Ordinance, and
  - B. 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

- C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
  - D. The enclosed area is not a basement as defined in this section.
7. EXISTING CONSTRUCTION - Any structure for which the “start of construction” commenced before the effective date of the first floodplain management regulations adopted by the community.
  8. EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
  9. EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
  10. FACTORY-BUILT HOME - 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 Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include recreational vehicles which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
  11. FACTORY-BUILT HOME PARK OR SUBDIVISION - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
  12. FIVE HUNDRED (500) YEAR FLOOD - A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
  13. FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
  14. FLOOD INSURANCE RATE MAP (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
  15. FLOOD INSURANCE STUDY (FIS) - A report published by FEMA for a community issued along with the community’s Flood Insurance Rate Map(s). The study contains such

background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

16. FLOODPLAIN - Any land area susceptible to being inundated by water as a result of a flood.
17. FLOODPLAIN MANAGEMENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
18. FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
19. FLOODWAY - The channel of a river or stream and those portions of the floodplains 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 cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
20. FLOODWAY FRINGE - Those portions of the Special Flood Hazard Area outside the floodway.
21. HIGHEST ADJACENT GRADE - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
22. HISTORIC STRUCTURE - Any structure that is:
  - A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
  - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
  - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.
23. LOWEST FLOOR - The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.
24. MAXIMUM DAMAGE POTENTIAL DEVELOPMENT - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel

storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

25. **MINOR PROJECTS** - Small development activities (except for filling, grading and excavating) valued at less than \$500.
26. **NEW CONSTRUCTION** - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
27. **NEW FACTORY-BUILT HOME PARK OR SUBDIVISION** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.
28. **RECREATIONAL VEHICLE** - A vehicle which is:
  - A. Built on a single chassis;
  - B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
  - C. Designed to be self-propelled or permanently towable by a light duty truck; and
  - D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
29. **ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES** - Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
  - A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
  - B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
  - C. Basement sealing;
  - D. Repairing or replacing damaged or broken window panes;
  - E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.
30. **SPECIAL FLOOD HAZARD AREA (SFHA)** - The land within a community subject to the base flood. This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.
31. **START OF CONSTRUCTION** - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent

construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

32. **STRUCTURE** - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.
33. **SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.
34. **SUBSTANTIAL IMPROVEMENT** - Any improvement to a structure which satisfies either of the following criteria:
- A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the start of construction of the improvement, or (ii) if the structure has been substantially damaged and is being restored, before the damage occurred.
- The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an historic structure, provided the alteration will not preclude the structure's designation as an "historic structure.
- B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
35. **VARIANCE** - A grant of relief by a community from the terms of the floodplain management regulations.
36. **VIOLATION** - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. (Ord. 5-20 §13, 2020)

## Chapter 20.20

## A-1 SUBURBAN AGRICULTURAL DISTRICT

## Sections:

20.20.010 General Description

20.20.020 Principal Uses Permitted

20.20.030 Special 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 to those which are compatible with both agricultural uses and developing residential, commercial or industrial uses.

20.20.020 Principal Uses Permitted

1. Agricultural crops only
2. Single family dwellings
3. Manufactured housing
4. Churches and temples
5. Public schools, elementary, junior high and high schools;
6. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes;
7. Public buildings; public, semipublic parks, playgrounds or community buildings;
8. Golf courses and country clubs, except miniature courses or driving ranges operated for a profit;
9. 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)
10. Public buildings and facilities, including essential service buildings.
11. Home occupations and home industries

20.20.030 Special Exceptions.

The following special exceptions deemed appropriate on review by the board of adjustment in accordance with provisions contained herein:

1. 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;
2. Public utilities;
3. Cemetery or mausoleum;
4. Recreational development for seasonal or temporary use;
5. Roadside stand for sale of produce raised on the premises;
6. 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;
7. Dog kennels;
8. Riding stables;
9. Greenhouses and plant nurseries operated for commercial purposes;
10. Farm animal husbandry including: dairy farming, livestock farming, poultry farming, private stables and other agricultural activities provided that said activity occurs on a farm, which is defined as a parcel at least thirty-five (35) acres or more in size, and is at least one thousand three hundred twenty (1,320) feet from any existing dwelling, excluding the dwelling owned by the applicant.
11. Telecommunications towers and other towers.

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, 1 987)

## Chapter 20.24

## R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

## Sections:

20.24.010 General Description

20.24.020 Principal Uses Permitted

20.24.030 Special 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:

1. Single family detached dwellings;
2. Manufactured housing;
3. Churches and temples;
4. Public schools, elementary, junior high and high schools;
5. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes;
6. Public, semi-public parks and playgrounds;
7. Public buildings and facilities, including essential service buildings.
8. Family Homes.

9. Home occupations and home industries
10. 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;

20.24.030 Special Exceptions.

The following special exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions contained herein:

1. 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;
2. Public utilities;
3. Swimming pools, golf courses and country clubs, except miniature courses or driving ranges operated for a profit;
4. 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 Special 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

20.28.0 10 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:

1. Any use permitted in the R- 1 single-family residential district;
2. Condominiums, townhouses, and rowhouses up to four (4) units provided each unit has individual access to essential services.
3. Dwellings for a maximum of four families;
4. Religious and educational institutions;
5. Private club or lodge, excepting one where the major activities are a service customarily carried on as a business;
6. Accessory uses and buildings which are customarily incidental to any of the above stated uses, but not involving the conduct of business;
7. Home occupations.(Ord. 5-87 §6.01, 1987)

20.28.030 Special Exceptions.

The following special exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions contained herein:

1. Private kindergartens and day nurseries, and child care centers;
2. 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;
3. Public utilities;

4. Mortuary or funeral homes;
5. Medical and dental clinics;
6. Planned unit developments upon tracts of ten acres or more, subject to the requirements in Chapter 20.68;
7. 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 Special 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:

1. Any use principally permitted in the “R-2” Mixed Residential District.
2. Condominiums, townhouses, and rowhouses with five (5) or more units provided each unit has individual access to essential services.
3. Five-plexes and larger dwelling structures;
4. Religious and educational institutions;
5. Boarding and lodging houses;
6. Family home;
7. Hospitals (except animal hospitals) day nurseries or care facilities, nursing and convalescent home and medical clinics;
8. Private clubs, lodges and similar uses;
9. Funeral homes and mortuaries;
10. 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;
11. Offices such as:
  - a. Accountants, Dental Offices,
  - b. Architects, Insurance,
  - c. Art schools, Lawyers,
  - d. Barber shop, Medical office with
  - e. Beauty shop, dispensary,
  - f. Church offices, Nurses registry,
  - g. Civil engineers, Psychologists,
  - h. Collection agency, Public stenographers,

i. Credit bureau, Real estate.

j. 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;

12. Accessory uses and buildings which are customarily incidental to any of the above uses. (Ord. 5-87 §7.01, 1987)

20.32.030 Special Exceptions.

Any special exception allowed in the “R-2” Mixed Residential District, unless said use is specifically listed as a principally permitted use in this District.

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 PLANNED MOBILE HOME DISTRICT

Sections:

20.36.010 General Description

20.36.020 Principal Permitted Uses

20.36.030 Accessory Uses Permitted in the “R-4” District

20.3 6.040 Height Regulations, Lot Area, Frontage and Yard Requirements

20.36.050 Design Procedure, Standards and Requirements

20.36.010 General Description

The intent of the “R-4” District is to provide sites only for the location of mobile homes which will allow the maximum amount of freedom possible in the design of mobile home parks and will provide for the related recreational, commercial, and other service facilities for the planned mobile home residential developments.

20.36.020 Principal Permitted Uses

1. Single-wide mobile homes in mobile home parks, as regulated herein.

2. Non-commercial community recreational facilities that are intended exclusively for the use of the residents and their guests of the mobile home development.
3. Pedestrian oriented personal service facility which are intended exclusively for the use of the residents of the mobile home development, provided that such personal service facilities occupy not more than ten (10) square feet of gross floor area for each mobile home in the development.
4. Buildings used for the management and maintenance of the development.
5. Commercial mobile home sales.

#### 20.36.030 Accessory Uses

1. Buildings and uses customarily accessory to mobile homes such as garages and storage buildings.
2. One (1) indirectly lighted, non-flashing sign not to exceed one (1) square foot for each five (5) feet of frontage of said mobile home park.

#### 20.36.040 Height Regulations, Lot Area, Frontage, and Yard Requirements

Shall be those regulations as specified in Section 3.18

#### 20.36.050 Design Procedure, Standards, and Requirements

1. Procedure. The owner or owners of any tract of land comprising an area of not less than five (5) acres shall submit to the Planning and Zoning Commission a plan for the use of development of the entire tract of land. This plan shall include the site location and uses of all buildings, the location of each single-wide and double-wide mobile home stand, the locations and types of all community and recreational facilities; open spaces, including developed open spaces and those to be preserved in their existing state; points of access to the site, principal pedestrian and vehicular circulation ways, parking facilities, and other principal elements of the vehicular and pedestrian transportation system. The Planning and Zoning Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan, and with recognized principals of civic design, land use planning, and landscape architecture. The Planning and Zoning Commission may after holding a public hearing and reviewing the development plan recommend approval, approval with modifications, or disapproval of the development plan which accompanies the application. The Planning and Zoning Commission shall forward its written recommendations to the City Council which shall after notice and public hearing, approve or disapprove said application and plan, or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this Ordinance.
2. Standards. The land usage, minimum lot area, yard, height, and accessory uses shall be determined by the requirements set out as follows which shall prevail over conflicting requirements of this Ordinance or the City's subdivision ordinance.

- a. Uses along the project boundary lines shall not be in conflict with those allowed in adjoining or opposite property. To this end the Planning and Zoning Commission may require, in the absence of an appropriate physical barrier, that uses of least intensity or a buffer of open space or screening be arranged along the borders of the project.
  - b. A plat of the development shall be recorded, showing building locations, common land, streets, easements, and other applicable items required by the City's subdivision ordinance.
  - c. No building permits shall be issued until the final plat of the development is approved and recorded, and the applicant must file with the Zoning Administrator of the City, proof of compliance with all requirements of the Department of Health of the State of Iowa.
  - d. Deed Restrictions. In its review of the plan, the Planning and Zoning Commission or City Council may consider any deed restrictions or covenants entered into or contracted for by the developer concerning the use of common land or permanent open space. Common land as herein contained shall refer to land dedicated to the public use and to land retained in private ownership but intended for the use of the residents of the development unit or the general public.
3. Land Use and Density Requirements.
- a. Seven (7) mobile home stands shall be permitted for each acre of land contained in the useable area of the plan.
  - b. No part of any mobile home or other structure shall be located within twenty-five (25) feet of any public road shown on the official Major Street Plan, nor within twenty (20) feet of any exterior boundary of the Planned Mobile Home Development.
  - c. Parking facilities shall be provided within the development at the rate of two (2) spaces per mobile home.
  - d. Commercial uses and accessory uses within the "R-4" District shall not consume more than fifteen (15) percent of the total district.
  - e. No permit for any commercial structure or building shall be issued until at least twenty-five (25) percent of the mobile home site is developed for residential uses.
  - f. Mobile home parks shall include storm/emergency shelters sufficient in size to accommodate the number of occupants living in the development.

#### Chapter 20.40

#### C-1 COMMERCIAL DISTRICT

#### Sections:

#### 20.40.010 General Description

20.40.020 Principal Uses Permitted

20.40.030 Special 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;
  - a. Apartments in the rear of a one story building provided no more than one such apartment is established and the street front of the building is used for one of the allowable uses found in the C-1 district. Off street parking shall be provided as required for dwellings in Table 2 of this ordinance. (Ord. 5-2012)
4. Apparel shops;
5. Arcade and other commercial amusements.
6. Art shops;
7. Automobile accessory stores;
8. 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;
9. Automobile, trailer, motorcycle, boat and farm implement service/repair establishments;
10. Bakeries or bakery outlets, retail sales only;
11. Banks, savings and loan associations, and similar financial institutions;
12. Barbershops and beauty parlors;

13. Bicycle shops, sales and repair;
14. Bowling alleys;
15. Business offices, professional offices and studios;
16. Camera stores;
17. Car washes, including truck bays.
18. Carpenter and cabinet making shops;
19. Car wash with truck bay;
20. Churches and temples;
21. Clothes cleaning and laundry pick-up stations;
22. Clothing stores;
23. Collection office of public utility;
24. Commercial sales (electronic).
25. Confectionery stores, including ice cream or snack bars;
26. Dairy stores, retail only;
27. Dance studio;
28. Delicatessens;
29. Dental and medical clinics;
30. Department stores;
31. Drive-in restaurants;
32. Drug stores;
33. Dry-cleaning establishments.
34. Dry goods stores;
35. Florist shops;

36. Furniture stores;
37. Gift shops;
38. Grocery stores, including supermarkets;
39. Hardware stores;
40. Health club.
41. Hobby shops;
42. Hotels and motels;
43. Household appliances, sale and repair;
44. Jewelry stores and watch repair shops;
45. Launderettes, coin-operated dry cleaning establishments, and dry-cleaning or pressing establishments using only non-flammable solvents;
46. Lawn mower repair shops;
47. Leather goods store.
48. Locker plant for storage and retail sales only;
49. Leather goods store;
50. Lumber yards;
51. Music stores and music studios;
52. Office supply store or shop.
53. Paint and wallpaper stores;
54. Pet shops;
55. Photographic studios, printing and developing establishments;
56. Playgrounds and public parks.
57. Plumbing and heating shops;
58. Post offices;

59. Printing and lithographing shops;
60. Public buildings and facilities, including essential service buildings.
61. Publishing and engraving establishments;
62. Radio and television sales and repair shops;
63. Rental storage buildings;
64. Restaurants;
65. Sheet metal shops;
66. Shoe and hat repair shops;
67. Sporting goods stores;
68. Tailor and dressmaking shops;
69. Theaters;
70. Toy stores;
71. Upholstering shops;
72. Used car lots;
73. Variety stores;
74. Video equipment rental and sales;
75. Accessory uses and buildings which are customarily incidental to the above stated uses;
76. Other uses similar to the foregoing designated uses after review and approval per Section 20.80.110.

20.40.030 Special Exception.

The following special exception 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 and lounges;
8. Nightclubs
9. Private clubs and lodges;
10. Public buildings and community buildings;
11. Public utilities;
12. Roadside stands for the sale of fresh fruits, vegetables, nursery stock, and plant food;
13. Service stations;
14. Restaurants and cafes;
15. Video equipment rental and sales, including film rental;
16. Wholesale display and sales rooms and offices;
17. Welding and machine shops;

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 Special 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. Any use principally permitted in the “C-1” Commercial District.
2. Agricultural feed and seed sales, excluding grinding, mixing, and/or blending of feed.
3. Automobile sales and accessory parts stores.
4. Bowling alleys.
5. Business and vocational schools.
6. Department stores.
7. Lawn mower repair shops.
8. Accessory uses and buildings that are customarily incidental to the above stated uses.
9. Other uses similar to the foregoing designated uses after review and approval per Section 20.80.110.

20.44.030 Special Exceptions.

Property and buildings in this District may be used for the following purposes in accordance with the provisions contained herein if the Board of Adjustment deems them appropriate:

1. Any special exception allowed in the “C-1” Commercial District, unless said use is specifically listed as a principally permitted use in this District.
2. Wholesale display and sales rooms and offices.

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 Special 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 "M-1" Light Industrial and/or Manufacturing District is intended primarily for the conduct of manufacturing, assembling, and fabrication. It is designed to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards. The uses permitted in this District make it most desirable that they be separated from residential uses.

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. Automobile body repair and paint shop.
2. Automobile restoration and rebuilding shops.
3. Automobile, trailer, motorcycle, boat, and farm implement service or repair establishments.
4. Cabinet making plants or factories with more than three (3) employees.
5. Consignment and auction sales operations of any kind having no more than four (4) public sales per month, but excluding the sale of livestock, fish, fowl, or animals of any kind.

6. Construction businesses, contractor's shops, and storage yards enclosed by a solid, opaque fence eight (8) feet high.
7. Farm implement sales, service, repair and assembly.
8. Rental storage buildings, including mini-storage facilities.
9. Semi-tractor trailer parking.
10. Tool and die operations.
11. Truck or bus garage and repair shop.
12. Welding and machine shops.
13. Wholesaling and warehousing, but not including the bulk storage of hazardous chemicals.
14. Uses and buildings which are accessories and 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.
15. Other uses similar to the foregoing designated uses after review and approval.

20.48.030 Special 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 Special 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)
13. Other uses similar to the foregoing designated uses after review and approval per Section 20.80.110.

20.52.030 Special Exceptions.

The following 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 and manufacturing 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. (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

20.5 6.040 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 and towers;
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.

1. 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
  
2. For each additional ten thousand square feet in excess of fifty thousand square feet, one additional off street loading space shall be required.
  
3. 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.

1. In C-1, employee parking shall be provided at the rate of one space per employee plus the customer spaces as listed below.

**Table 2: Parking Requirements.**

USE	PARKING REQUIREMENT
Animal Hospital and Veterinary Clinic	1 for each 500 sq. ft. 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, Hardware Stores, Jewelry Stores, Pharmacies	1 for each 300 sq. ft. of floor area.
Church or Temple	1 for each 6 seats.
Community Center, Library, and Museum	11 plus 1 for each 500 sq. ft. in excess of 2,000 sq. ft. of floor area.
Dental and Medical Clinics	1 for each 500 sq. ft. of floor area.

Drive-In Restaurant	3 for each employee on maximum shift.
Dwelling (including multiple family and mobile homes)	2 for each dwelling unit.
Financial Institutions, Business Offices, Professional Offices, and Studios	1 for each 500 sq. ft. of floor area.
Frozen Food Lockers, Laundries, and Dry-Cleaning	1 for each 500 sq. ft. of floor area.
Furniture and Household Appliance Sale and Service Establishments	1 for each 500 sq. ft. of floor area.
Hospitals	1 for each 4 beds.
Indoor Theaters	1 for each 4 seats.
Mortuary or Funeral Home	1 for each 5 seats.
Motel and Hotel	1 for each unit or suite plus 1 for each 100 sq. ft. of commercial floor area.
Printing, Publishing, and Engraving Establishments	1 for each 500 sq. ft. of floor area.
Private Club or Lodge	1 for each 200 sq. ft. of floor area.
Restaurants, Cafes, Nightclubs	1 for each 100 sq. ft. 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 6 seats in main auditorium, stadium, or place of public assembly.
Sports Arena or Auditorium, other than in a School	1 for each 3 seats.
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 sq. ft. of floor area
In the case of any use which is not specifically mentioned herein, the provisions for a similar use mentioned shall apply or see Section 13.00.6, Exceptions. Note, either Table 2 or the Building Code, as may be amended and adopted by the City, will be used for parking standards, whichever is more restrictive.	

2. (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.

1. 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.
2. 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.

3. 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.
4. (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)

1. Where a parking lot does not abut on a public or private alley or easement of access, there shall be provide an access drive not less than eight (8) feet in width in the case of a one (1) or two (2) family dwelling. The drive shall not be less than sixteen (16) feet in width, at the widest point, in all other cases leading to the loading or unloading spaces and parking or storage areas required herein.
2. No part of any parking space shall be closer than five (5) feet to any established street right-of-way or alley line. In case the parking lot adjoins a Residential District, it shall be set back at least five (5) feet from the Residential District boundary and shall be effectively screened.
3. Any off-street parking or drive area, including any commercial parking lot, for more than five (5) vehicles shall be surfaced with asphalt or Portland cement concrete pavement or such other surfaces so as to provide a durable and dustless surface. The parking area shall be so graded and drained to dispose of surface water accumulation within the area, and shall be so arranged and marked as to provide for orderly and safe loading, unloading, parking, and storage of self-propelled vehicles. Stormwater shall be managed in such a way that it does not negatively impact surrounding properties.
4. Any lighting used to illuminate such parking areas shall be arranged as to reflect light away from adjoining premises in any Residential District.

#### 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:

1. **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.
2. **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)
3. **Recreational Vehicle:** A “recreational vehicle” shall only be used as living quarters for a maximum of two (2) weeks. Using a “recreational vehicle” for living quarters beyond two (2) weeks, shall require Planning and Zoning Commission and City Council approval.
4. **Emergency Use Emergencies and Disaster Recovery Permit:** In the event of an emergency, a Factory built/Mobile Home may be used temporarily as living quarters in a Residential District or as a business in a Commercial District under the following conditions:
  - a. The primary dwelling or building on the lot is unlivable or unusable due to substantial damage as the result of a recent disaster or catastrophe;
  - b. The unit will be occupied only by the persons or business residing in or owning the lot at the time of the disaster;
  - c. This exception is for the purpose of allowing the owner to rebuild or repair the residence or business building;
  - d. The owner has made arrangements satisfactory to the Zoning Administrator for water and electrical service and disposal of sewage, and for location of the unit on the lot;
  - e. The owner has applied to and been granted a permit under this section by the Zoning Administrator for a period of up to six (6) months for the use and placement of the temporary structure or trailer. The time shall not exceed the time necessary for repair and re-occupancy of the primary structure. The permit may be extended for additional periods not to exceed three months. Each grant and extension is reviewable by Council at the request of the applicant or the Council.

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.

1. 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.
2. 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:

1. Name plates not to exceed one (1) square foot in area;
2. Public, educational, charitable, fraternal or religious institution signs not exceeding 150 square feet. Signage shall only be allowed on one side; (Ord. 5-2011 §1)
3. Temporary signs advertising the lease or sale of the premises, not to exceed twelve square feet in area;
4. 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:

1. Name plates not to exceed one (1) square foot;
2. Public, educational, charitable, fraternal or religious institution signs not exceeding 32 square feet per side; (Ord. 5-2011 §2)

3. Temporary signs advertising the lease or sale of the premises, not to exceed twelve square feet in area;
4. 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;
5. Signs for home occupations not exceeding four (4) square feet in area;
6. 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:

1. Signs permitted in the residential districts;
2. One (1) post sign or business identification sign provided, however, that said post 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;
3. 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;
4. 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)
5. 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)

6. Public, educational, charitable, fraternal or religious institution signs not exceeding 150 square feet. Signage shall only be allowed on one side. (Ord. 5-2011 §3)

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 Special exceptions

20.68.010 Purpose.

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

1. 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;
2. The permanent preservation of open areas and recreational facilities;
3. A creative approach to the use of land and related physical facilities which results in better development, design and construction;
4. A development which is consistent with the spirit and intent of the City's comprehensive plan;
5. The efficient use of land resulting in more economic networks of utilities, streets and other facilities;
6. A use of land which promotes the health, safety, comfort, morals, and welfare of the public;
7. 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:

1. Single-family, two-family, townhouse, row house and multiple-family residential;
2. Parks and playgrounds;
3. 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:

1. Type of Development Maximum Density
2. Single-family dwellings 7 units or 18 bedrooms per acre
3. Two-family dwellings 8 units or 20 bedrooms per acre
4. Townhouse dwellings 9 units or 22 bedrooms per acre
5. Row house dwellings 11 units or 25 bedrooms per acre

6. 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:

1. Type of Development	Front	Rear	Side
2. Single-family dwelling	25	25	8
3. Two-family dwelling	25	25	8
4. Townhouse dwellings	25	30	11
5. Row house dwellings	25	35	12
6. 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 welling 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 subdivide 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:

1. Reduce the width of any street right-of-way to not less than forty (40) feet.
2. 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 Special Exceptions.

1. The petition for special exception pursuant to the provisions of this chapter shall include a site development plan.
2. Prior to the granting of special exception pursuant to this chapter, the board of adjustment shall refer the petition for the special 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 special 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 special 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 special exception and all supporting documents and the conditions to which the special 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 special 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 special exception and all supporting documents and the conditions to which the special exception is subject. (Ord. 5-

87 §§14.03.12--14.03.17, 1987)

Chapter 20.72

NONCONFORMING BUILDINGS, STRUCTURES AND USES OF 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 Nonconforming Uses of Land

20.72.070 Nonconforming Lots

20.72.010 Nonconforming Building.

General: A lawful, or authorized, nonconforming building or structure existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section even though said building or structure may not conform with the regulations of this Ordinance for the District in which it is located. A nonconforming building or structure in existence at the adoption hereof that was not a lawful, or authorized, building or structure under previous zoning ordinances shall not be authorized to continue as a nonconforming building or structure pursuant to this Ordinance, or amendments thereto. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe.

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 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 (50) 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.

1. 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.
2. 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.
3. 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 Nonconforming Uses of Land.

1. General: A lawful, or authorized, nonconforming use existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section. Any nonconforming use in existence at the adoption hereof that was not a lawful, or authorized use under previous zoning ordinances shall not be authorized to continue as a nonconforming use pursuant to this Ordinance, or amendments thereto.
2. Extension or Expansion of Use: A nonconforming use may not be extended or expanded, nor shall it occupy more lot area or be considered a more intense use than was in existence on the effective date of this Ordinance.

20.72.070 Nonconforming Lots

1. General: A lawful, or authorized, nonconforming lot existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section. Any nonconforming lot in existence at the adoption hereof that was not a lawful, or

authorized use under previous zoning ordinances shall not be authorized to continue as a nonconforming lot pursuant to this Ordinance, or amendments thereto.

2. Nonconforming Lots as Lots of Record: A nonconforming lot in existence on the effective date of this Ordinance shall be considered a “lot of record”, as defined and regulated within this Ordinance.

#### 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:

1. 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;
2. To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors, wind generators 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;
3. Telecommunication towers and other towers, the base of which shall be at least the height of the tower from all adjoining property lines, including public right-of-way.

#### 20.76.030 Front Yard Exceptions and Modifications.

1. Front yard requirements do not apply to bay windows or balconies that do not project more than two (2) feet into the front yard.

2. 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.
3. 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.
4. 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.

1. 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.
2. 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.
3. The following projections or structures may be permitted in side yards:
  - a. Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance;
  - b. Fences or walls not over six (6) feet above the average natural grade except as noted in Section 20.12.130;
  - c. (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
  - d. projection shall not exceed one-third (1/3) of the length of the wall of the main building;
  - e. 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 (1 1/2) feet;
  - f. 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)

- g. (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 Commercial or Residential 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.
  - 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 (22 1/2) 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 1/2) 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. (Ord. 5-87 § 16.04, 1987)

Chapter 20.80

ADMINISTRATION AND ENFORCEMENT

Sections:

20.80.010 Organization

20.80.020 Basis of Regulations

20.80.030 Mayor and City Council

20.80.040 Board of Adjustment

20.80.050 Variances

20.80.060 Special Exceptions

20.80.070 Appeals of the Staff and Other Powers of the Board of Adjustment

20.80.080 Appeals of Board of Adjustment Decisions

20.80.090 Planning and Zoning Commission

20.80.100 Zoning Administrator

20.80.110 Amendments to this Ordinance

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: Mayor and City Council; Board of Adjustment; Planning and Zoning Commission; and Zoning Administrator.

20.80.020 Basis of Regulations

Regulations are made in accordance with Iowa Code, Chapter 414, as amended, and with the City's Comprehensive Plan. These regulations 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 overcrowding 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 of transportation, water sewerage, schools, parks, and other public requirements.

20.80.030 Mayor and City Council

1. Jurisdiction: The Mayor and City Council of the City of Denver, Iowa, shall discharge the following duties under this Ordinance. Appointments shall be made by the Mayor, subject to approval by the City Council.
  - a. Appoint a Zoning Administrator whose responsibilities it will be to enforce the provisions of this Ordinance.
  - b. Appoint members of the Board of Adjustment as provided for in this Ordinance.
  - c. Appoint members to the Planning and Zoning Commission as provided for in this Ordinance.
  - d. Receive and decide upon all recommendations concerning amendments, supplements, and changes presented by the Planning and Zoning Commission.
  - e. Receive from the Planning and Zoning Commission all recommendations on the effectiveness of this Ordinance.
  - f. To decide all matters upon which it is required to pass under this Ordinance.

20.80.040 Board of Adjustment

1. Creation: the Board of Adjustment, as established under applicable provisions of the Code of Iowa, is the Board referred to in this Ordinance.
2. Appointment-Terms-Removal: The Board shall consist of five (5) members, who are residents, to be appointed by the Mayor and subject to approval by City Council for a term of five (5) years except when the Board shall first be created then 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 shall be persons representing the public at large. The Board of Adjustment members shall not also be members of the Planning and Zoning Commission or City staff, and members shall not hold an elective office in municipal government nor shall a majority of the members be involved in the business of purchasing or selling real estate. Members of the Board may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by the Mayor, subject to City Council approval for the unexpired term of the member affected.
3. Powers and Duties: The Board of Adjustment is hereby vested with the following powers and duties:
  - a. To hear and decide all applications for variances from the terms provided in the Ordinance in the manner prescribed and subject to the standards herein.
  - b. To hear and decide all applications for special exceptions in the manner prescribed in this Ordinance.
  - c. 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 Ordinance. The Board shall also interpret the Official Zoning Map, if necessary.
4. Meetings and Rules: The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this article. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in their absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each agenda item requiring action, 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 filed in the office of the Zoning Administrator and City Clerk.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in application of this title.

Finality of Decisions of the Board of Adjustment: All decisions and findings of the Board of Adjustment on appeals applications, 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 is stated in the Code of Iowa.

#### 20.80.050 Variances

1. **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.
2. **Application for Variance:** An application for a variance shall be filed in writing with the Zoning Administrator. Said application shall contain such information, and appropriate non-refundable fee, as the Board of Adjustment may, by rules, require.
3. **Hearing on Application:** Upon receipt in proper form of the application, the Board of Adjustment shall hold at least one (1) public hearing on the proposed variance. 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. Property owners within two hundred (200) feet of the property for which the change is being requested shall be notified as a courtesy as well. Before an application is filed with the Board of Adjustment, the applicant shall pay a non-refundable fee to the City of Denver to cover the publishing and administration costs of said request, per the adopted fee schedule.
4. **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:
  - a. Special conditions and circumstances exist which are unique to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. Special conditions shall include but not be limited to a property owner who can show that their property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographic conditions or other exceptional or extraordinary situations the strict application of the terms of this Ordinance actually prohibits the use of the property in manner reasonably similar to that of other property in the district.
  - b. 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. In other words, an unnecessary hardship would result from literal enforcement of this Ordinance.
  - c. Special conditions and circumstances do not result from the actions of the applicant.
  - d. 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.

5. Further Requirements:

- a. 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.
- b. 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 the Denver Comprehensive Plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- c. 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 this Ordinance.
- d. Under no circumstances shall the Board of Adjustment grant a variance to allow for a 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.
- e. If property lines cannot be determined through existing surveys or property markers, the request must be accompanied by a certified survey.

6. Denial and Revocation of Variance:

- a. Denial: No application for a variance 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 that may be found to be valid by the Board of Adjustment.
- b. Revocation: In any case where variance has not been established within one (1) year after the date of granting thereof, the Board shall provide notice to the applicant that the approved variance may be revoked. Said notice shall offer the applicant an opportunity to be heard by the Board of Adjustment. The Board may, after this process, revoke or extend the approved variance.

20.80.060 Special Exceptions

Special Exception Requirements

1. Purpose: The development and administration of this Ordinance is based upon the division of the City into Zoning Districts, within said 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 that there are certain uses, because of their unique characteristics, cannot be properly classified in any particular District or Districts, without special consideration in

each case, of the impact of those uses upon neighboring land and of the public need for the particular use that locations. Such special exceptions fall into two categories:

- a. Uses publicly operated or traditionally affected with a public interest, and
  - b. 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.
2. **Initiation of Special 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.
  3. **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 an appropriate non-refundable fee and 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.
  4. **Hearing on Application:** Upon receipt in proper form of the application and statement, 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. Property owners within two hundred (200) feet of the property for which the exception is being requested shall be notified as a courtesy as well. Before an application is filed with the Board of Adjustment, the applicant shall pay a non-refundable fee to the City of Denver to cover the publishing and administration costs of said request, per the adopted fee schedule.
  5. **Authorization:** For each application for a special exception the Zoning Administrator shall prepare and file with the Board of Adjustment findings and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.
  6. **Standards:** No special exception shall be granted by the Board of Adjustment unless such Board shall find:
    - a. 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;
    - b. That the special exception will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood;

- c. 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;
  - d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided and that the request not impair an adequate supply of air or light to adjacent properties;
  - e. 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
  - f. 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. That the special exception shall be consistent with the Denver Comprehensive Plan and the Code of Ordinances.
7. 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 met.
8. Denial and Revocation of Special Exception:
- a. Denial: 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.
  - b. Revocation: In any case where special exception has not been established within one (1) year after the date of granting thereof, the Board shall provide notice to the applicant that the approved exception may be revoked. Said notice shall offer the applicant an opportunity to be heard by the Board of Adjustment. The Board may, after this process, revoke or extend the approved exception.

#### 20.80.070 Appeals of the Staff and Other Powers of the Board of Adjustment

##### 1. Appeals of Staff Interpretations and Decisions

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by a decision of the Zoning Administrator or official in enforcement of this Ordinance. Such appeal shall be taken to the Board within a reasonable time, as prescribed by the Board's Rules of Procedure. The Zoning Administrator

shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed, that by reason of the facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Board or by a court of record on application of notice to the Zoning Administrator and due cause shown.

The Board shall hold one (1) public hearing and shall give a reasonable time for the hearing on the appeal. 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. Property owners within two hundred (200) feet of the property for which the appeal is being requested shall be notified as a courtesy as well. Before an application is filed with the Board of Adjustment, the applicant shall pay a non-refundable fee to the City of Denver to cover the publishing and administration costs of said request, per the adopted fee schedule.

In exercising the above-mentioned powers, the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it believes proper and to that end will have the powers of the Zoning Administrator. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter which it is required to pass under this Ordinance, provided that the action of the Board shall not become effective until after the written decision or resolution of the Board, setting forth the full reason for its decision and the vote of each participating member has been recorded in the minutes. Said written decision or resolution shall be filed in the office of the Zoning Administrator and shall be open to public inspection.

## 2. Other Powers of the Board of Adjustment

The Board of Adjustment is hereby vested with the following additional authority and jurisdiction:

- a. Interpretation of District Map: Where the application of the rules for interpretation of district boundaries 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 a way as to carry out the intent and purposes of this Ordinance.

### 20.80.080 Appeals of Board of Adjustment Decisions

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 said decision, in the manner provided by the laws of the state and particularly by the Code of Iowa.

### 20.80.090 Planning and Zoning Commission

1. **Creation:** the Planning and Zoning Commission of the City of Denver, as established under the applicable provisions of the Code of Iowa, is the Planning and Zoning Commission referred to in this Ordinance.
2. **Membership:** The Planning and Zoning Commission shall consist of five (5) members, who are residents, to be appointed for a term of five (5) years except when the Commission shall first be created then 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. Said Planning and Zoning Commission shall consist of persons who are qualified by knowledge or experience to act in matters pertaining to the development of a city planning and who shall not hold any elective office in the municipal government or be a member of the Board of Adjustment or City staff. Members shall be appointed by the Mayor, subject to the approval of the City Council.

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.

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 filed with the Zoning Administrator and City Clerk and open at all times to public inspection.

3. **Powers and Duties:** The Planning and Zoning Commission shall hold the following powers, discharge the following duties, and make recommendations to the City Council under this Ordinance. Included are the following responsibilities:
  - a. Review and make recommendations regarding the adoption, or amendment of, the Denver Comprehensive Plan;
  - b. Review and make recommendations regarding the adoption, or amendment of, this Ordinance. This includes all amendments to the written, map, and application components of the Ordinance, as well as any other duties or responsibilities assigned to the Commission within this Ordinance;
  - c. Review and make recommendations regarding all subdivision plats, including those for re-subdivision, proposed within the city, as well as those that may be proposed within two (2) miles of the city limits, as may be established within the Denver Subdivision Ordinance. All plats shall be reviewed in accordance with the provisions outlined in the city's subdivision ordinance, if any;
  - d. Review and make recommendations regarding the vacation of subdivisions and public rights-of-way, according to the Denver Subdivision Ordinance, if any;

- e. Conduct the necessary public hearings, as prescribed under the Denver Comprehensive Plan, this Ordinance, or the Iowa Code;
- f. Review, adopt, and amend the Commission's Administrative Rules or Rules of Procedure, which govern the actions of the Commission;
- g. Rely on the City Council to provide sufficient staffing in order to ensure that the business of the Commission is addressed in a timely fashion; and
- h. Review any other land use change or issue, which at the direction of the City Council, are sent to the Commission for consideration and recommendation.
- i. Amendments made to the Denver Comprehensive Plan and to this Ordinance shall, when directed by the City Council or an applicant, be considered by the Planning and Zoning Commission within thirty (30) days of their receipt.

#### 20.80.100 Zoning Administrator

1. Designation of Zoning Administrator: The Zoning Administrator shall be designated by the Mayor and the City Council.
2. Powers and Duties of the Zoning Administrator: The Zoning Administrator shall enforce this Ordinance and in addition shall:
  - a. Issue all building permits and collect any fees.
  - b. Process and review all applications for variances, special exceptions, and interpretation for referral to the Board of Adjustment.
  - c. Respond to complaints of alleged violations to the Ordinance. If after response by the Zoning Administrator the complaint remains unresolved, the issue shall be referred by the Administrator to the Mayor and City Council for resolution.
  - d. (d)Provide applications and forms and maintain public information relative to all matters arising out of this Ordinance.
  - e. (e)Process and review all applications for rezoning prior to consideration by the Planning and Zoning Commission.
  - f. Review site plans for conformance with this Ordinance.
  - g. (g)Attend meetings of the Planning and Zoning Commission and the Board of Adjustment, as well as carry out duties that may be requested by both bodies.

#### 20.80.110 Amendments to this Ordinance

1. Procedure: The regulations, restrictions, and boundaries may from time to time, be amended, supplemented, changed, modified, or repealed by the City Council. No such amendments

shall be made final without: (1) the applicant completing a rezoning application, unless the City is the applicant; (2) holding a public hearing before the Planning and Zoning Commission, who shall thereafter send a recommendation to the City Council; and (3) after a public hearing is held by the City Council and the proper ordinance amendment procedures, as required by the Code of Iowa, are followed by the City Council. The notice of the time and place of the hearings shall be published in a newspaper with general circulation in the City not less than seven (7) days nor more than twenty (20) days before either of the public hearings. Property owners within two hundred (200) feet of the property for which the amendment is being requested shall be notified of the hearings as a courtesy as well. In no case shall the City Council hearing be held earlier than the next regularly scheduled City Council meeting after the Planning and Zoning Commission hearing.

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 owners of twenty (20) percent or more, either of the area of the lots included in such proposed change or of those immediately adjacent to, not to exceed two hundred (200) feet, such amendments shall not be passed except by the favorable vote of three-fourths ( $\frac{3}{4}$ ) of all members of the City Council. As part of an amendment to this Ordinance changing land from one (1) zoning district to another zoning district, or as part of 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 that are directly caused by the requested change.

2. Ordinance Amendment Application: (Text or Map/Rezoning Amendments): An application for rezoning shall contain the following items:
  - a. The legal description and local address, if applicable, of the property to be rezoned.
  - 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 or sketch showing the locations, dimensions, and use of the applicant's property and all property within two hundred (200) feet thereof, including streets, alleys, railroads, and other physical features.
  - g. The property owner's signature.

3. Fees: Before any action is taken upon an application as provided in this section, the applicant shall pay the Zoning Administrator a non-refundable fee. The applicant shall pay this fee to the credit of the general revenue fund of the City. Failure to approve the change, by either the Planning and Zoning Commission or City Council, will not be construed as any reason for refunding the fee to the applicant.

#### Chapter 20.84

#### BUILDINGS CONSTRUCTION, CERTIFICATES, FEES

##### Sections:

20.84.010 Building Construction

20.84.020 Commencement and Completion of Construction

20.84.030 Structure Standards

20.84.040 Certificate of Occupancy

20.84.050 Applications and Non-Refundable Fees

##### 20.84.010 Building Construction

No building or structure shall hereafter be erected, constructed, reconstructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the Zoning Administrator. Said permit and the application for the permit shall contain a plot plan showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building or structure to be erected or affected, the name and address of the owner or owners of the involved lot, and such other information as may be necessary to provide for the enforcement of this Ordinance. The application and permit shall be on forms prepared by the Zoning Administrator and approved by the Council. No permit shall be issued for any construction not in compliance with this Chapter. Any construction started without a permit shall be stopped immediately, and shall be subject to the remedies of Section 18.02.

##### 20.84.020 Commencement and Completion of Construction

An applicant who is issued a zoning permit under the provisions of this chapter is bound, by acceptance of the permit, to commence the construction for which the permit is issued within six (6) months from and after the date of issue of said permit, and is bound to finish said construction within twelve (12) months from and after said date of issue. Failure to commence construction within six (6) months shall cause the permit to expire. A zoning permit issued under the provisions of this chapter shall be valid for a period of twelve (12) months from and after the date of issue of said permit. Upon expiration of a permit, the holder shall make a new application for a new permit under the provisions of this chapter and shall otherwise go through the same procedure as required for issuance of the original zoning permit. The fee for the second permit, as in the case of the original permit fee, shall be set by resolution by the City Council.

##### 20.84.030 Structure Standards

The following standards shall apply to all structures and all construction for which building permits are issued on or after the effective date of the Ordinance codified by this chapter:

1. All dwellings shall be affixed to a permanent foundation system in accordance with building construction standards.
2. All structures shall comply with all requirements of this Chapter, including all requirements contained in the definitions of this Ordinance including, without limitation the definitions of “Dwelling(s)”, “Fence”, and “Screening”; all bulk requirements; and all other provisions of this Ordinance.

#### 20.84.040 Certificate of Occupancy

No change in the use or occupancy of land, nor any change in use or occupancy in an existing building shall be made, nor shall any new building be occupied for any purpose or use until a certificate of occupancy, permanent or temporary, has been issued by the Zoning Administrator. Every certificate of occupancy, permanent or temporary, shall state that the new occupancy complies, or upon completion will comply, with the provisions of this Ordinance.

Temporary certificates of occupancy may be issued by the Zoning Administrator at their discretion. If a temporary certificate of occupancy is issued by the Zoning Administrator, it shall be valid for a period of six (6) months unless extended by the Zoning Administrator after making a finding of extenuating circumstances.

#### 20.84.050 Applications and Non-Refundable Fees

The Zoning Administrator is instructed to issue permits upon properly approved written applications under this Ordinance, and charge a non-refundable fee as determined by the City Council and adopted by resolution. If the City initiates any of the actions listed below, it shall not be required to pay the corresponding fee. Applicable fees include, but are not limited to, the following.

1. Zoning Map Amendments (Rezoning Requests) or Ordinance Text Amendments.
2. Variances.
3. Special Exceptions.
4. Appeals of Staff Interpretations and Decisions.
5. Home Occupations and Home Industries (initial and annual renewal permits).

### Chapter 20.88

### VIOLATIONS AND LEGAL REMEDIES PROVISIONS

#### Sections:

20.88.010 Notice to Violators

20.88.020 Responsibility

20.88.030 City Remedies

20.88.010 Notice to Violators

If the Zoning Administrator finds that any provision of this Ordinance is being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal 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 or by the City Code to insure compliance with or to prevent violation of its provisions.

20.88.020 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 of this chapter may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

20.88.030 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 an injunction, municipal infraction, mandamus, or other appropriate lawful action necessary to prevent, correct, or abate such violation. A violation of this Ordinance shall be deemed a violation of City Code and thus a municipal infraction, under the Denver Code of Ordinances, and punishable as such. Any construction started without a permit or which does not comply with the requirements of the Code of Ordinances shall be removed immediately. The City Council may, without limitation, provide for abatement of such infraction, pursue civil action in court, or prosecute such violation, such action to be prosecuted in the name of the City, or may pursue any combination of remedies. Each day that said violation is continued shall constitute a separate violation. Nothing in this section shall limit the remedies and enforcement powers of the City, which shall include injunctive relief.

## Chapter 20.92

## ORDINANCE REPEALER, SEVERABILITY CLAUSE, AND EFFECTIVE DATE

## Sections:

20.92.010 Repealer

20.92.020 Severability Clause

20.92.030 Effective Date

20.92.010 Repealer

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

20.92.020 Severability Clause

If 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.

20.92.030 Effective Date

This Ordinance repeals Chapter 20 of the Denver, Iowa Code of Ordinance, and any amendments thereto. This Ordinance is enacted in lieu thereof and shall be known as the Denver, Iowa Zoning Ordinance which shall be integrated into the City Code of Ordinances. This is an ordinance creating zoning regulations for the purpose of protecting health, welfare, and public safety within the City of Denver, Iowa. This Ordinance shall become effective upon publication.

A recommendation for adoption was made by the Denver Planning and Zoning Commission on April 13<sup>th</sup>, 2009, after a public hearing was held on the same date.

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