

City of West Branch

~A Heritage for Success~

110 N. Poplar Street • PO Box 218 • West Branch, Iowa 52358
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PLANNING AND ZONING COMMISSION MEETING

Tuesday, March 24, 2015 • 6:30 p.m.

West Branch City Council Chambers, 110 N. Poplar St.

Council Quorum May Be Present

1. Call to Order
2. Roll Call
3. Approve minutes from the March 4, 2015 Planning and Zoning Commission Meeting/Move to action.
4. Approve new electrical, plumbing, mechanical, fence, and demolition permits and fees./Move to action.
5. Public Hearing on the adoption of a revised future land use plan.
6. Approve amendment to the West Branch Comprehensive Plan, adopted April 1, 2013 by adopting an updated future land use map./Move to action.
7. Discussion on potential changes to sections 165.1 through 165.19 of the City Code.
8. Old Business
 - a. Deputy City Clerk Leslie Brick – Reminder concerning April 6, 2015 Introduction to Planning & Zoning.
9. New Business
 - a. Zoning Administrator Paul Stagg - Discussion of FP zoning district in 165.24 of the City Code.
 - b. Zoning Administrator Paul Stagg - Discussion of accessory building setbacks described in 165.07(2) of the City Code.
10. Adjourn

Planning & Zoning Commission Members: Chair Roger Laughlin, Vice Chair John Fuller, LeeAnn Aspelmeier, Ryan Bowers, Clara Oleson, Sally Peck, Gary Slach • **Zoning Administrator:** Paul Stagg • **Deputy City Clerk:** Leslie Brick
Mayor: Mark Worrell • **Council Members:** Jordan Ellyson, Colton Miller, Brian Pierce, Tim Shields, Mary Beth Stevenson
City Administrator/Clerk: Matt Muckler • **Fire Chief:** Kevin Stoolman • **Library Director:** Nick Shimmin
Parks & Rec Director: Melissa Russell • **Police Chief:** Mike Horihan • **Public Works Director:** Matt Goodale

CITY OF WEST BRANCH
ELECTRICAL PERMIT APPLICATION

Building Address _____

Owner _____

Electrical Contractor _____ Phone: _____

License # _____ IA Contractor Reg. # _____

Description of Work: _____

Contract Price for Electrical Work: \$ _____

Electrical fees for new and remodels of single family dwellings, duplexes and townhouses where building permits are obtained will be collected from the building permit applicant and no additional electric permit is required.

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced.

I agree to perform the work described in accordance with the plans/specifications submitted, in accordance with all provisions of the Electrical Code, and schedule all required inspections by calling Terry Goerdts at 319-330-9806.

Signature of Applicant _____ Date _____

FOR OFFICE USE ONLY

Dollar Volume of Work

Permit Fee

- | | |
|----------------------------------------------------------|---------|
| 1. \$1 – 1,500..... | \$25 |
| 2. \$1,501 – 5,000..... | \$50 |
| 3. \$5,001 – 25,000..... | \$75 |
| 4. \$25,001 – 50,000..... | \$100 |
| 5. \$50,001 – 75,000..... | \$125 |
| 6. \$75,001 – 100,000..... | \$150 |
| 7. \$100,001 – 125,000..... | \$175 + |
| + Add \$25.00 per every \$25,000 of valuation thereafter | |

Permit No. _____ Date Issued _____ Permit Fee _____

CITY OF WEST BRANCH
PLUMBING PERMIT APPLICATION

Building Address _____

Owner _____

Plumbing Contractor _____ Phone: _____

License # _____ IA Contractor Reg. # _____

Description of Work: _____

Contract Price for Plumbing Work: \$ _____

Plumbing fees for new and remodels of single family dwellings, duplexes and townhouses where building permits are obtained will be collected from the building permit applicant and no additional permit is required.

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced.

I agree to perform the work described in accordance with the plans/specifications submitted, in accordance with all provisions of the Plumbing Code, and schedule all required inspections by calling Terry Goerdts at 319-330-9806.

Signature of Applicant _____ Date _____

FOR OFFICE USE ONLY

Dollar Volume of Work

Permit Fee

- | | |
|----------------------------------------------------------|---------|
| 1. \$1 – 1,500..... | \$25 |
| 2. \$1,501 – 5,000..... | \$50 |
| 3. \$5,001 – 25,000..... | \$75 |
| 4. \$25,001 – 50,000..... | \$100 |
| 5. \$50,001 – 75,000..... | \$125 |
| 6. \$75,001 – 100,000..... | \$150 |
| 7. \$100,001 – 125,000..... | \$175 + |
| + Add \$25.00 per every \$25,000 of valuation thereafter | |

Permit No. _____ Date Issued _____ Permit Fee _____

CITY OF WEST BRANCH
MECHANICAL PERMIT APPLICATION

Building Address _____

Owner _____

Mechanical Contractor _____ Phone: _____

License # _____ IA Contractor Reg. # _____

Description of Work: _____

Contract Price for Mechanical Work: \$ _____

Mechanical fees for new and remodels of single family dwellings, duplexes and townhouses where building permits are obtained will be collected from the building permit applicant and no additional permit is required.

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced.

I agree to perform the work described in accordance with the plans/specifications submitted, in accordance with all provisions of the Mechanical Code, and schedule required inspections by calling Terry Goerdts at 319-330-9806.

Signature of Applicant _____ Date _____

FOR OFFICE USE ONLY

Dollar Volume of Work

Permit Fee

- | | |
|----------------------------------------------------------|---------|
| 1. \$1 – 1,500..... | \$25 |
| 2. \$1,501 – 5,000..... | \$50 |
| 3. \$5,001 – 25,000..... | \$75 |
| 4. \$25,001 – 50,000..... | \$100 |
| 5. \$50,001 – 75,000..... | \$125 |
| 6. \$75,001 – 100,000..... | \$150 |
| 7. \$100,001 – 125,000..... | \$175 + |
| + Add \$25.00 per every \$25,000 of valuation thereafter | |

Permit No. _____ Date Issued _____ Permit Fee _____

CITY OF WEST BRANCH
FENCE PERMIT APPLICATION

Fence Location Address _____

Property Owner _____ Phone _____

Fence Material _____ Fence Height _____

Confirming property lines, buried utilities, easements, restrictive covenants, or association requirements are strictly the responsibility of the owner and/or contractor.

It is advised that the affected neighbor(s) be consulted if the fence will be placed right on the property line or if two or more fences will be joined structurally.

CODE OF ORDINANCES, WEST BRANCH, IOWA

165.44 FENCES. Fences and hedges located within a front, side or rear yard or within five (5) feet of a lot line shall be subject to the following location, height, and building permit requirements

1. Fences, hedges, and walls shall be located so no part thereof is within two (2) feet of any alley, sidewalk, or a street right-of-way line.
2. No portion of a fence, hedge, or wall located in a residential or agriculture district, or adjoining a residential use area shall be erected in excess of six (6) feet on side or rear yards.
3. Maximum heights for fences, hedges, and walls in all other districts not adjoining a residential use area shall not exceed twelve (12) feet.
4. Fences, hedges, and walls shall not exceed four (4) feet in height in any front yards in any zoning district within the City.
5. At street intersections, no fence, hedge, or wall more than three (3) feet in height above the street level shall be located within a triangular area composed of two of its sides twenty-five (25) feet in length and measured along the right-of way lines from the point of intersection of the above-referenced lines. No portions of the fence, hedge, or wall located within the designated twenty-five (25) foot triangular area shall be more than ten percent (10%) solid.
6. Fences, hedges, and walls shall be entirely located within the confines of the property.
7. Front yards shall be determined by where the side yard and front building line meet or intersect.
8. On corner lots, the portion of a fence, hedge, or wall that is located in the designated backyard shall not be erected in excess of four (4) feet. No portion of said fence shall be more than ten percent (10%) solid.

*I have read and agree to the above listed provisions and will construct said project accordingly

Signature of Applicant _____ Date _____

FOR OFFICE USE ONLY

Approved / Denied _____ **Permit No.** _____ **Fee: \$25.00**

Zoning Administrator _____ **Date** _____

CITY OF WEST BRANCH
APPLICATION FOR DEMOLITION PERMIT

Property Address: _____

Property Owner: _____

Description of Structure(s) To Be Demolished: _____

Contractor: _____

Sewer and Water Contractor: _____

Applicant _____ Phone _____

Company _____

Address _____

-Pedestrian protection shall be in place prior to the start of work

-IOWA ONE CALL (800-292-8989) must be notified prior to excavation of any kind.

-Trucks hauling debris from demolition site shall be covered to prevent loss of materials

-Water and Sanitary Sewer service shall be abandoned under the direction of the public works department and must be inspected by a representative of public works.

-Erosion control practices shall be implemented where applicable and the lot shall be restored to a maintainable surface upon completion

-Permit expires 60 days from date of issuance

Applicant Signature _____ Date _____

FOR OFFICE USE ONLY

Items required prior to issuance:

____ Electric Utility Termination Letter

____ Water Meter Returned To City Water Dept.

____ Gas Utility Termination Letter

____ Asbestos Abatement Report

Approved / Denied

Permit No. _____ Fee: \$100.00

Zoning Administrator _____ Date _____

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT TO THE WEST BRANCH COMPREHENSIVE PLAN, AMENDED APRIL 1, 2013.

YOU ARE HEREBY NOTIFIED that a public hearing will be held to consider the above referenced matter by the Planning and Zoning Commission of the City of West Branch, Cedar County, in the Council Chambers at the City Office at 110 N. Poplar Street, at 6:30 o'clock P.M., on Tuesday, March 24th, 2015. The proposed amendment will update the West Branch Comprehensive Plan, Amended April 1, 2013 by adopting an updated future land use map.

All interested persons are invited to attend the meeting and be heard on the aforementioned proposed amendment to the West Branch Code of Ordinances. Further information on this matter may be obtained by contacting the West Branch City Clerk.

/s/Matt Muckler

Matt Muckler, City Clerk
by West Branch City Council

CHAPTER 165

ZONING REGULATIONS

165.01 Short Title and Map	165.26 A-1 District Requirements
165.02 Purpose and Authority	165.27 R-1 District Requirements
165.03 Conflict and Validity	165.28 R-2 District Requirements
165.04 Definitions	165.29 R-3 District Requirements
165.05 Nonconforming Uses and Structures	165.30 RB-1 District Requirements
165.06 Water and Sewage Requirements	165.31 B-1 District Requirements
165.07 Accessory Buildings	165.32 B-2 District Requirements
165.08 Zoning of New or Annexed Land	165.33 I-1 District Requirements
165.09 Approved Plats	165.34 I-2 District Requirements
165.10 Street Frontage Required	165.35 CB-1 District Requirements
165.11 Permitted Obstruction in Required Yards	165.36 CB-2 District Requirements
165.12 Corner Lots	165.37 CI-2 District Requirements
165.13 Reduction of Lots and Parts of Others	165.38 Off-street Parking Requirements
165.14 Number of Buildings on Zoning Lot	165.39 Application of Parking Requirements
165.15 Enforcement	165.40 Access Drives
165.16 Zoning and Use Registration Permits	165.41 Off-street Loading
165.17 Application for Permits	165.42 Height Limitations
165.18 Appeals	165.43 Signs
165.19 Penalties	165.44 Fences
165.20 Board of Adjustment	165.45 Service Stations
165.21 Expenses of the Board of Adjustment	165.46 Hotels and Motels
165.22 Powers of the Board	165.47 Designed Shopping Center
165.23 Amendments	165.48 Designed Residential Subdivision
165.24 Establishment of Districts and Boundaries	165.49 HCI District Requirements
165.25 Interpretation of District Boundaries	

165.01 SHORT TITLE AND MAP. This chapter shall be known and may be cited and referred to as the West Branch Zoning Ordinance. The map herein referred to, identified by the title “Zoning District Map, West Branch, Iowa” dated April 1, 1991, and all explanatory matter thereon are hereby adopted and made part of this chapter[†].

165.02 PURPOSE AND AUTHORITY. The zoning regulations and districts herein set forth are made in accordance with a comprehensive plan. They are designed to lessen congestion in the streets; to secure safety from fire, flood, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. They are made with reasonable consideration, among other things, to the character of area of each district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout West Branch. For the purpose of promoting the health, safety, morals, or the general welfare of the

[†] (See EDITOR’S NOTE at the end of this chapter for ordinances amending the zoning map.)

community, the Council is hereby empowered to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. The authority of this chapter is based upon the right of the Council as empowered by the provisions of Chapter 414 of the Code of Iowa.

165.03 CONFLICT AND VALIDITY. Wherever the regulations made under authority of this chapter require greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this chapter shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of Chapter 414, the provisions of such statute or local ordinance or regulation shall govern. Wherever any regulation proposed or made under authority of Chapter 414 relates to any structure, building, dam obstruction, deposit or excavation in or on the flood plains of any river or stream, prior approval of the Iowa Department of Natural Resources shall be required to establish, amend, supplement, change, or modify such regulation or to grant any variation or exception therefrom. Should any section clause or provision of this chapter be declared invalid, such shall not affect the validity of the remaining portions of this chapter.

165.04 DEFINITIONS. Unless otherwise stated, the following words shall have the meanings herein indicated.

1. "Accessory building" means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use. Such a building shall not include dwelling units or living quarters.
2. "Accessory use" means a use subordinate to the main use of land or a building on a lot and customarily incidental thereto.

3. "Agriculture" means an area which is used for the growing of the usual farm products, such as vegetables, fruit, trees and grain, and their storage on the area, as well as for the raising, feeding, or breeding thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided further, "farming" does not include large scale commercial feeding of livestock.
4. "Alley" means minor ways which are used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.
5. "Alterations, structural" means any change in the building load-bearing members of a building, such as bearing wall, partitions, columns, beams, or girders. The enlargement of the side or height of a building shall be construed to be a structural alteration.
6. "Apartment" means a room or suite of rooms, with toilet and culinary accommodations, used or designed for use as a residence by a family, or any two or more people, located in a building containing two (2) or more such rooms or suites, or located in a building devoted primarily to non-residential use.
7. "Auto laundry" means a building or portion thereof, where automobiles are washed commercially, or equipment is rented for the same purpose.
8. "Automobile sales room" means a building or portion thereof where automobiles and vehicles are sold by a franchised dealer either with or without storage, parts sales, and repair facilities, providing all such repair activities are enclosed within a structure.
9. "Basement" means a story partly or wholly underground. Where more than one-half ($\frac{1}{2}$) its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for purpose of height measurement.
10. "Boarding house" means a building or place, other than a fraternity or sorority house, where lodging and/or boarding is provided by pre-arrangement for definite periods of time for compensation, for no more than ten (10) persons and is not open to transient guests.

11. “Building” means any enclosed space for human use or activities, whether stationary, temporary or movable. When any portion of a building is completely separated from any other portion thereof by a division from any other openings or by a fire wall, then each such portion shall be deemed to be a separate building. “Principal building” means a building, including covered porches, carports and attached garages, in which is conducted the principal use of the lot on which it is situated. In any residence district the main dwelling shall be deemed to be the principal building on the lot on which the same is situated.

12. “Building, height of” means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

13. “Building line” means an imaginary line parallel to all lot lines over which no portion of any building may extend and which is a distance from the front lot line equal to the depth of the front yard required for the distance in which such lot is located.

14. “Carport” means a form of private garage providing space for housing or storage of one or more automobiles and enclosed on not more than two (2) sides by walls. The dimensions determining the overall size of the carport shall be measured from the extreme edge or any part of the building.

15. “Centerline” means the true centerline of a street which has been fully dedicated to its required width. Where all of the required width of public right-of-way has not been dedicated or such public right-of-way has not been dedicated or such public right-of-way exists in an offset or angular manner, the City Engineer shall determine the alignment of the centerline.

16. “Clinic” means an establishment where patients are not lodged overnight, but are admitted for examination and treatment by physicians or dentists practicing medicine together.

17. “Club” or “lodge” means an association of persons organized for the promotion of service to others, who are bona fide members paying annual dues, which owns, hires or leases a building, or portion thereof except a fraternity or sorority, the use of such premises being restricted to members and their guests. It is permissible to serve food and beverages to members and their guests on such premises provided adequate dining

room space and kitchen facilities are available and are operated in compliance with the State and local laws.

18. “Dwelling” means a building used exclusively for permanent residential occupancy or portion thereof, including one-family dwellings, two-family dwellings, and multiple-family dwellings, but not including a mobile home designed or used primarily for residential occupancy, or hotel, motel, apartments, boarding, lodging or rooming house, tents, cottage camps or other structures designed or used primarily for transient residents.

A. “Dwelling, single-family” means a detached building, designed or used exclusively for occupancy by one family.

B. “Dwelling, two-family” means a building designed or used exclusively for occupancy by two families.

C. “Dwelling, multiple-family” means a building, or portion thereof, containing three dwelling units or more.

D. “Dwelling unit” means one or more rooms in a dwelling which are arranged, designed, used or intended for use as living quarters for one family. This includes permanent kitchen and bathroom facilities.

19. “Family” or “household” means one or more persons related by blood, marriage or adoption, occupying a dwelling unit as an individual housekeeping entity; and as such may include no more than two persons not related by blood, marriage or adoption.

20. “Feedlot” means a commercial venture under corporate partnership or individual ownership involving the assemblage of livestock for the express purpose of preparation for market in the least time possible, purchasing over 75% of its feed, and characterized by rapid turnover of livestock; the absence of dwelling unit or structure for housing livestock and presence of other uses normally associated with a farm.

21. “Floor area” means the total number of square feet of floor space as determined by the outside dimensions of the building, not including space in basements; however, if the basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.

22. “Garage, private” means an enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service

is conducted for profit therein or space therein for more than two vehicles is rented to non-residents of the premises.

23. “Garage, repair” means any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, parts sales and adjusting or equipping of automobiles or other motorized equipment.

24. “Grade” means:

A. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;

B. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalks at the centers of all walls adjoining streets; or

C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the City Engineer.

25. “Home occupation” means an occupation or a profession which:

A. Is customarily carried on in a dwelling unit or a building or other structure accessory to a dwelling unit or in a building or other structure accessory to a dwelling unit, and

B. Is carried on by a member of the family residing in the dwelling unit for residential purposes, and

C. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and

D. Which conforms to the following additional conditions:

(1) The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto – and shall not occupy more than fifty percent (50%) of the floor area of one story.

(2) Not more than one person outside the family shall be employed in the home occupation;

(3) There shall be no display or indication visible from the exterior storage of materials and no other exterior

indication of the home occupation or variation from the residential character of the principal building except as permitted by Section 165.38.

(4) No noise, vibration, smoke, dust, odors, heat or glare shall be produced which is detrimental to the residential character of the zoning district in which it is located.

26. “Hotel” means a building occupied as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which there are more than ten (10) sleeping rooms usually occupied independently.

27. “Inn” means a building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, and in which there are fewer than ten (10) sleeping rooms.

28. “Junk yard” means an area of land with or without buildings used for or occupied by a deposit, collection, or the storage, outside of a completely enclosed building, of used and/or discarded materials, house furnishing, machinery, vehicles, or parts thereof with or without the dismantling, processing, salvage, sale or other use of disposition of the same. Junk yards are prohibited within the City limits.

29. “Kennel” means any lot or premises on which four or more domestic animals or pets at least four months of age are harbored.

30. “Lot” means a parcel of land legally described as a district portion or piece of land of record.

A. “Lot area” means the area of a horizontal plane bounded by vertical planes containing the front, side and rear lot lines.

B. “Lot, corner” means a lot situated at the junction of and abutting on two (2) or more intersecting streets or adjoining a curved street at the end of a block.

C. “Lot coverage” means the area of a zoning lot occupied by the principal building or buildings and accessory buildings.

D. “Lot depth” means the mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

E. “Lot frontage” means that boundary of a lot along a public street; for a corner lot the owner may elect either street line as the front lot line.

- F. “Lot line: means a property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends to the abutting street or alley, the lot line shall be deemed to be the street or alley line.
- G. “Lot, interior” means a lot other than a corner or reversed corner lot.
- H. “Lot line, front” means the front property line of a zoning lot.
- I. “Lot line, interior” means a side lot line common with another lot.
- J. “Lot line, rear” means the lot line or lot lines most nearly parallel to and most remote from the front lot line.
- K “Lot of record” means a lot which is part of a subdivision the map of which has been recorded in the office of the County Recorder of Deeds of Cedar County or a parcel of land the deed of which was recorded in the office of the County Recorder of Cedar County prior to the adoption of the Zoning Ordinance.
- L “Lot line, side” means a lot line other than front or rear lot lines.
- M. “Lot, reversed corner” means a corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.
- N. “Lot, through” means a lot having frontage on two (2) parallel streets, or approximately parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
- O. “Lot width” means the mean horizontal distance between the side lot lines measured within the boundaries, or between the side lot lines within the buildable area.
31. “Mobile home or trailer” means a vehicle with or without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, which does not meet the Building Code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term “trailer” includes “camper” and “house car.” A permanent foundation shall not change its character, nor shall the erecting of additions to said

trailer, unless the trailer itself and any additions thereto conform to all City laws.

32. “Hotel, motor court, motor lodge or tourist court” means any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of automobile transients.

33. “Nonconforming use” means any building or land lawfully occupied by a use at the time of passage of the Zoning Ordinance or amendment thereto which does not conform after the passage of such ordinance or amendment thereto, with the use regulation of the district in which it is situated.

34. “Nursing home” means a home for the aged or infirm, in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care, for compensation, but not including hospitals, clinics or similar institutions.

35. “Parking space” means an off-street space accessible and available for the parking of one motor vehicle and having an area of not less than one hundred-eighty (180) square feet, together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of an automobile.

36. “Public right-of-way” means all streets, roadways, sidewalks, alleys, and other areas reserved for present or future use by the public, as a matter of right for the purpose of vehicular or pedestrian travel or utility installation.

37. “Screen” or “fence” means a manmade enclosure or barrier regardless of material, extending above ground level including walls, earthen berms or free standing objects.

38. “Service stations” means any area of land, including structures thereon, that is used or designed to be used primarily for the sale of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, dry cleaning or otherwise cleaning or servicing such motor vehicles.

39. “Sign” means any structure or part thereof or device attached thereto or painted or represented thereon, which shall display or include 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. The word “sign” includes the word “billboard,” but does not include the flag, pennant or insignia or authentic reproduction thereof 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.

40. “Story” means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement is considered a story if used for dwelling purposes.

41. “Street” means a traveled portion of the public right-of-way between curb faces, if curb exists, which affords the principal means of access to abutting property.

42. “Structure” means anything constructed or erected which requires location on the ground, but not including fences or walls used as fences less than six (6) feet in height, poles, lines, cables or other transmission or distribution facilities of public utilities.

43. “Use, principal” means the specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

44. “Yard” means the space on a lot extending along a lot line between such “lot line” and a principal building or buildings, or non-building use occupying such lot. Yard measurements shall be taken from the building line to the lot line.

A. “Front yard” means a yard extending the full width of the lot and situated between the front lot line and the building line. The depth of front yard shall be measured between the building line and the front lot line. Covered porches and garages, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

B. “Rear yard” means a yard extending the full width of the lot and situated between the rear line of the principal building and the rear lot line.

C. “Side yard” means a yard situated between the building line and the side lot line and extending from the front yard to the rear yard.

45. “Zero lot line units” means two single-family dwelling units joined together on either side of a common boundary line with a common wall between such units, and which have:

A. Separate or divided ownership of each single-family unit resulting from the division of the lot or parcel of land into two separate parcels done in such a manner as to result in a single-family unit being located on either side of the common wall.

B. A standard fire wall between the separate units that is built in such a manner as to allow no connection other than the wall itself between the units.

C. Restrictive and protective covenants providing that any owners of the two-unit family dwelling shall be jointly and severally liable for the maintenance and repair of the common wall, as well as all other common aspects. Separate water and sewer lines shall be furnished to each unit. The covenants, after approval by the City, shall be recorded in the Office of the County Recorder and shall be covenants running with the land.

46. “Driveway” means a surface designed to provide access from the street to, across or onto private property. *(Ord. 573 – Sep. 04 Supp.)*

165.05 NONCONFORMING USES AND STRUCTURES. The continuance of nonconforming uses or structures shall be subject to the following limitations:

1. Continuation. Any lawful use of a building or land existing at the effective date of the Zoning Ordinance may be continued, although such use does not conform to the provisions of such ordinance.

2. Extension. A nonconforming use shall be allowed one twenty-five percent (25%) expansion of the building. Said expansion shall not exceed twenty-five percent (25%) of the floor area. The extension of a conforming use to any portion of a nonconforming building which existed prior to the effective date of the Zoning Ordinance shall not be deemed the extension of a nonconforming use.

3. Restoration. No building damaged by fire or other cause to the extent of more than fifty percent (50%) of its value shall be repaired or rebuilt, except in conformity with the regulations of this chapter.

4. Abandonment. Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished and any subsequent use shall be in conformity with the provisions of this chapter.

5. Substitution of Nonconforming Uses. No nonconforming use may be changed to any other nonconforming use, unless the Board of Adjustment finds that the proposed nonconforming use is no more detrimental to the district than the existing nonconforming use of the property. The Board of Adjustment may specify such appropriate conditions and safeguards as may be required in connection with such change.
6. Repairs and Maintenance. Ordinary repairs and maintenance of a structure containing a nonconforming use shall be permitted.
7. Change in Use. A nonconforming use shall not be changed except to a conforming or to another use of a higher or more restrictive classification as provided in this chapter. A change of a nonconforming use in an Industrial District to a use which is residential shall not be permitted.
8. Amortization of Nonconforming Signs. Signs and billboards which exist off the site of principal use on the date of the adoption of the Zoning Ordinance and which are nonconforming in accordance with the ordinance shall be made to conform within a period of three years from said date.
9. Amortization of Nonconforming Use of Open Land. All nonconforming junk yards, storage areas and similar nonconforming uses of open land not involving a substantial investment in permanent buildings shall be torn down, altered or otherwise made to conform within three years from the date of the adoption of the Zoning Ordinance.

165.06 WATER AND SEWAGE REQUIREMENTS. All proposed buildings and uses requiring sewage facilities where public sewer and/or water is not available shall conform to requirements and standards of the Cedar County Board of Health.

165.07 ACCESSORY BUILDINGS.

1. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
2. An accessory building may not be located nearer to any interior lot line than that permitted for the main building, when any part of the accessory building is on line with the main building, if extended. However, when an accessory building is located in the rear yard, it may then be located within three (3) feet of the interior lot line, but not nearer than five (5) feet of the rear lot line.

3. An accessory building shall not be bigger than the principal building.

165.08 ZONING OF NEW OR ANNEXED LAND. Prior to the annexation of any territory to the City, a plan for zoning the area to be annexed shall be forwarded to the Council by the Planning and Zoning Commission. All territory which may hereafter be annexed to the City shall be automatically classified in the same or similar type of district it was prior to annexation until otherwise changed by ordinance after public hearing.

165.09 APPROVED PLATS. Plats of record before the enactment date of the Zoning ordinance shall not be affected by this chapter except as buildings are proposed, they shall conform to yard requirements of the appropriate Zoning District.

165.10 STREET FRONTAGE REQUIRED. All lots to contain a building shall abut a public street for the required frontage in the district in which it is located; one single family dwelling may utilize a private easement of not less than 20 feet wide and abutting upon a public street, if approved by the Zoning Board of Adjustment.

165.11 PERMITTED OBSTRUCTION IN REQUIRED YARDS. The following obstructions, when located in the minimum area required for specified yards, shall be permitted.

1. In all yards:
 - A. Chimneys projecting eighteen (18) inches or less into the yard;
 - B. Flag poles;
 - C. Ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than eighteen (18) inches into a yard;
 - D. Ornamental light standards;
 - E. Steps which are necessary for access to permitted buildings or for access to lots from streets and required exterior fire escapes.
2. In front yards:
 - A. Fuel pumps and air and water outlets in conjunction with automobile service stations, provided they shall be set back at least fifteen (15) feet from the front lot line;

- B. One-story bay windows projecting three (3) feet or less into the yard;
 - C. Open terraces not over four (4) feet above the average level of the adjoining ground and not projecting over ten (10) feet into a yard, but not including permanently roofed-over terraces or porches;
 - D. Signs and nameplates, as regulated therein.
3. In rear yards:
- A. Air-conditioning condensers for central air conditioning units;
 - B. Arbors and trellises;
 - C. Balconies of not more than five (5) feet into the required yard;
 - D. Breezeways and open porches;
 - E. Private garage;
 - F. One-story bay windows projecting three (3) feet or less into the yard;
 - G. Overhanging roof eaves and gutters, provided eaves and gutters of detached accessory buildings are not less than two (2) feet from a lot line;
 - H. Fences;
 - I. Open terraces not over four (4) feet above the average level of the adjoining ground, but not including permanently roofed-over terraces or porches;
 - J. Open accessory off-street parking spaces;
 - K. Playground and laundry-drying equipment;
 - L. Private swimming pools and tennis courts;
 - M. Sheds, tool rooms or similar buildings customarily accessory to the principal use.
 - N. Satellite dish.
4. Side yards:

- A. Open accessory off-street parking spaces;
- B. Overhanging eaves and gutters projecting twenty-four (24) inches or less into the yard;
- C. Fences;
- D. Air-conditioning condenser for air-conditioner units.

165.12 CORNER LOTS.

1. Side yard requirements for corner lots shall be the same as the front yard requirements for those lots to the rear of said corner lot abutting on the intersecting street.
2. A lot fronting on two (2) intersecting streets which form an interior angle of one hundred-thirty-five degrees (135°) or less and which lot has a frontage of not less than twenty-five (25) feet on each of such streets.
3. A lot located at the angle in the street where the interior angle formed by the intersection of the street lines is one hundred thirty-five degrees (135°) or less and which lot has a frontage of not less than twenty-five (25) feet on each leg of such angle.

165.13 REDUCTION OF LOTS AND PARTS OF OTHERS. No lot shall be sold, divided, or set off in such a manner that either the portion sold, divided or set off or the portion remaining shall be less than the minimum size prescribed by the regulations relating to the district in which it is situated, unless it becomes a part of an adjacent lot meeting requirements.

165.14 NUMBER OF BUILDINGS ON ZONING LOT. Only one principal detached residential building shall be located on a zoning lot, and a principal detached residential building shall not be located on the same zoning lot with any other principal building.

165.15 ENFORCEMENT. The Council shall appoint a zoning officer to enforce the provisions of this chapter. It shall be the zoning officer's duty to examine all applications for permits, issue permits only for construction and uses which are in accordance with the requirements of this chapter, record and file all applications for permits with accompanying plans and documents, and make such reports as the Council may require. Permits for construction and uses which would be a violation of this chapter and that require a special exception or variance to requirements of this chapter shall be issued only upon written order by the Board of Adjustment as provided for in Section 165.22 of this chapter.

(Ord. 659 – Mar. 11 Supp.)

165.16 ZONING AND USE REGISTRATION PERMITS. A Zoning and Use Registration Permit shall be obtained from the zoning officer for any of the following:

1. Occupancy and use of a building hereafter constructed, enlarged, relocated, reconstructed or altered.
2. Any change in the use of an existing building.
3. Occupancy and use of vacant land, or change in the use of land except for any use consisting primarily of tilling the soil.
4. No such occupancy, use, or change of the use shall take place until a Zoning and Use Registration Permit therefore has been issued by the zoning officer. No Zoning and Use Registration Permit shall be issued unless the proposed occupancy is in full conformity with all the provisions of this chapter.
5. A Zoning and Use Registration Permit shall be deemed to authorize, and is required for both initial and continued occupancy and use of the building or land to which it applies and shall continue in effect, so long as such buildings and the use thereof or the use of such land is in full conformity with the provisions of this chapter and any requirements made pursuant thereto. However, on the serving of written notice by the zoning officer of any violation or any of said provisions or requirements with respect to any building or the use thereof or of land, the Zoning and Use Registration Permit for such use shall thereupon without further action, be null and void, and a new Zoning and Use Registration Permit shall be required for any further use of such building or land.
6. Any permit or approval which may be issued by the zoning officer shall be in effect for a period of one year from date of issuance. A six-month extension shall be granted upon written request by the permit holder to the zoning officer. Upon the end of the six-month extension a permit shall be deemed expired and a new permit application shall be submitted for review and approval and all associated permit fees shall be assessed before said work shall continue to commence.

(Ord. 659 – Mar. 11 Supp.)

165.17 APPLICATION FOR PERMITS. Applications for Zoning Permits shall be made to the zoning officer in writing upon forms approved by the Board of Adjustment prior to starting construction or establishing a use, and such forms shall be filled in by the owner, or authorized agent, and shall be

accompanied by a plan in duplicate, drawn to scale, showing the actual lot dimensions, use and intended use, height, size and location of building or buildings and shall be accompanied by such data as may be required. Such plans and data shall be final and conclusive and any deviation therefrom shall require a new Zoning and Use Registration Permit.

165.18 APPEALS. Appeals from the decision of the zoning officer may be made to the Board of Adjustment by any person aggrieved or by an officer of the City or member of the Council. The applicant shall file with the zoning officer and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The zoning officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. Such appeal shall be taken within a reasonable time as provided by the rules of the Board.

165.19 PENALTIES. For each and every violation of the provisions of this chapter the owner, contractor or other persons interested as general agent, architect, engineer, land surveyor, building contractor, owner, tenant, or any other persons who commit, take part, or assist in any violation of this chapter, or who maintain any building or premises or uses of land in violation of this chapter, shall for each and every violation be imprisoned for a period not exceeding thirty days (30) or be fined not exceeding one hundred dollars (\$100.00) or both, at the discretion of the judicial officer before whom such a conviction may be had. Whenever such person shall have been officially notified by the zoning officer or by service or a summons in a prosecution, or in any other official manner, that said person is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense punishable by a like fine or penalty.

165.20 BOARD OF ADJUSTMENT. A Board of Adjustment is hereby established as provided in Chapter 414 of the State Code of Iowa, as amended, the members of which shall be appointed by the Council for staggered terms of five (5) years. The Board of Adjustment shall consist of five (5) members, none of whom shall hold an elective office or other official position in the City. The members of the Board shall be removable for cause by the Council upon written charges and after public hearing. A vacancy shall be filled by the Council for the unexpired term of any member who resigns, dies, or is removed. The Board shall elect a Chairperson from its members, and a Secretary who may, but need not, be a member of the Board.

Elected officials and citizen-led boards and commissions make up the backbone of the local planning and zoning process. Unfortunately, the issues surrounding land use, and the tools and techniques available to address them, are becoming increasingly complex. At the same time developers, landowners, and residents are increasingly likely to litigate over unfavorable decisions.

The Introduction to Planning and Zoning workshop is designed as a “basic training” for local elected and appointed officials on the land use issues facing them today. Using case scenarios in a highly-interactive format, it will provide participants with an overview of the roles and responsibilities of the planning commission, the board of adjustment, and the elected council and board of supervisors. It also will highlight legal issues frequently faced by local officials, such as variances, special uses, nonconforming uses, spot zoning, hearing procedures, and conflicts of interest. The workshop is intended primarily for local officials new to planning and zoning issues, though it also will serve as a refresher for veteran members.



COMMUNITY AND ECONOMIC DEVELOPMENT
2321 North Loop Drive, Suite 121
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INTRODUCTION TO **Planning & Zoning for Local Officials** WORKSHOP

SPRING 2015

Presented by
IOWA STATE UNIVERSITY EXTENSION
COMMUNITY AND ECONOMIC DEVELOPMENT
with assistance from
Iowa League of Cities
Iowa's Regional Councils of Government
Iowa State Association of Counties
ISU Extension County Offices

The Introduction to Planning and Zoning for Local Officials workshops are offered annually across the state. Locations change from year-to-year so that city officials can attend a location near them at least once every two years.

March 23 Council Bluffs
Mon
Hilton Garden Inn
2702 Mid America Drive

March 24 Fort Dodge
Tue
Quality Inn
2001 Hwy 169 South

March 30 Dubuque
Mon
Hotel Julien Dubuque
200 Main Street

March 31 Waterloo
Tue
Waterloo Center for the Arts
255 Commercial Street

April 6 Davenport
Mon
Davenport Public Library -
Eastern Avenue Branch
6000 Eastern Ave

April 7 Fairfield
Tue
Fairfield Arts and Convention Center
200 North Main

April 13 Johnston
Mon
Hilton Garden Inn
8600 Northpark Drive

REGISTRATION INFORMATION

The Introduction to Planning and Zoning Workshops will be held in seven locations throughout Iowa in March and April 2015.

All programs will begin with registration and a light supper at 5:30 p.m. The program will begin at 6:00p.m. and conclude by 8:45p.m.

The registration fee is \$65 per individual. This fee is reduced to \$50 per individual if a city or country registers 5 or more officials to attend. This fee covers supper and the workshop materials.



Certification Credits

The workshop has been pre-approved by the Iowa Municipal Finance Officers Association and the Iowa League of Cities for credits toward certification.

... and justice for all
Iowa State University Extension and Outreach programs are available to all without regard to race, color, age, religion, national origin, sexual orientation, gender identity, genetic information, sex, marital status, disability, or status as a U.S. veteran. Inquiries can be directed to the Director of Equal Opportunity and Compliance, 3280 Beardshear Hall, (515) 294-7612.

Issued in furtherance of Cooperative Extension work, Acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture. Cathann A. Kress, director, Cooperative Extension Service, Iowa State University of Science and Technology, Ames, Iowa.

REGISTER ONLINE

We have moved exclusively to an online registration system for the Planning and Zoning for Local Officials workshops.

To register, go to

<http://blogs.extension.iastate.edu/planningBLUZ>

Click on the "Intro to Planning and Zoning Workshops" tab at the top of the page, then click on the "Register Online Here" link. When you register you will have the option to pay by credit card, or to be invoiced via email.

To receive a meal you must register at least one week before the scheduled date of the workshop you wish to attend. You may register and pay at the door on the day of the workshop if you cannot register by the one-week deadline; however, no meal will be provided.

If you have registered but find you cannot attend you may send a substitute or cancel your registration; however, no refunds will be made for cancellations received less than 3 business days prior to the workshop. No exceptions.

CONTACT FOR QUESTIONS

For registration questions please contact:

Registration Services

515-294-6222
registrations@iastate.edu

For other information about the workshops please contact:

Gary Taylor

515-290-0214
gtaylor@iastate.edu

Alan Vandehaar

515-231-6513
alanv@iastate.edu

Linda Doering

515-294-8707
ldoering@iastate.edu

To download additional brochures and link to registration page please visit

<http://blogs.extension.iastate.edu/planningBLUZ>

5. Fees and Expenses. All requests for changes in the Zoning Ordinance or Map, except those initiated by the Council or City Planning and Zoning Commission, shall be at the expense of the person requesting said change. Said expense shall include costs of publication, fees paid for special Council meetings, and engineering and legal fees in connection with said zoning change. At the time said request for change is made, a deposit of one hundred fifty dollars (\$150.00), unless waived by resolution of the Council, shall be paid to the Clerk. This amount shall be applied towards the costs of said requested change.

6. Notice Requirements. It is the obligation of the party requesting a change in the Zoning Ordinance or map to send notice of the date, time and place of the public hearing before the Planning and Zoning Commission and the Council, by regular mail at said party's own cost, to the owners of the property to be affected by said proposed change and to the owners of property located within two hundred (200) feet of the exterior boundaries of the property to be affected by said change. Proof of the mailing of notice must be on file at the Clerk's office by the time of the public hearing before the Planning and Zoning Commission.

7. Protest Against Change. In case, however, of a protest against such change signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or by the owners of twenty percent (20%) or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property for which such change is proposed, such amendment shall not become effective except by the favorable vote on at least three-fourths of all the members of the Council. Such signed protest must, however, be presented to the Council before or at the time of the public hearing before the Council. The provisions of Section 414.4 relative to public hearings and official notice shall apply equally to all changes or amendments.

165.24 ESTABLISHMENT OF DISTRICTS AND BOUNDARIES. For the purpose of this chapter, the City is hereby divided into the following districts:

Agricultural	A-1	District
Residence	R-1 Single Family	District
Residence	R-2 Two Family	District
Residence	R-3 Multiple Family	District
Residence/Business	RB-1	District

Business	B-1	District
Business	B-2	District
Industrial	I-1	District
Industrial	I-2	District
Flood Plain	FP	District
Highway Commercial Industrial	HCI	District
Central Business	CB-1	District
Central Business	CB-2	District
Central Industrial	CI-2	District
Park	P	District

Said districts are bounded and defined as shown on a map entitled “Zoning District Map, West Branch, Iowa,” adopted April 1, 1991, which, with all explanatory matter therein, is hereby made a part of this chapter.

165.25 INTERPRETATION OF DISTRICT BOUNDARIES.

1. Where a boundary line is shown as approximately following the centerline of a street or highway, a street line or highway right-of-way, this centerline, street line or right-of-way line shall be construed to be such boundary. The boundary line will be changed automatically, whenever the said centerline, street line or highway right-of-way line is changed, provided that the change does not exceed twenty (20) feet.
2. Where a boundary line is shown as following a lot line, such lot line shall be construed to be said boundary.
3. Where a boundary line follows a stream, such boundary shall be deemed to be the centerline of said stream. For any lake, pond, reservoir, river or other body of water, the regulations of the most restrictive adjacent district in which they are located shall apply.
4. Where a boundary line is shown as approximately parallel to a street, highway, stream, or railroad line, such boundary shall be construed as being parallel thereto and at such distance from the centerline thereof as is indicated on the zoning map.
5. Where a district boundary line divided a lot which was held in single and separate ownership, at the time the boundary line was established, the use regulations applicable to the least restricted district shall extend over the portion of the lot in the more restricted district, a distance of not more than thirty (30) feet beyond the district boundary line.