

TITLE VIII PHYSICAL ENVIRONMENT

ZONING CODE

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8-Z-1 SHORT TITLE. The ordinance codified in this title shall be known and may be cited as “The City of Lowden, Iowa, Zoning Ordinance”.

8-Z-2 PURPOSE. The purpose of this title is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and promote the health, morals, safety and general welfare in the city.

8-Z-3 DEFINITIONS. For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; words in the singular number

shall include the plural, and words in the plural number shall include the singular; the word “building” shall include the word “structure” and the word “shall” is mandatory and not directory.

1. Accessory Building or Use. An activity or structure which is secondary or subordinate to the principal use or principal building on the same lot or tract. Examples include private garages, storage sheds, playhouses, and swimming pools.

2. Administrative Officer. The individual designated by the council and its ordinance to administer zoning ordinance. This person may also be referred to as the “zoning administrator”.

3. Adult. As used in this ordinance, refers to persons who have attained the age of 18 years.

4. Alley. A public way for the use of vehicles which affords only a secondary means of access to abutting property.

5. Amusement Place. A completely enclosed building arranged, intended or designed for recreation or amusement use, which is not noxious or offensive due to the emission of odors, gas, smoke, or noise, which is not a menace to public health and safety, and which will not substantiate or permanently injure the appropriate use of neighboring properties.

6. Apartment. A room or suite of rooms in a multi-family dwelling intended or designed for use as a family residence by a single family.

7. Basement. A story having part but not more than one-half its height below ground. A basement is counted as a story for the purpose of height regulations.

8. Billboard. Any structure or portion of a building used for the display of advertising of business or attraction which is not carried on or manufactured in or upon the premises upon which said billboard is located. This includes painted exterior walls with pictures, words or logos.

9. Boarding, Lodging or Rooming House. A building other than a hotel where, for compensation by or arrangement, meals and/or lodging are provided for three or more persons.

10. Buffer Area. A strip of land established to protect one type of land use from another incompatible use. The strip may be of variable width and includes fences, green plantings, or earthen mounds to buffer the adjoining property from noise, traffic or visual nuisances.

11. Buildings. Any structure having a roof supported by walls or by columns intended for enclosure, shelter or housing of persons, animals or chattels. When any portion thereof is separated by party walls without windows, doors or other openings, each portion so separated shall be deemed a separate building, except residential dwellings.

12. Building, Height of. The vertical distance from the average natural grade at the building line, 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 or gable, hip and gambrel roofs.

13. Building Official. The individual designated by the council to review and inspect new construction and to enforce the building code.

14. Bulk Plant. That portion of property where flammable liquids, or gases or fertilizers or feeds are received by pipeline, tank cars, or tank vehicles, and are stored in the bulk for the purpose of distributing such products by tank vehicles, pipeline, tank car, or container.

15. Commercial. Commercial, when used in this ordinance refers to the engaging in the business, sale or exchange of goods or services for the operation for profit of offices, recreational or amusement enterprises.

16. Cellar. A story having more than one-half (1/2) its height below grade. A cellar is not counted as a story for the purpose of height regulations.

17. Clinics. A building or buildings used by physicians, lawyers, dentists, osteopaths, chiropractors, and all professions for out-patient care of persons requiring such professional service; does not include veterinary clinics.

18. Club, Private. A building or portion thereof, or premises owned and/or operated by a corporation, association, person or persons for a social educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

19. Commission. Wherever the word "Commission" is used in this Ordinance, it shall refer to the Lowden Zoning Commission.

20. Day Nursery, Nursery School, or Day Care (Public). Any agency, institution, establishment, or place which provides supplemental parental care and/or educational work, other than lodging over-night, for seven (7) or more children of pre-school age for compensation.

21. Development. Any man-made change to alter the existing land use of a parcel of land including and not limited to buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

22. District. A section or sections of the Lowden area or any proportion thereof of Lowden Iowa, for which the regulations governing the use of buildings and land, the height of buildings, the size of yards and the intensity of use are uniform.

23. Dwelling Unit. Any buildings or portion thereof which is designed or used exclusively for residential purposes, but, not including, a tent, trailer or mobile home. Designed or used as living quarters for the occupancy of one family containing bathroom and/or kitchen facilities.

24. Dwelling, One-Family. A dwelling arranged, intended or designed for occupancy by one (1) family.

25. Dwelling, Two-Family (Duplex). One or two buildings designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

26. Dwelling, Multiple-Family. A building designed for or occupied by more than two families, with separate housekeeping and cooking facilities for each. Building may be under one title owner, or a separate title of ownership for each dwelling unit.

26A. Dwelling, Zero-Lot Line Single-Family Attached. A building designed for or occupied exclusively for residence purposes by one (1) family which physically adjoins another matching building designed for or occupied exclusively for residence purposes by one (1) family across an abutting side lot line, with each building occupying its own lot.

(Ord. 753, Passed June 3, 2002)

27. Earthen Berm. An embankment of earth created by adding the material to the location. The berm is then graded and landscaped to act as a visual barrier and natural area which is pleasing to see. Usually associated with a buffer area.

28. Family. One or more persons occupying a single dwelling unity, provided that all members are related by blood, marriage or adoption.

29. Farm. 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 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 necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities and provided further that farming does not include the extraction of minerals or the commercial feeding of garbage or offal to swine or any other animals.

30. Farmstead. The farm house, associated farm buildings, and adjacent service areas of a farm.

31. Feed Lot. Any parcel of land or premises on which the principal use is concentrated feeding within a confined area of cattle, hogs and sheep. An open feedlot is defined as one or more unroofed or partially roofed animal enclosures in which animals are confined. A confinement feeding operation is one or more totally roofed animal enclosures in which animals are confined.

32. Frontage. All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, than all of the property abutting on one side between an intersecting street and the dead-end of the street.

33. Garage, Private. An accessory building or portion of a building in which one or more vehicles are housed, but in which no service or industry connected with motor vehicles is carried on, other than the leasing of spaces for the housing of vehicles as permitted herein.

34. Garage, Public. A building or portion thereof, designed, intended or used for the storage, sale, hiring, care of, repair of motor vehicles, which is operated for commercial purposes.

35. Gasoline Service Station. Any building or portion thereof, used for the dispensing, sale or offering for sale at retail, automotive fuels, oil and similar supplies, but not for the purpose of making other than minor repairs. When the dispensing, sale or offering for sale at retail is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

36. Grade. The average level of the finished surface of the ground adjacent to the exterior walls of the building.

37. Greenhouse. An enclosed structure, designed for the growing of plants on a wholesale or retail basis. A greenhouse shall be considered a commercial use and shall be confined to commercial districts if the primary products offered for sale are other than those grown on the premises.

38. Group Home. A dwelling, with single kitchen facilities, occupied by a group of six (6) or more persons, living together by joint agreement, on a non-profit, cost-sharing basis.

39. Home Industry. A secondary use of a light industrial nature carried on entirely within the residence or accessory building as a secondary occupation which complies with restrictions of "Home Occupation."

40. Home Occupation. A home occupation is an occupation carried on by a member of the immediate family residing on the premises as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes. Such a home occupation there shall be no display of goods, no commodity sold upon the premises except that prepared on the premises using equipment generally found in the home or of a farm related nature that must be purchased in quantity to be economically feasible; the occupation shall not be rendered objectionable or detrimental to the character of the neighborhood and there shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare produced.

41. Hotel. A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such it is open to the public in contradistinction to a boarding house, or an apartment which are herein separately defined.

42. Institution. A building occupied by a non-profit corporation or a nonprofit establishment for public use.

43. Junk or Salvage yard. Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, or packed, disassembled or handled, including the dismantling or "wrecking" of automobiles or other vehicles or machinery, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such activities are conducted entirely within a completely enclosed building. The presence on any subdivision lot of two (2) or more vehicles without current registration, which for a period exceeding thirty (30) days have not been capable

of operating under their own power and from which parts have been removed for re-use, salvage, or sale, shall constitute prima facie evidence of a junk yard. For a tract of land, the presence of two (2) or more vehicles per acre, maximum three (3), without current registration, constitutes a junk yard.

44. Kennel. Any lot or premise on which four (4) or more dogs, more than six (6) months of age, are bred, boarded and/or offered for sale.

45. Livestock. Cattle, horses, sheep, swine, poultry, or any other animal or fowl which are produced primarily for commercial purposes.

46. Lot. A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for its intended use, coverage, and area and 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 of record and portions of lots of record; or of portions of lots of record; and
- (d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

47. Lot, Area. Total horizontal area within lot lines.

48. Lot, Corner. A lot abutting upon two (2) or more streets at their intersection.

49. Lot, Depth of. The mean-horizontal distance between the front and rear lot lines.

50. Lot, Double Frontage. A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

51. Lot, Interior. A lot other than a corner lot.

52. Lot, Line. Property line bounding a lot.

53. Lot, Through. A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

54. Lot of Record. A lot or parcel of land the deed of which has been recorded in the office of the Recorder for Cedar County, Iowa, prior to the adoption of this Ordinance.

55. Lot Width. The width of a lot measured at the building line and at right angles to its depth.

56. Mobile Home. Any vehicle, not registered as a motor vehicle in Iowa, used or so manufactures or constructed as to permit its being used as a conveyance upon the public streets and highways and so designated, constructed, or reconstructed, as will permit the vehicle to be used as a place for human habitation by one (1) or more persons.

57. Mobile Home Park. Any site, lot, or tract of land upon which two (2) or more occupied mobile homes are harbored, either free of charge, or for revenue purposes, and as regulated by Chapter 135D, Iowa Code.

58. Non-Conforming Use. Any building or land lawfully used at the time of the effective date of this Ordinance which does not conform after the effective date of this Ordinance with the use regulations of the district in which it is situated.

59. Parking Lot. A parcel of land devoted to unenclosed parking spaces.

60. Parking Space. A permanently surfaced area of not less than one hundred eighty (180) square feet plus necessary maneuvering space for the parking of a motor vehicle.

61. Principal Use. The man use of land or structure as distinguished from an accessory use.

62. Road. All property, other than an alley, dedicated or intended for public or private road, street, highway, freeway, or roadway purposes, or to the public easement thereof.

63. Road Line. The dividing line between a lot, tract, or parcel of land and a contiguous road, street, or alley.

64. Story. 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.

65. Structure. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

66. Structural Alteration. Any change in the supporting members of a structure such as walls, partitions, columns, beams of girders, or any substantial change in the roof or in the exterior walls, beyond ordinary repairs and maintenance.

67. Subdivision. The accumulative effect of dividing an original lot, tract, or parcel of land, as of January 1, 1978, into three (3) or more lots for the purpose of immediate or future sale or transfer for development purposes. The term includes re-subdivision or re-platting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided.

68. Variance. A modification or variation of the provisions of this Ordinance, as applied to a specific piece of property, where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

69. Yard. An open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this Ordinance.

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

71. Yard, Rear. A yard extending across the full width of the lot, lying between the rear line of the lot and the nearest line of the main building wall, other than unenclosed porches, steps or balconies.

72. Yard, side. A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.

73. Zoning Administrator. See Administrative Officer.

74. Zoning Permit. A permit issued by the Zoning Administrative Officer of Lowden, Iowa, for the erection, reconstruction or alternation of a building or structure or the use of land.

8-Z-4 ESTABLISHMENT OF DISTRICTS. The City of Lowden, Iowa, is hereby divided into the following type of districts:

1. Residential districts, classes R-1, one family and two family residential districts;
2. Residential districts, R-2, multiple family residential districts;
3. Commercial Districts, classed C-1;
4. Industrial Districts, class I-1;
5. Mobile Home Districts, class M-1;
6. Agricultural District, class A-1

8-Z-5 OFFICIAL ZONING MAP. As shown by the official zoning map, the city is divided into six (6) classes of districts. The boundaries of these districts are hereby established as shown in the official zoning map of the city, and said map and all notations, references and other information shown thereon shall be and are hereby made a part of this ordinance by reference. The official zoning map, signed by the Mayor and properly attested by signature of the clerk and the date of adoption, shall be and remain on file in the office of the city clerk.

8-Z-6 AMENDING OFFICIAL ZONING MAP. Amendments, supplements or changes of the boundaries of the districts as shown on the official zoning map shall be made by an ordinance amending zoning ordinance. The amending ordinance shall refer to the official zoning map and shall set out the identification of the area affected by legal description and identify the zoning

district as the same district and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the city clerk as other ordinances, and a certified copy thereof be attached to the official zoning map. Such amendatory ordinance shall, however, not repeal or re-enact said map, but only amend it. The official zoning map, together with amending ordinances shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city.

8-Z-7 REPLACING OFFICIAL ZONING MAP. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of use, the city council may, by resolution, adopt the new official zoning map which shall supersede the prior map. The new official zoning map may correct drafting or other errors or omissions in the prior map, but no such corrections shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. A new official zoning map shall be identified by clerk, under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted [date of adoption of map being replaced] as part of the zoning ordinance of the city."

8-Z-8 APPLICATION OF REGULATIONS. Except as hereinafter provided:

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

2. No building shall hereafter be erected or altered: (a) to exceed the height; (b) to accommodate or house a greater number of families; (c) to occupy a greater percentage of lot area, or (d) to have narrower or smaller rear yards, side yards, or inner or outer courts than are specified herein for the district in which such building is located.

3. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.

8-Z-9 CLASS R-1 RESIDENTIAL DISTRICTS. The following uses of land are permitted in all residential districts, class R-1:

1. Private and two-family dwelling units; provided, that mobile homes will not be permitted;

2. Churches and places of worship and parochial schools;

3. Public schools, public libraries, parks, playgrounds;

4. Home occupations; provided, that there shall be no signs or other evidence of such use other than a small announcement or professional sign not over two square feet in size;

5. Golf courses, except miniature golf courses or practice driving ranges, operated for commercial purposes.

6. Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity conducted as a business.

8-Z-10 THE HEIGHT OF THE OUTBUILDINGS IN R-1 RESIDENTIAL DISTRICTS. No outbuilding shall be erected to a height in excess of 18 feet.

8-Z-11 DENSITY OF POPULATION. Lot area shall not be less than 6,000 square feet and lot width not less than 60 feet. There shall be no more than one dwelling place to each lot of the above size.

8-Z-12 PERCENTAGE OF LOT COVERED BY BUILDING, DWELLING AND OTHER STRUCTURES. All dwellings or other structures, including accessory buildings, shall not cover more than 40% of the area of the lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots.

8-Z-13 YARDS, COURTS AND OPEN SPACES. Each lot shall have front, side and rear yards not less than the following depth and width.

1. Front yard depth, 25 feet;
2. Each side yard width, 7 1/2 feet;
3. Rear yard depth, 30 feet.

8-Z-14 CLASS R-2 RESIDENTIAL DISTRICTS. The following uses of land are permitted in all residential districts, class R-2.

1. All uses permitted under class R-1 Districts subject to all the restrictions specified in class R-1 districts.
2. Multiple dwelling unit, including rooming and boarding houses and tourist homes.
3. Mobile home dwellings will be permitted as a conditional use upon securing a special permit from the board of adjustment.
4. Public utility structures necessary for the service of the area.
5. One sign advertising the sale or rent of buildings upon which it is located. Such sign shall not exceed six (6) square feet in an area and shall be distant from the street line not less than one-half of the front yard depth.
6. Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business, unless otherwise provided for.

7. All multiple family dwellings and zero-lot line single family attached housing shall require a minimum of 3,000 square feet of lot area per dwelling unit.

(Ord. 753, Passed June 3, 2002)

8. All zero-lot line single-family attached dwellings shall have no minimum side yard on the abutting side lot line and a minimum yard width of 45 feet. Three-plex min. yard width of center unit of tri-plex shall be the width of the housing unit.

(Ord. 753, Passed June 3, 2002)

Supplementary District Regulations as follows:

Zero-lot line single-family attached dwellings. The following provisions shall apply to all zero-lot line single-family attached dwellings.

1. Such dwellings shall be constructed side by side across the zero-lot line and not constructed parallel to the zero-lot line.

2. Each dwelling unit shall be provided with separate building access.

3. All zero-lot line single-family attached dwellings shall have a common dividing wall on the zero-lot line constructed of a fire-resistant material equivalent or greater than one 1 and ¼ inch of gypsum wallboard.

4. Each dwelling unit shall be provided with a separate sanitary sewer main and water main to the edge of street but sanitary sewer mains may be laid side by side in a common trench along the zero-lot line and so may the water mains. Each unit will have a water shut off.

5. Each dwelling unit shall have its own electrical system separately metered and its own natural gas service, if any.

8-Z-15 HEIGHT OF BUILDINGS IN R-2 RESIDENTIAL DISTRICTS. No dwelling or other structure shall be erected to a height of fifty (50) feet or exceed four (4) stories, unless hereinafter provided.

Exceptions to height regulations:

1. Water tanks and utility poles.
2. Church steeples
3. Television antennas.
4. Flagpoles
5. All other uses which are not used for human habitation

8-Z-16 DENSITY OF POPULATION. Lot area for private and two family dwelling units shall not be not less than six thousand (6,000) square feet and lot width not less than sixty (60) feet, plus an additional one thousand (1,000) square feet for each unit over two (2).

8-Z-17 PERCENTAGE OF LOT COVERED BY BUILDINGS, DWELLINGS AND OTHER STRUCTURES. All dwellings or other structures, including accessory buildings, shall not cover more than forty percent (40%) of the area of the lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots. (See next page.)

8-Z-18 YARDS, COURTS AND OPEN SPACES. Each lot shall have front, side and rear yards not less than the following depths:

1. Front yard depth, 25 feet;
2. Each side yard width, 7 1/2 feet;
3. Rear yard depth, 30 feet.

8-Z-19 DISTANCE BETWEEN BUILDINGS ON THE SAME PLOT. No principal buildings shall be closer to any other principal building than the average of the heights of said buildings.

1. Zero-Lot Line Single-Family Attached Dwellings. The following provisions shall apply to all zero-lot line single-family attached dwellings:

(a) Such dwellings shall be constructed side by side across the Zero Lot Line and not constructed parallel to the Zero-Lot Line.

(b) Each dwelling unit shall be provided with separate building access.

(c) All Zero-Lot Line Single-Family Attached Dwellings shall have a common dividing wall on the Zero-Lot Line constructed of a fire-resistant material equivalent to or greater than one 1 and 1/4 inch of gypsum wallboard.

(d) Each Dwelling Unit shall be provided with a separate sanitary sewer main and water main to the edge of street but sanitary sewer mains may be laid side by side in a common trench along the Zero-Lot Line and so may the water mains. Each unit will have a water shut off.

(e) Each Dwelling Unit shall have its own electrical system separately metered and its own natural gas service, if any.

(Ord. 753, Passed June 3, 2002)

8-Z-20 AUTOMOBILE STORAGE OR PARKING SPACE. In connection with every multiple-family dwelling there shall be provided automobile storage or parking space equal to not less than one hundred fifty (150) square feet for each family unit in such structure, provided, however, that no front yard shall be used for open air parking or storage of any motor vehicle.

8-Z-21 COMMERCIAL DISTRICTS, CLASS C-1. The following regulations and uses permitted shall apply to all general business districts, otherwise known as commercial districts, class C-1:

1. All the uses permitted in any residential district subject to all the provisions specified for such residential districts.

2. Stores and shops for the conducting of any lawful retail business.

3. Personal service shops.

4. Banks, offices, and restaurants.

5. Public garages and filling stations upon the approval of the board of adjustment and subject to such conditions and safeguards as deemed appropriate by such board and upon the securing of a permit therefore, subject to the following provisions:

(a) Pumps, lubricating or other devices are located at least twenty (20) feet from any street line or right-of-way.

(b) All fuel, oil or similar substances are stored at least thirty-five (35) feet distant from any street or lot line.

6. Wholesale businesses allowed. Storage in bulk of, or warehouses for, such materials as building materials, contractors' equipment, farm equipment and implements, clothing, drugs, food and hardware, subject to conformance with all Iowa departmental rules, local fire or safety ordinances, and such other regulations as issued by the fire chief pertinent to the storage of such products.

7. Other uses permitted:

(a) Advertising signs and billboards;

(b) Amusement places;

(c) Apartment houses;

(d) Electric repairs shops;

(e) Freight stations;

(f) Laundries

(g) Painting and decorating shops;

(h) Plumbing shops;

(i) Fire department stations;

(j) Post offices;

(k) Printing shops;

(l) Recreation buildings and structures;

(m) Sales and/or showrooms.

(n) Other uses which, in the opinion of the board of adjustment are of the same general character as those listed above as permitted uses and which will not be detrimental to the district in which they are located.

8-Z-22 BUILDING HEIGHT LIMIT. No building shall be erected to a height in excess of fifty (50) feet.

8-Z-23 REQUIRED DIMENSIONS. Lot dimensions shall not be less than fifty (50) feet in width and fifty (50) feet in depth.

8-Z-24 PERCENTAGE OF LOT COVERED. No building with its accessory buildings, to be used for said commercial purposes, shall occupy in excess of 90% of the area of the lot.

Any building used for residence purposes shall have a lot area and lot width equal to that required in the least-restricted residence district for the same type of dwelling.

8-Z-25 INDUSTRIAL DISTRICTS, CLASS I-1. The following regulations and uses permitted shall apply in all class I-1 Industrial Districts:

1. All uses not otherwise prohibited by law except any residential use, or uses otherwise prohibited by ordinance.

2. Specific uses permitted.

- (a) Lumber yards
- (b) Fertilizer mixing;
- (c) Stock yards;
- (d) Farm machinery assembly or repair;
- (e) Warehouses;
- (f) Grain elevators;
- (g) Creameries.

8-Z-26 USES PROHIBITED. All uses of land, buildings and structures or industrial processes that may be noxious or injurious by reason of production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration or similar substances or conditions are prohibited. Prohibited use includes those which have been declared a nuisance in any court of record, or which may be unreasonably obnoxious, unhealthy or offensive by reason of emission of odor, dust, smoke or noise.

8-Z-27 REVIEW BY BOARD OF ADJUSTMENT. The above prohibitions set forth in 8-Z-26 are subject to review by the board of adjustment and such uses may be permitted if approved by the board and subject to the securing of a permit therefore and to such conditions, restrictions and safeguards as may be deemed necessary for the purpose of protecting the health, safety, morals or general welfare of the community.

8-Z-28 M-1 MOBILE HOME DISTRICTS. The following regulations and uses permitted shall apply to all M-1 mobile home districts.

1. The M-1 mobile home district is intended to provide regulations for those areas in the city designated for mobile home parks and subdivisions.

2. Property and buildings in an M-1 mobile home district shall be used only for the following purposes:

- (a) Mobile home parks;
- (b) Mobile home subdivisions; and
- (c) Travel trailer parks.

3. Lot area and lot width and yard requirement. The following number of requirements shall be observed:

	Lot Area (sq. ft)	Lot Width (ft)	Front Yard Depth (ft)	Side Yard Width (ft)	Rear Yard Depth (ft)
Mobile Home Parks	5000	50	35	10	10
Mobile Home Subdivisions	7000	60	35	10	10

- 25 ft. on corner lots

4. Plan required. Each petition for a change to the M-1 zoning classification submitted to the City Council of Lowden shall be accompanied by a mobile home park, mobile home subdivision or travel trailer park plan.

8-Z-29 AGRICULTURAL DISTRICT. The following regulations and uses permitted shall apply in all A-1 Agricultural Districts:

1. The A-1 Agricultural District is intended to encourage the standard agricultural use of those areas which, because of location, soil composition and other factors, are best suited for agriculture.

2. Property and buildings in an A-1 Agricultural District shall be used only for the following purposes:

- (a) Farms;
- (b) Public and private forests and wildlife reservations or similar conservation projects;
- (c) Roadside stands;
- (d) Grain bins and buildings for the seasonal or temporary storage of grain;
- (e) Plant nurseries;
- (f) Accessory buildings and accessory uses customarily incident to any of the above uses, but not involving the conduct of a business;
- (g) Raising and feeding livestock subject to one cow or one horse or one hog per acre and not more than six chickens per acre

(Amended during 2017 codification)

3. Confinement feeding of livestock or poultry within the city limits of the City of Lowden, Iowa, is prohibited.

8-Z-30 SPECIAL USES PERMITTED. The following special uses may be permitted in A-1 Agricultural District upon review by the Board of Adjustment.

1. Single one-family dwellings;
2. Veterinary establishments and kennels, provided the parcel so used is not within 750 feet of an existing residence, excluding that of the petitioner on that parcel;
3. Airports or landing fields;
4. Home occupations;
5. Mobile home dwelling for a period of one (1) year with the right of renewal for additional one (1) year periods for those instances where a unique and substantial hardship is found to be in existence;
6. Radio or television transmission towers;
7. Buildings erected or used by a department of federal, state, county or municipal governments;
8. Temporary public assemblies; such as carnivals and expositions, for a period not to exceed ten (10) days;
9. Asphalt or ready-mix concrete plant on a temporary basis for road construction;
10. Public stables;
11. Greenhouses;
12. Sewage disposal and treatment facilities;
13. Sludge disposal from sewage treatment plants which provided treatment wherein sewage is digested and dried, and then plowed under the soil on which it is applied;
14. Day care centers or day nurseries;
15. Public schools;
16. Community buildings, hospitals, public parks and public playgrounds;
17. Golf courses or practice driving ranges operated for commercial purposes;
18. Billboards and advertising signs;
19. Churches and cemeteries.

8-Z-31 ADMINISTRATION AND ENFORCEMENT. This ordinance shall be enforced by the zoning administrator. No building permit shall be issued by him except where the provisions of this ordinance have been complied with.

8-Z-32 PERMITS. No land shall be used or occupied, and no building hereafter erected, altered or extended, shall be used or changed in use until a building permit shall have been issued by the city.

8-Z-33 APPLICATION FOR ZONING PERMIT. Each application for a zoning permit shall be on approved forms and shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot or tract to be built upon or used, the size, shape and location of the structure to be erected, and such other information as may be necessary to provide for the enforcement of this ordinance.

8-Z-34 TEMPORARY PERMITS. Zoning administrator may use a temporary permit for a period of not to exceed six (6) months for the use of a mobile home as a temporary office or as a temporary residence while a permanent structure is under construction.

8-Z-35 BOARD OF ADJUSTMENT CREATED. A board of adjustment is hereby created. The board of adjustment shall consist of five (5) members, each to be appointed by the council for a term of five (5) years, excepting that when the board shall first be created, one member shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year. The board shall elect a chairman from its membership and appoint a secretary. Matters of procedure, powers and judicial review relating to this board shall be regulated by statute.

8-Z-36 NON-CONFORMING BUILDINGS AND USES. The lawful use of any building or land existing at the time of the enactment of this ordinance may be continued, although such use does not conform with the provisions of this ordinance.

8-Z-37 ABANDONMENT. Whenever a non-conforming use has been discontinued for a period of one (1) year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this ordinance.

8-Z-38 AMENDMENTS TO THIS ORDINANCE. The boundaries of district as now established and the regulations thereof may be amended, supplemented or changed, or repealed by the city council from time to time either upon its own motion, or upon a petition as herein provided for, or upon recommendation for zoning and planning commission.

Provided:

1. No such amendment, supplement or change shall be adopted until after a notice thereof is duly published as provided by the law of this state.

2. When a proposed amendment, supplement or change does not originate with the zoning and planning commission thirty (30) days in advance of the date on which action is to be taken for its recommendation thereon.

3. This requirement shall not act as a stay upon the proposed action by the council within thirty (30) days after receiving written notice requesting the same.

4. Fees. Before any action shall be taken as provided in this article, party or parties petitioning, proposing or seeking a change in the district regulations, or district boundaries, shall deposit with the treasurer of the city of Lowden, Iowa, in the care of the zoning administrative officer, the sum as established by the city council to cover the approximate cost of this procedure, and under no conditions shall said sum or any part thereof be refunded for failure of the said proposed amendment to be enacted into law.

8-Z-39 VIOLATIONS AND PENALTIES. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined not more than One Hundred Dollars (\$100.00), for each offense, and each day that a violation is permitted to exist shall constitute a separate offense. Each continuing day of a violation shall be considered a new violation.

8-Z-40 REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

8-Z-41 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 the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

8-Z-42 WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

(Ordinance 625 1975)
(Ordinance 709, (Title 17) 1989)
(Ord. 763, Passed 12-06-04)