

# **City of Shenandoah**

## **Zoning Ordinance of 1982**

**March 9, 1982**

**City of Shenandoah, Iowa**

Kaye R. Norton, Mayor

### **CITY PLAN & ZONING COMMISSION**

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Robert Norris, City Attorney

Orin Mann, Building Inspector

## Zoning Ordinance of 1982

### City of Shenandoah, Iowa

AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE INHABITANTS OF THE CITY OF SHENANDOAH BY LESSENING CONGESTION IN THE STREETS, SECURING SAFETY FROM FIRE, PANIC OR OTHER DANGERS: PROVIDING ADEQUATE LIGHT AND AIR; PREVENTING THE OVERCROWDING OF LAND; AVOIDING UNDUE CONGESTION OF POPULATION; FACILITATING THE ADEQUATE PROVISION OF TRANSPORTATION, WATER, SWERAGE, SCHOOLS, PARKS AND OTHER PUBLIC REQUIREMENTS: CONSERVING THE VALUE OF PROPERTIES, AND ENCOURAGING THE MOST APPROPRIATE USE OF LAND.

THE CITY OF SHENANDOAH DOES ORDAIN AS FOLLOWS:

#### SECTION 1

##### PURPOSES: INTERPRETATION: SHORT TITLE

###### 1.1 Purposes.

This Ordinance is enacted for the following purposes: To promote the health, safety, morals and general welfare of the inhabitants of the City of Shenandoah by lessening the congestion in the streets, securing safety from fire, panic and other dangers: Providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; conserving the value of properties, and encouraging the most appropriate use of land.

###### 1.2 Scope.

From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered and with respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in the City of Shenandoah shall be in conformity with the provisions of this Ordinance; provided however, any existing building or structure and any existing use of properties at the time of the adoption of this Ordinance, not in conformity with the regulations herein prescribed, shall be allowed to continue, subject to the provisions of Section 11 herein.

###### 1.3 Interpretation.

In interpreting and applying the provisions of the Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulations shall be controlling.

#### 1.4 Short Title.

This Ordinance shall be known and may be cited as the “Zoning Ordinance of 1982.”

#### 1.5 Rule and Definitions.

##### 1. Rules:

Words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word building shall include the word structure; the word lot shall include the word plot; and the word shall is mandatory and the word may is permissive.

##### 2. Definitions:

For the purpose of this Ordinance, certain terms and words are defined as follows:

Accessory Building- A subordinate building or portion of the main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

Alley- A public thoroughfare 20 feet or less in width.

Apartment- A part of a building consisting of a room or suite of rooms which is designed for, intended for, or used as a residence for one family or an individual, and equipped with cooking facilities.

Apartment Building- Three or more apartments grouped in one building.

Automotive Wrecking- see Junk Yards.

Boarding house- Any dwelling other than a hotel or motel where meals or lodgings and meals for compensation are provided for five or more persons, pursuant to previous arrangements and not to anyone who may apply.

Building- Any structure for the shelter, support or enclosure of persons, animals, chattel or property of any kind, and when separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Condominium- A legal plan of ownership whereby the owners of individual dwelling units within a designated area own proportional interests in common facilities such as land, grounds, facilities, drives, recreation areas, etc.

Corner Lot- A lot situated at the junction of and fronting on two or more streets.

Court- An open unoccupied space bounded on two or more sides by the exterior walls of a building or buildings on the same lot.

Curb Level- The curb level is the level of the established curb in front of the building measured at the center of such front.

Depth of lot- The mean horizontal distance between the mean front street and the mean rear lot line. The greater frontage of a corner lot is its depth and its lesser frontage is its width.

Depth of Rear Yard- The mean horizontal distance between the rear line of the building and the rear lot line.

District- A section of the city for which the regulation governing the height, area, use of buildings and premises are the same.

Dwelling- Any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings either permanently or transiently.

Dwelling- One Family- A building designed for or occupied exclusively by one family.

Dwelling- Two Families- A building designed for or occupied by two families.

Dwelling- Multiple- A building designed for or occupied by more than two families.

Family- Any number of individual related by blood, marriage, adoption or law, living together on the premises as a single housekeeping unit, as distinguished from a group occupying a boarding house,

lodging house or hotel as herein defined.

Farming- The cultivation of the soil and all activities incident thereto, except that solid term shall not include the raising, husbandry and feeding of hogs.

Garage- Private- A garage with a capacity of not more than four power driven vehicles for storage only and which is erected as an accessory building.

Garage- Public- Any premises except those described as a private or community garage, used for the storage or care of power driven vehicles, or where any such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale.

Height of Building- The vertical distance from the average of the highest and lowest point of that portion of the lot covered by 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 of gable, hip and gambrel roofs.

Home Occupation- An occupation or activity conducted in a dwelling unit provided that:

- a. The home occupation shall be clearly incidental and subordinated to its use for residential purposes by its occupants and not more than twenty-five percent of the floor area of the dwelling unit shall be used in the conduct of the activity;
- b. No more than one other person in addition to members of the family residing on the premises shall be engaged in such occupation;
- c. There shall be no change in the outside appearance of the building or on the premises outside of the dwelling unit;
- d. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises.

Hotel- Any building or portion thereof where lodging is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in an individual room or apartment.

Junk Yard- Land or buildings where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products from wrecking of automobiles, other vehicles accessory to any business or industrial use of the same lot.

Kennel- Dog- Any place or structure whereon or wherein more than two (2) dogs more than six months of age and more than one (1) litter of dogs.

Lodging House- A building or premises where lodging is provided for compensation for five or more persons, but not exceeding twenty-five persons.

Lot- One unit of a recorded plat or subdivision occupied or to be occupied by a building and its accessory buildings and including as a minimum such open spaces as are required under this Ordinance and having frontage on a public street.

Lot Area- The lot area is the land area within the lot lines.

Lot Area Per Family- The lot area per family is the lot area required by this Ordinance to be provided for each family in a dwelling.

Lot, Double Frontage- An interior lot having frontage on two streets.

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

Lot, Zone- A single tract of land which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control.

Lot Lines- The lines bounding a lot as defined herein. Where a lot line abuts on a street, avenue, park or other public property except an alley, such line shall be known as a street line, and when a lot line abuts on an alley, it shall be known as an alley line.

Lot Width- The width of a lot is its own mean width measured at right angles.

Mobile Home- Any vehicle or structure designed and/or constructed in such manner as will permit occupancy thereof for living, sleeping, business or storage purposes and so designed, constructed, or reconstructed that it is or may be mounted on wheels or other devices for transporting the vehicle or structure from place to place, whether by motive power or other means.

Mobile Home Park- Any site, lot, field or tract of land which two or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

Motel- A building or group of buildings used primarily for the temporary residence of motorists or travelers.

Nonconforming Use- A use lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated except that such a use is conforming if authorized under Special Use Permit where located.

Person- Means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

Plot- A tract other than one unit of a recorded plot or subdivision and occupied and used or intended to be used as a home site and improved or intended to be improved by the erection thereon of a dwelling and accessory buildings and having a frontage upon a traveled or used road and including as a minimum such open spaces as required under this Ordinance.

Premises- A lot, plot or tract of land with the required front, side and rear yards.

Single Family Dwelling- See Dwelling- One Family.

Story- That portion of a building included between the surface of any floor and the surface of the next floor above it or if there is no floor above it, the space between the floor and the ceiling next above it.

Story, Half- That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than four feet above the floor of such story.

Street- A public thoroughfare more than twenty (20) feet in width, affording a primary means of access to abutting property.

Structure- Anything constructed or erected, the use of which requires location on the ground.

Structural Alterations- Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Townhouse or Townhome- A single family dwelling unit attached with a common wall to one or more other single family dwelling units, each individually situated on the ground and having separate entrances and exits.

Trailer- See "Mobile Home".

Trailer Court or Trailer Park- See "Mobile Home Park".

Use- The purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

Use- Accessory- A use incidental or accessory to the principal use of a lot or a building located on the same lot as the accessory use.

Yard- Any space in the same lot with a building open and unobstructed from the ground to the sky.

Yard, Front- An open unoccupied space on the same plot with a building, extending the full width of the lot and situated between the street line and the front of the building projected to the side lines of the lot.

Yard, Rear- An unoccupied open space, except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.

Yard, Side- An open unoccupied space on the same lot with a building between the building and the sideline of the lot, and extending from the front yard to the rear yard.

SECTION 2  
CLASSIFICATION OF DISTRICTS

2.1 For the purpose of this Ordinance, the City of Shenandoah is hereby divided into ten (10) classes of districts which shall be designated as follows:

- RF -FARM RESIDENCE DISTRICT
- R -RESIDENCE DISTRICT (SINGLE FAMILY AND TWO FAMILY DWELLINGS)
- R-1 -RESIDENCE DISTRICT (SINGLE FAMILY DWELLINGS)
- RM -RESIDENCE DISTRICT (MULTIPLE DWELLINGS)
- RA -RESIDENCE DISTRICT (APARTMENT DWELLINGS)
- RO -RESIDENCE- OFFICE DISTRICT
- HB -HIGHWAY BUSINESS DISTRICT
- CB -CENTRAL BUSINESS DISTRICT
- M1 -LIGHT INDUSTRIAL DISTRICT
- M2 -HEAVY INDUSTRIAL DISTRICT

2.2 District Boundaries.

The boundaries of the districts set forth in Section 2, 1 above, shall be as set forth on the zoning map.

2.3 Zoning Map.

The zoning administrator shall locate the boundaries set forth in Section 2.2 above on the Zoning Map, and said map is hereby made a part of this Ordinance, which map shall be known as “City of Shenandoah Zoning map of 1982”. Said map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the zoning administrator to maintain said map and amendments thereto shall be recorded on said Zoning Map within thirty (30) days after official publication of amendments. The official Zoning Map shall be kept on file in the City Hall.

2.4 Future Annexation.

Any land annexed to the City in the future shall be placed in the proper district by the City Council, upon recommendation of the City Planning and Zoning Commission.

### SECTION 3 RF, FARM RESIDENCE DISTRICT

3.1 In an RF, FARM RESIDENCE DISTRICT, no building or land shall be used or divided, and no building shall be erected, converted, or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

1. Single family dwellings.
2. General farming, gardening and orchards.
3. Nursery or growing fields.
4. Permanent stands for the sale of agricultural products produced on the premises. (Such stands to be constructed according to setback rules and regulations.)
5. Stock raising and dairying on tracts of land more than 20 acres in area. (Hog raising and

handling shall not be permitted.)

6. Keeping of livestock or animals on tracts of land 20 acres or less provided the density not exceed 2 animals per acre and provided that any structure housing animals be not less than 50 feet from any property line.
7. Dog Kennel.
8. Public owned parks and public owned playgrounds.
9. Golf Courses, except miniature courses or practice driving tees operated for commercial purpose which may be authorized by special permit in accordance with Section 12.
10. Railroad rights-of-way for through trains, but no switching, storage or other railroad operations.
11. Cemeteries and gun clubs, any of which shall require a Special Use Permit issued in accordance with Section 12.
12. Accessory buildings and accessory uses customarily incidental to the above uses, including farm buildings, and one private garage and one stable.

### 3.2 Height, Yard and Area Regulations:

#### 1. Height Regulations:

No building hereafter erected or altered shall exceed three (3) stories or forty (40) feet in height, except as provided in Sections 11 and 12.

#### 2. Front Yard Regulations:

- a. There shall be a front yard having a depth of not less than fifty (50) feet, unless thirty (30) percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have been observed a greater or less depth of front yard in which instance, no new buildings or portions thereof shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of the proposed structure or, if there be residences upon only one side, the beyond the straight line projected from the front of the two nearest residences, but this regulation shall not be interpreted to require a front yard of more than one hundred (100) feet. Where the street is curved the line shall follow the curve of the street rather than to be a straight line.
- b. Where lots have a double frontage, the required front yard shall be provided on both sides.
- c. On a corner lot there shall be a front yard on each side of such lot. No accessory building shall project beyond the front yard line of either street.

#### 3. Side Yard Regulations:

- a. Except as hereinafter provided in the following paragraph, there shall be a side yard on each side of a building having a width of not less than fifteen (15) feet.
- b. Whenever a lot of record, existing at the time of the passage of this Ordinance has a width of seventy (70) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instance shall it be less than five (5) feet.

4. Rear Yard Regulations:  
There shall be a rear yard having a depth of not less than forty (40) feet or twenty (20) percent of the depth of the lot, whichever amount is larger, but it need not exceed (50) feet.
5. Lot Area Regulations:  
Every lot or tract of land upon which a single-family dwelling is erected shall have an area of not less than One (1) acre and an average width of not less than one hundred fifty (150) feet, except that if a lot or tract has less area or width than herein required and was legally platted and was of record at the time of the passage of this Ordinance, that lot may be used for any of the uses permitted in this Section.

SECTION 4  
R, RESIDENCE DISTRICT  
(SINGLE AND TWO-FAMILY DWELLINGS)

4.1 Use Regulations.

In an R, RESIDENCE DISTRICT, no building or land shall be used and no building shall be erected, structurally altered, converted, or enlarged unless otherwise provided herein, except for one or more of the following uses.

1. Single family dwellings.
2. Two family dwellings.
3. Parks, playgrounds and community buildings owned or operated by public agencies.
4. Public libraries
5. Public schools, elementary or high, or private schools having a curriculum however, that the area and location of any school and off-street parking therefor shall be subject to the approval of the City Council after recommendation by the City Planning Commission.
6. Golf courses, except miniature course and driving tees operated for commercial purposes.  
Cemeteries.
7. Churches, when off-street parking space is provided as required in Section 10.6
8. Offices of professional persons and home occupations in accordance with Section 10.10.
9. Accessory building, including a private garage, private swimming pool when completely enclosed with a chain link fence or similar fence five (5) feet high, and accessory uses customarily incident to the above uses.
10. Railroad rights-of-way but not including switching yards.

4.2 Height, Yard and Area Regulations.

1. Height Regulations:  
No building hereafter erected or altered shall exceed three (3) stories or forty (40) feet in height.
2. Front Yard Regulations:
  - a. There shall be a front yard having a depth of not less than twenty-five (25) feet unless thirty (30) percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a greater or less depth of front yard in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of the proposed structure, or if there be



residences upon only one side, then beyond the straight line projected from the front of the two nearest residences.

- b. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of each corner lot. Not accessory buildings shall project beyond the front yard line on either street.

3. Side Yard Regulations:

- a. Except as hereinafter provided in the following paragraph, there shall be a side yard, on each side of a building, having a width of not less than ten (10) feet.
- b. Whenever a lot of record existing at the time of passage of this Ordinance has a width of less than eighty (80) feet, the side yard on each side of the building may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instance shall it be less than four (4) feet.

4. Rear Yard Regulations:

Except as hereinafter provided in Section 10 there shall be a rear yard having a depth of not less than twenty (20) percent of the depth of the lot.

5. Lot Area Regulations:

- a. A lot on which there is erected a single-family dwelling shall contain an area of not less than seventy-five hundred (7500) square feet, and shall not be less than an average of sixty (60) feet in width, except that if a lot has less area, width, or depth than herein required, and was legally platted and was of record at the time of passage of this Ordinance, that lot may be used for any of the uses permitted in this district.
- b. A lot on which there is erected a two-family dwelling shall have an area of not less than nine thousand (9,000) square feet and an average width of not less than eighty (80) feet, and an average depth of not less than one hundred (100) feet.

SECTION 4A  
R-1, RESIDENCE DISTRICT  
(SINGLE FAMILY DWELLINGS)

4A.1 Use Regulations.

In an R-1, RESIDENCE DISTRICT, no building or land shall be used and no building shall be erected, structurally altered, converted, or enlarged unless otherwise provided here in, except for one or more of the following uses:

- 1. Single family dwellings.
- 2. Parks, playgrounds and community buildings owned or operated by public agencies.
- 3. Public libraries
- 4. Public schools, elementary or high, or private schools having a curriculum equivalent to a public elementary school or public high school, providing however, that the area and location of any school and off-street parking therefor shall be subject to the

City Council after recommendation from the City Planning Commission.

5. Churches, when off-street parking space is provided as required in Section 10.6
6. Offices of professional persons and home occupations in accordance with Section 10.10.
7. Accessory buildings, including a private garage, and accessory uses customarily incident to the above uses.

#### 4A.2 Height, Yard and Area Regulations.

1. Height Regulations:

No building hereafter erected or altered shall exceed three (3) stores or forty (40) feet in height.

2. Front Yard Regulations:

- a. There shall be a front yard having a depth of not less than twenty-five (25) feet unless thirty (30) percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a greater or less depth of front yard in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of the proposed structure, or if there be residences upon only one side, then beyond the straight line projected from the front of the two nearest residences.
- b. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of each corner lot. No accessory buildings shall project beyond the front yard line on either street.

3. Side Yard Regulations:

Except as hereinafter provided in the following paragraph and Section 11, there shall be a side yard, on each side of a building, having a width of not less than five (5) feet.

4. Rear Yard Regulations:

Except as hereinafter provided in Section 10, there shall be a rear yard having a depth of not less than twenty (20) percent of the depth of the lot.

5. Lot Area Regulations:

A lot on which there is erected a single family dwelling shall contain an area of not less than five thousand (5000) square feet, and shall not be less than an average of fifty (50) feet in width; a lot of less than fifty (50) feet containing a single- family dwelling in existence at the time of passage of this Ordinance may be replaced providing the foundation area does not exceed the original area.

SECTION 5  
RM, RESIDENCE DISTRICT  
(MULTIPLE DWELLINGS)

5.1 Use Regulations.

In an RM, RESIDENCE DISTRICT, no building or land shall be used and no building shall be hereafter erected, structurally altered or converted, or enlarged unless otherwise provided herein, except for one or more of the following uses:

1. All uses permitted in R, RESIDENCE DISTRICT provided that such uses comply with all use, height, area and yard regulations of the R, RESIDENCE DISTRICT.
2. Multiple dwellings and apartment buildings.
3. Townhouses.
4. Boarding and lodging housing.
5. Institution of a religious, educational, eleemosynary or philanthropic nature, including nursing and retirement homes and hospitals, but not animal hospitals or animal clinics.
6. Fraternities, sororities, private clubs, and lodges excepting those the chief activity of which is a service customarily carried on as a business.
7. Accessory buildings and uses customarily incident to any of the above uses, including storage garages, where the lot is occupied by a multiple dwelling, hospital, or institutional building. Any storage garage or accessory building that is not a part of the main building shall be located not less than sixty (60) feet from the front line and not less than five (5) feet from any side lot lines and not less than five (5) feet from any rear lot lines.

5.2 Height, Yard and Area Regulations.

1. Height Regulations:  
Multiple dwellings shall not exceed six (6) stories or seventy-five (75) feet in height, provided further that any building exceeding three (3) stories in height shall set back from all yard lines required in this Section an additional distance of one (1) foot for every one (1) foot that the building exceeds the height of forty (40) feet.
2. Front Yard Regulations:
  - a. The front yard regulations are the same as those in the R, RESIDENCE DISTRICT.
  - b. There shall be a front yard on each street side of a corner lot. No accessory buildings shall project beyond the front yard line on either street.
3. Side Yard Regulations:
  - a. Side yard regulations for buildings not exceeding three (3) stories in height are the same as those in the R, RESIDENCE DISTRICT.
  - b. There shall be a side yard which shall have a width of not less than fifteen (15) feet on each side of four (4) story building.
4. Rear Yard Regulations:  
The rear yard regulations are the same as those in the R, RESIDENCE DISTRICT.
5. Lot Area Regulations:  
Except as hereinafter provided, every dwelling hereafter erected, enlarged, relocated, altered or reconstructed shall be located upon lots containing the following areas:

- a. A lot on which there is erected a single-family dwelling shall contain an area of not less than seventy-five hundred (7500) square feet, and shall not be less than sixty (60) feet wide.
- b. A lot on which there is erected a two-family dwelling shall contain an area of not less than four thousand five hundred (4500) square feet per family.
- c. A lot of which there is erected a multiple dwelling shall contain an area of not less than nine thousand (9000) square feet for the first two dwelling units plus three thousand (3000) square feet for each additional dwelling unit on the same level.
- d. Where a lot has less area or width than herein required, and was of record at the time of the passage of the Ordinance, that lot may be used only for single-family dwelling purposes or for any of the other non-dwelling uses permitted in this district.

SECTION 5A  
RA, RESIDENCE DISTRICT  
(APARTMENTS)

5A.1 Use Regulations

In a RA, RESIDENCE DISTRICT, no building or land shall be used and no building shall hereafter be erected, structurally altered, or converted, or enlarged unless otherwise provided herein, except for one or more of the following uses:

1. Multiple Dwellings, apartment buildings, townhouses, in which the individual dwelling units or apartments may or may not be condominium ownership.
2. Boarding and lodging housing.
3. Institutions of a religious, educational, eleemosynary or philanthropic nature.
4. Fraternities, sororities, private clubs, and lodges excepting those the chief activity of which is a service customarily carried on a business.
5. Parks, playgrounds and community buildings owned or operated by public agencies.
6. Public schools or private schools having a curriculum equivalent to a public school.
7. Accessory buildings and uses customarily incident to any of the above uses, including garages, swimming pools, clubhouses, recreational facilities, golf courses, all for the exclusive use of the residents of the apartments and their guests. Any garage or accessory building shall be located not less than sixty (60) feet from the front lot line and not less than five (5) feet from any side lot lines and not less than five (5) feet from any rear lot lines.

5A.2 Height, Yard and Area Regulations.

1. Height Regulations:  
All permitted uses shall not exceed three (3) stories or forty-five (45) feet in height except that non-residential uses shall be subject to Section 10.2, 2.
2. Front Yard Regulations:

- a. The front yard regulations are the same as those in the R, RESIDENCE DISTRICT.
  - b. There shall be a front yard on each side of a corner lot.
3. Side Yard Regulations:  
There shall be a side yard, on each side of a building, having a width of not less than ten (10) feet.
4. Rear Yard Regulations:  
There shall be a rear yard having a depth of not less than thirty (30) feet or twenty (20) percent of depth of the lot, whichever amount is smaller.
5. Lot Area Regulations:  
A lot on which there is erected a residential permitted use shall contain an area of not less than 1,500 square feet per dwelling unit, provided that no such lot shall contain an area of not less than 9,000 square feet.

SECTION 5B  
RO, RESIDENCE-OFFICE DISTRICT

5B.1 Use Regulation.

In an RO, RESIDENCE-OFFICE DISTRICT, no building or land shall be used and no building shall be erected, structurally altered, converted, or enlarged unless otherwise provided herein, except for one or more of the following uses:

1. Offices in which only office work is performed.
2. Banks and other financial institutions, including drive-in facilities.
3. Doctors and dentists offices and medical and dental clinics for human treatment including a pharmacy in connection with and as part of the office building or clinic.

5B.2 Height, Yard and Area Regulations.

1. Height Regulations:  
No building hereafter erected or altered shall exceed three (3) stores or forty (40) feet in height.
2. Front Yard Regulations:
  - a. There shall be a front yard having a depth of not less than twenty-five (25) feet unless thirty (30) percent or more of the frontage on the same side of the street between two intersecting streets is improved within buildings that have observed a greater or less depth of front yard in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the building upon either side of the proposed structure.
  - b. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of each corner lot. No accessory buildings shall project beyond the front yard line on either street.
3. Side Yard Regulations:

There shall be a side yard, on each side of a building, having a width of not less than ten (10) feet.

4. Rear Yard Regulations:

There shall be a rear yard having a depth of not less than twenty (20) percent of the depth of the lot.

5. Lot Area Regulations:

A lot on which there is erected a permitted use shall contain an area of not less than seventy-five hundred (7500) square feet.

SECTION 6  
HB, HIGHWAY BUSINESS DISTRICT

6.1 Use Regulations.

A building or premises shall be used only for the following purposes:

1. Automobile sales, trailer sales, used car lots and services and repairs.
2. Automobile service stations, for the sale of gasoline, oil, tires and accessories, and services and repairs.
3. Bowling alleys and roller skating rinks.
4. Dealer in raw hides and skins, buying and curing which shall require a Special use Permit issued in accordance with Section 12.
5. Retail stores or service uses, including drive-in facilities.
6. Restaurants or similar uses, goods and services, including drive-in facilities.
7. Theater.
8. Implement sales and showrooms and service and repair.
9. Livestock sales yard, which shall require a Special use Permit issued in accordance with Section 12.
10. Marine and boat sales and service and repairs.
11. Motel.
12. Professional offices
13. Businesses or establishments requiring a beer or liquor control license shall be required to obtain a Special Use Permit issued in accordance with Section 12.
14. Other highway business uses which are similar and which are established for the convenience of the community.

6.2 Height, Yard, Area and Design Regulations.

1. Height Regulations:

No building shall hereafter be erected or structurally altered to exceed four (4) stories or fifty (50) feet in height.

2. Area and Design Regulations:

- a. A complete plot plan showing the building or buildings and surrounding land areas of the entire project must be submitted to the Plan and Zoning Commission for approval or disapproval.

- b. A complete set of building plans and specifications, sewerage disposal, and water supply plans must accompany the plot plan.
  - c. Additional area and design requirements may be imposed so as to establish a HB, HIGHWAY BUSINESS DISTRICT which will best serve the general welfare and benefit of the entire city.
  - d. Off-street parking and loading spaces shall be provided as required in Subdivision 6, Parking and Loading Space, Section 10, GENERAL REGULATIONS.
3. Side Yard Regulations:  
In the HB, HIGHWAY BUSINESS DISTRICT, no side yard shall be required except as follows:
- a. Along that side of every lot in the district that abuts or adjoins any of the classes of residential districts there shall be a side yard of a width not less than twice that required in the residential district it borders, which may not be used to provide off-street parking and loading spaces.
  - b. As required to conform with Subdivision 6, Parking and Loading Space, Section 10, GENERAL REGULATIONS.
4. Rear Yard Regulations:  
In the HB, HIGHWAY BUSINESS DISTRICT, no rear yards shall be required except as follows:
- a. On every lot in the district the rear of which abuts or adjoins any of the classes of residential districts, there shall be a rear yard of a depth equal to not less than twice the width of a side yard required in the residential district.
  - b. As required to conform with Subdivision 6, Parking and Loading Space, Section 10, GENERAL REGULATIONS.

SECTION 7  
CB, CENTRAL BUSINESS DISTRICT

7.1 Use Regulations.

A building or premises shall be used only for the following purposes:

- 1. Any use permitted in the RM, RESIDENCE DISTRICT provided that such use comply with all use, height, area and yard regulations of the RM, RESIDENCE DISTRICT, except those uses comply with Special use Permit requirements of the HIGHWAY BUSINESS DISTRICT.
- 2. Any use permitted in the HB, HIGHWAY BUSINESS DISTRICT.
- 3. Hotel.
- 4. Retail Store.
- 5. Restaurant.
- 6. Office, agency or studio.
- 7. Banks and other financial institutions including drive-in facilities.
- 8. Cemetery markers and monuments, finishing and sales.
- 9. Personal service and craftsman shop.
- 10. Laundries and dry cleaning establishments.
- 11. Mortuary.
- 12. Public garage, automobile parts, accessories and sales agency, parking garage or lot.

13. Newspaper publishing; job printing establishment.
14. Theater.
15. Church, hospital, club, lodge.
16. Bakery or confectionary shop.
17. Retail outlets for plumbing, heating, glazing, paperhanging, roofing, ventilating and electrical businesses including incidental repair and assembly.
18. Place of amusement, recreation, or assembly other than a theater, when conducted indoors, but only after a Special Use Permit has been secured in accordance with Section 12.
19. Businesses or establishments requiring a beer or liquor control license shall be required to obtain a Special use Permit issued in accordance with Section 12.
20. Any use of the same general character as any of the above permitted uses provided that no use which is noxious or hazardous shall be permitted.

## 7.2 Height, Yard, Area and Design Regulations.

### 1. Height Regulations:

No building shall hereafter be erected or structurally altered to exceed a height equal to the width of the street upon which it fronts. Buildings may exceed the height allowed upon securing of a Special Use Permit in accordance with Section 12.

### 2. Area and Design Regulations:

- a. A complete plot plan showing the building or buildings and surrounding land areas of the entire project must be submitted to the Plan and Zoning Commission for approval or disapproval.
- b. A complete set of building plans and specifications, sewerage disposal, water supply, telephone and electric power and gas service plans must accompany the plot.
- c. Additional area and design requirements may be imposed so as to establish a CB, CENTRAL BUSINESS DISTRICT which will best serve the general welfare and benefit the entire City.
- d. Off-street parking and lodging spaces shall be provided as required in Subdivision 6, Parking and Loading Space, Section 10, GENERAL REGULATIONS.

### 3. Front Yard Regulations

In the CB, CENTRAL BUSINESS DISTRICT no front yard shall be required except as follows:

On every lot in the district the front of which is directly opposite any of the classes of residential districts (across the street) there shall be a front yard of not less than twenty-five (25) feet which may not be used to provide off-street parking or loading spaces.

### 4. Side Yard Regulations:

In the CB, CENTRAL BUSINESS DISTRICT, no side yard shall be required except as follows:

- a. Along that side of every lot in the district that abuts or adjoins any of the classes of residential districts there shall be a side yard of a width no less than the width of a side yard required in the residual district.
- b. As required to conform with Subdivision 6, Parking and Loading Space, Section 10, GENERAL REGULATIONS.



5. Rear Yard Regulations:

In the CB, CENTRAL BUSINESS DISTRICT, no rear yards shall be required.

SECTION 8  
M-1, LIGHT INDUSTRIAL DISTRICT

8.1 Use Regulations.

In any M-1 LIGHT INDUSTRIAL DISTRICT, a building or premises shall be used only for the following purposes:

1. Wholesale business establishments.
2. Storage or warehouse, packing, crating, express, carting or hauling stations, trucking yard or terminal.
3. Growing, handling, crating, sorting and shipping nursery stock.
4. Custom shop for making articles or products sold at retail on the premises.
5. Plumbing, heating, glazing, painting, paperhanging, roofing, ventilating and electrical contractors; blacksmith shop, carpentry, soldering and welding shop.
6. Yard for storage, sale and distribution of building materials.
7. Bottling establishments.
8. Milk distribution stations.
9. Laundries and dry cleaning establishments.
10. Laboratory, research, experimental and testing.
11. Manufacture or assembly of medical or dental equipment, drafting, optical and musical instruments, watches, clocks, games, toys and electronic or electrical items.
12. Manufacture of plastic or fiberglass items.
13. Manufacture, assembly, repair and sales of boats and recreational vehicles.
14. Manufacture of metal products such as bolts, nuts, screws, rivets, tools, dies, ornamental iron, sheet metal, electrical appliances and hardware products.
15. Manufacture of crates, boxes, baskets, furniture, veneers, cabinet work and similar wood items.
16. Manufacture and storage of food products, bakery, candy, ice cream, dairy, poultry, vegetable processing and canning, but excluding slaughtering.
17. Manufacture of fabrics, clothing, pillows, mattresses, rugs, hosiery, and millinery.
18. Mobil home sales, service and repair.
19. Implement sales, showrooms, service and repair.
20. Grain elevators and related uses.
21. Any use of the same general character as any of above may be allowed by Special Use Permit in accordance with Section 12.
22. Office building and retail sales directly related to any of the above uses.

8.2 Height, Yard, Area and Design Regulations.

1. Height Regulations:

No building or structure shall hereinafter be erected or structurally altered to exceed a height of more than forty (40) feet above ground level, to the roof. No more than two chimneys or smoke stacks per building shall be allowed, with a maximum height from ground level to top of such chimney or smoke stacks of seventy-five (75) feet. Air conditioning or dust collecting

equipment on top of roofs shall be no more than twenty-five (25) feet higher than the roof level.

2. Area and Design Regulations:

- a. Subdivision plats must be submitted to the City Planning Commission and the City Council in conformance with the City Subdivision Regulations prior to development in an M-1, LIGHT INDUSTRIAL DISTRICT.
- b. A complete plot plan showing the building or buildings and its surrounding land areas to be constructed on any lot in any M-1, LIGHT INDUSTRIAL DISTRICT must be submitted to the Plan and Zoning Commission for approval or disapproval.
- c. A complete set of building plans and specifications, sewerage disposal, electric, gas, telephone and water supply plans must accompany the plot plans.
- d. No building shall be built on any parcel of land within an M-1, LIGHT INDUSTRIAL DISTRICT which occupies more than thirty (30) percent of the area of such parcel and land not used for building purposes shall be used for front lawn, vehicle parking, truck loading and unloading and landscaping.

3. Yard Regulations:

- a. No building shall be erected closer than thirty (30) feet to any State Highway, major or secondary thoroughfare, or to any County highway or road in use by the public prior to the creation of an M-1, LIGHT INDUSTRIAL DISTRICT which serves as the boundary line of such a district.
- b. No building shall be erected closer than thirty (30) feet to any boundary line which separates an M-1, LIGHT INDUSTRIAL DISTRICT from an RF, R, R-1, RM or RA RESIDENTIAL DISTRICT. The areas between buildings and such streets and boundaries shall be a buffer strip which is planted with grass, shrubs and trees, and shall be continuously maintained by the property owner in a slightly manner.
- c. No building shall be built closer than twenty-five (25) feet to any other street line within an M-1, LGITH INDUSTRIAL DISTRICT, nor closer than fifteen (15) feet to side or rear property lines.
- d. Each building shall be required to have a front lawn of at least twenty-five (25) feet in depth extending across the front of each building from one side of the property to the other, which shall be used for vehicle parking or truck loading or unloading.

### 8.3 Parking, Loading and Unloading.

Establishments within an M-1, LIGHT INDUSTRIAL DISTRICT must be so designed as to provide vehicle parking space for employees and visitors and space for truck loading and unloading on their own property, as no parking shall be permitted on streets within or bordering an M-1, LIGHT INDUSTRIAL DISTRICT. Uses in this district shall provide parking or loading facilities as follows:

1. One passenger car space of two hundred forty (240) square feet shall be provided for each five hundred (500) square feet of building area or for each one and one-half ( 1 ½) employees, based on peak employment.
2. Parking areas must be paved with an all-weather surface which is dust free.
3. Space for loading of vehicles shall be provided on the same lot for every building used or designed to be used for commercial or industrial purposes. One loading space at least ten (10) by twenty-five (25) feet shall be provided for each twenty thousand (20,000) square fet of floor area in the building.

4. Loading docks will not be permitted on any frontage street in the district. Provisions for handling all freight either by railroad or truck must be on those sides or rear of any building which do not face a frontage street.

#### 8.4 Signs.

The erection of signs shall be in accordance with Section 10.7.

#### 8.5 Storage of Materials.

No accessory building use shall be construed to permit the keeping of articles, goods or materials in the open or exposed to public view. When necessary to store or keep such materials in the open, the lot or area shall be fenced with a screening fence at least six (6) feet high. Such storage shall be limited to the rear two-thirds (2/3) of the property.

#### 8.6 Performance Standards.

It is the intent of this subdivision to provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of emission of noise, odor, glare, vibration, smoke, dust, liquid wastes, radiation, radioactivity, etc.

1. Landscaping  
All required yards shall either be open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be property maintained in a slightly and well-kept condition.
2. Noise  
No Noise emanating from manufacturing processes shall be audible beyond one hundred (100) feet from the boundary limits of an M-1, LIGHT INDUSTRIAL DISTRICT.
3. Glare, Fumes, Heat  
No glare, fumes or heat shall be produced in any building in the M-1, LIGHT INDUSTRIAL DISTRICT which is noticeable at a distance of more than fifty (50) feet from such building.
4. Permitted uses shall comply with all State and Federal environmental control requirements.

## SECTION 9 M-2, HEAVY INDUSTRIAL DISTRICT

In the M-2, HEAVY INDUSTRIAL DISTRICT, the following regulations shall apply:

#### 9.1 Use Regulations.

A building or premises shall be used only for the following purposes:

1. Any use permitted in the M-1, LIGHT INDUSTRIAL DISTRICT.
2. Any business, commercial or industrial uses which are not likely to create hazards of fire, explosion, noise, vibration, dust, lint or the emission of smoke odor or toxic gases comparable to that produced by uses listed in item 3 below only after a Special Use Permit has been secured in accordance with Section 12.

3. The following uses having accompanying hazards, such as fire, explosion, noise, dust, vibration, lint or the emission of smoke odor or toxic gases, may, if not in conflict with any law or ordinance in the City of Shenandoah or the State of Iowa, be located in the M-2, HEAVEY INDUSTRIAL DISTRICT, only after a Special Use Permit in accordance with Section 12 for the location and nature of such use shall have been approved.

No permit for such buildings, structures or uses shall be issued until it has been shown that the public health, safety, morals and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons. In reviewing the plans and statements, other agencies created for the promotion of public health and safety shall be consulted. Uses in accordance with the above paragraph are:

- Acids and derivatives
- Acetylene
- Ammonia
- Blast furnace
- Boiler or tank works
- Brewery or malt house
- Brick, pottery, tile or terra cotta
- Candle manufacture
- Carbon manufacture
- Carbide manufacture
- Cement, lime, gypsum, or plater-of paris
- Coke oven products and storage
- Creosote
- Cooperage works
- Curling, tanning or storage of raw hides and skins
- Disinfectant, insecticide or poison manufacture
- Distillation, manufacture or refining of coal, tar, asphalt, wood or bones
- Dyestuffs manufacture
- Electric light or power generating station
- Emery cloth or sandpaper manufacture
- Explosives or explosive storage, including ammunition and fireworks
- Fertilizer
- Fish oils and meals
- Foundry r metal fabricating plant
- Freight terminal and yard
- Glass manufacturing
- Glue, gelatine- animal
- Grain drying or feed manufacture from refuse, mash or grain
- Grain elevator
- Hydrogen and Oxygen
- Iron, steel, brass or copper processing
- Junk yards and scrap metal reduction
- Lamp black, carbon black and bone black
- Linoleum manufacture
- Livestock yards and buying stations
- Match manufacture
- Monument works

Nitrates of an explosive nature, including storage  
 Oiled or rubber goods manufacturing  
 Pain and aluminum powder manufacture  
 Petroleum products storage and distribution (when all storage tanks of  
 inflammables are surrounded by dykes of sufficient size to assure  
 adequate fire protection)  
 Plastic materials and synthetic resins  
 Planing mills  
 Potash  
 Power forge (riveting, hammering, punching, chipping, drawing, rolling or  
 rumbling of iron, steel, brass or copper)  
 Pyroxlin plastic manufacture  
 Quarrying, extracting, grinding, crushing and processing of minerals and earths  
 Rendering and storage of dead animals, offal, garbage or waste products  
 Rolling mill  
 Rubber or gutta-percha manufacture or treatment  
 Slaughtering of animals  
 Soap and washing compound manufacture  
 Starch, glucose or dextrin manufacture  
 Steam plant  
 Steel furnace, blooming or rolling mill  
 Stock yards or commercial feed lot  
 Structural steel or pipe works  
 Turpentine and resin  
 Yeast plant  
 Any use not in conflict with any ordinance in the City of Shenandoah or laws in  
 the State of Iowa

## 9.2 Height, Yard, Area and Design Regulations.

### 1. Height Regulations:

No building or structure shall hereafter be erected or structurally altered to exceed a height of more than forty (40) feet above ground level, to the roof. No more than two chimneys or smoke stacks per building shall be allowed, with a maximum height from ground level to top of such chimney or smoke stacks of seventy-five (75) feet. Air conditioning or dust collecting equipment on top of roofs shall be no more than twenty-five (25) feet higher than the roof level.

### 2. Area and Design Regulations:

- a. A complete plot plan showing the building or buildings and surrounding land areas of the entire project must be submitted to the Plan and Zoning Commission for approval or disapproval.
- b. A complete set of building plans and specifications, sewerage disposal, telephone, electric, gas and water supply plans must accompany the plot plan.
- c. Additional area and design requirements may be imposed so as to establish an M-2, HEAVY INDUSTRIAL DISTRICT which will best serve the general welfare and benefit of the entire City.

3. Yard Regulations:
  - a. No building shall be erected closer than thirty (30) feet to any State highway, major or secondary thoroughfare, or to any County highway or road in use by the public prior to the creation of an M-2, HEAVY INDUSTRIAL DISTRICT which serves as the boundary line of such a district.
  - b. No building shall be erected closer than thirty (30) feet to any boundary line which separates an M-2 HEAVY INDUSTRIAL DISTRICT from an RF, R, R-1, RM or RA RESIDENTIAL DISTRICT. The areas between buildings and such streets and boundaries shall be a buffer strip which is planted with grass, shrubs and trees, and shall be continuously maintained by the property owner in a slightly manner.
  - c. No building shall be built closer than twenty-five (25) feet to any other street line within an M-2, HEAVY INDUSTRIAL DSITRICT, nor closer than fifteen (15) feet to side or rear property lines.
  - d. Each building shall be required to have a front lawn of at least twenty-five (25) feet in depth extending across the front of each building from one side of the property to the other, which shall not be used for vehicle parking or truck loading or unloading.

SECTION 10  
GENERAL REGULATIONS

10.1 Accessory Uses

The following accessory uses, in addition to those hereinbefore specified shall be permitted in any residential district, if the accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in the district.

1. The renting of rooms or the providing of table board in a dwelling as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective district, but not to the extend to constituting a hotel or motel as defined in this Ordinance, unless permitted in the district.
2. The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the district.
3. Recreation, refreshment and service buildings in public parks and playgrounds.

10.2 Height Regulations

1. Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of horizontal distance from the established street elevation of the property line, one (1) story in addition to the number permitted in the district in which the lot is situated shall be permitted on the downhill side of any building.
2. In any district with a height limit of less than fifty (50) feet, public and semi-public buildings, schools and churches, hospitals and other institutions permitted in the district may be erected to a height not exceeding fifty (50) feet. The front, rear and side yards shall be increased one (1) foot for each one (1) foot by which the building exceeds the height limit hereinbefore established for such district.

### 10.3 Area Regulations.

1. No lot shall be so reduced that the area of the lot or dimensions of the open spaces shall be smaller than herein prescribed.
2. No dwelling shall hereafter be erected or altered unless there is direct access to it from a street, alley or highway through an open space on the same lot. No building shall hereafter be erected or altered so as to close the present means of access to an existing dwelling or so as to diminish this means of access to a width less than the width of the existing dwelling.

### 10.4 Measurements shall be taken from the nearest point of the wall of the building to the lot line in question, subject to the following qualifications:

1. Cornices, canopies, or eaves may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
2. Fire escapes may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
3. A stoop or uncovered porch may be extended into the required front yard a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet may be placed around such place.
4. The above enumerated architectural features may also extend into a side or rear yard to the same extent, except that no porch, terrace, or outside stairway shall project into the required side yard distance; and except on existing lots that are fifty (50) feet or less in width; in such instance, allowable architectural features may project into the required side yard a distance of two (2) feet.
5. A wall, fence or hedge may occupy part of the required front yard; but no wall or fence more than three (3) feet high shall be constructed without a Special Use Permit in accordance with Section 12.
6. On double frontage lots, the required front yard shall be provided on both streets.
7. In the districts where filling stations are allowed, pumps and pump islands may be located within a required yard provided they are not less than fifteen (15) feet from any street right-of-way lines.
8. The required front yard of a corner lot shall not contain any wall, fence or other structure, tree, shrub or other growth which may cause danger to traffic on a street or public road by obscuring the view.
9. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two sides of which are the lines running along the side street lines between the street intersection and a point ten (10) feet from the intersection and the third side of which is the line between the latter two points.
10. In determining the depth of rear yard for any building where the rear yard opens into the alley, one-half (1/2) the width of the alley but not exceeding six (6) feet may be considered as a portion of the rear yard subject to the following qualifications:
  - a. The depth of any rear yard shall not be reduced to less than ten (10) feet by the applications of this exception
  - b. If the door of any building or improvement, except a fence, opens toward an alley, it shall not be erected or established closer to the center line of an alley than a distance of fifteen (15) feet.

### 10.5 Accessory Buildings.

1. In case an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Ordinance

applicable to the main building. An accessory building, unless attached to and made a part of the main building shall not be closer than five (5) feet to the main building, except as otherwise provided in this Section.

2. A detached accessory building not over one (1) story and not exceeding twelve (12) feet in height may occupy not to exceed thirty (30) percent of the area of any rear yard.
3. Detached accessory buildings in residential districts shall conform to all yard requirements except it may be located in the rear yard not less than five (5) feet from the rear property line and five (5) feet from the side property line.
4. An accessory building in existence at the time of the passage of this Ordinance may be replaced in the same location.

#### 10.6 Parking and Loading Spaces

Not less than one (1) off-street parking space, consisting of one hundred eighty (180) square feet located behind the established building line, with property access from a street or alley, shall be provided on any lot on which a main building is hereafter erected, and the following types of uses shall provide additional off-street parking space, as indicated, which parking space shall have proper access from a street or alley and shall be located on the lot on which such use is situated:

1. One and two family dwellings- two spaces for each family.
2. Multiple dwelling- one and one-half spaces for each apartment unit.
3. Hotel, motel or tourist cabin court- one space for each rental room or suite.
4. Drive-in restaurant or similar use- a minimum of twenty (20) spaces.
5. Restaurant, face or tea room or similar use- one space for each two hundred (200) square feet of floor space.
6. Auditorium, theater, churches or other places of public assemblage- a minimum of one space for ever ten (10) seats. High schools and colleges must have a minimum of one space for every twenty (20) seats in the main auditorium or three (3) spaces for each classroom, whichever is greater.
7. Assembly or exhibition hall without fixed seats- one parking space for each one hundred (100) square feet of floor space.
8. Filling stations- one parking space for each one hundred (100) square feet of building space devoted strictly to automobile service. Such parking spaces shall not include the parking space required for gas pump areas.
9. Stores and other establishments in an HB, HIGHWAY BUSINESS DISTRICT, except as otherwise specified herein, shall have a minimum of one space for each two hundred fifty (250) square feet of floor space.
10. Office building, medical or dental clinic- two parking spaces plus one additional parking space for each two hundred fifty (250) square feet of floor space.
11. Manufacturing and warehousing buildings- one parking space for each three (3) employees, based on peak employment of the largest shift, but no less than one (1) space for every on thousand (1,000) square feet of floor space.
12. Such space shall be considered required open space associated with the permitted use unless otherwise stated. It shall be reduced or encroached upon in any matter after the use is established. Where such space cannot be reasonably provided on the same lot with the principle use , the Plan and Zoning Commission may permit such space to be located on either off-street property if the space is within three hundred (300) feet of the permitted use, measured along lines of public access.
13. Off-street parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or



use. Off-street parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance.

14. In computing the number of such parking spaces required, the following rules shall govern:
  - a. Floor space shall mean the gross floor area of the specific use.
  - b. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
  - c. The parking space requirement for a use not specifically mentioned herein shall be the same as the required for a use of similar nature as determined by the Board of Adjustment.
15. Establishments in any business or industrial districts which have paid an assessment for the provision of off-street city parking lots shall be exempt from the provisions of the subdivision which refer to off-street parking.
16. In any commercial or industrial district, space for loading of vehicles shall be provided on the same lot for every building used or designed to be used for commercial or industrial purposes. One loading space at least 10 by 25 feet shall be provided for each twenty thousand (20,000) square feet of floor area in the building.
17. No building or part thereof in an HB, HIGHWAY BUSINESS DISTRICT, an M-1, LIGHT INDUSTRIAL DISTRICT or an M-2, HEAVY INDUSTRIAL DISTRICT, heretofore erected which is used for any of the uses specified for the district shall hereafter be enlarged or extended without providing off-street parking and loading space as provided for in the provisions of this subdivision.

#### 10.7 Signs.

Any sign hereafter erected or maintained shall conform with the provisions of this section and any other Ordinance or Regulation of the City. The following types of signs and no other shall be permitted.

1. Signs permitted in all Residential Districts.
  - a. Official traffic, information and street signs.
  - b. Non-commercial signs such as professional name signs indicated the name and profession, trespassing signs, signs indicating the private nature of a driveway or premise shall be permitted, provided that the area on one side of any such sign shall not exceed two (2) square feet.
  - c. Identification signs for schools, churches, hospitals, or similar institutions and for clubs, lodges, farms, estates, housing developments or similar uses, are permitted providing that the area on one side of any such sign shall not exceed twelve (12) square feet.
  - d. Real estate signs including signs advertising the sale or rental of premises are permitted provided the area on one side of any such signs shall not exceed six (6) square feet; and signs indicating the location and direction of premises in the process of development, provided the area on one side of any sign shall not exceed twenty-four (24) square feet.
  - e. Temporary signs of contractors, architects, mechanics and artisans are permitted, provided that such signs shall be removed promptly upon completion of the work and further provided that such signs shall not exceed twenty-four (24) square feet in area.
2. Signs permitted in the CB, CENTRAL BUSINESS DISTRICT.
  - a. All signs permitted in the Residential Districts.
  - b. Flat signs painted or attached to a building wall.

- c. Projecting signs attached to a building provided the signs shall not extend beyond a point within 24 inches of the nearest curb; shall not be less than eight (8) feet above the elevation of the sidewalk; and all such signs erected on one street frontage of any zone lot shall not exceed seventy-five (75) square feet in area on one side of the sign.
  - d. Free standing signs and portable or temporary signs provided that the area on one side of all such signs erected on one street frontage of any one premise shall not exceed seventy-five (75) square feet; such signs are erected only on the premises on which the use to which the signs relate is conducted, except directional signs; and such signs shall not project over or be placed upon public right-of-way.
  
- 3. Signs permitted in the HB, HIGHWAY BUSINESS DISTRICT, M-1, LIGHT INDUSTRIAL DISTRICT and M-2, HEAVY INDUSTRIAL DISTRICT.
  - a. All signs permitted in the Residential Districts
  - b. Flat signs painted or attached to a building wall.
  - c. Free standing signs and portable or temporary signs provided that the area on one side of all such signs are erected only on the premises on which the use to which the signs relate is conducted, except directional signs; and such signs shall not project over public right-of-way.
  
- 4. No portable, temporary or free standing sign shall be erected or used without first obtaining approval of the Board of Adjustment.
  
- 5. General Restriction: The following restrictions shall apply to all permitted signs:
  - a. No sign shall be of a nature or placed in such a position that it will interfere with traffic on a street.
  - b. All signs except directional signs, shall relate in subject matter to the products, services or activities on the premises which the sign is located.
  - c. Illuminated signs shall be so designed that the light source is not visible from or does not focus on any adjacent residential properties or public thoroughfares. No sign with flashing strobe lights or signs with intermittent illumination similar to traffic signals shall be permitted.
  - d. No sign with flashing strobe lights or signs with intermittent illumination similar to traffic signals shall be permitted.
  - e. No signs shall violate the front, side or rear yard requirements of the district in which it is placed except as permitted in the Residential Districts.
  - f. Nothing in this section shall be construed to permit billboards or outdoor advertising signs for the advertisement of products or services not related to the premises on which the sign is located.
  - g. Signs which do not conform to the regulations herein set forth shall be declared a non-conforming use and as such shall be under those regulations set forth in Section 11.
  
- 6. License Fee: When this Ordinance becomes effective, the owner or other person having control of any sign shall file application for a permit to maintain such sign. Application for such maintenance permit for all signs shall be accomplished by a fee to be determined by the City Council. All licenses shall expire January 1 of each year.

## 10.8 Planned Unit Development

1. The owner or owners of any tract of land comprising an area of not less than three (3) acres in any residential district may submit a plan for the total development of the area in accordance with the following standards and requirements as a Planned Unit Development.
2. The purpose of the Planned Unit Development is to permit an area to be developed in conformance with an overall plan of the area and to permit certain exception to the zoning regulations which would provide for the placement and location of more than one building on a lot in an arrangement to permit more feasible, original and better siting of buildings.
3. The developer shall be required to submit the following information, and any other information that may be required by the Planning Commission.
  - a. A site plan indicating the arrangement and tentative location of buildings uses permitted, land to be preserved as permanent common open space, parking and loading spaces, and other special features of the development plan.
  - b. A draft of the proposed protective covenants whereby the owner proposes to regulate land use and otherwise protect the proposed development.
  - c. A draft of any proposed incorporation agreement and a draft of any by-laws or easement of declarations concerning maintenance of recreational and other common facilities.
  - d. Data on the market potential necessary to support the location of the site and the size of uses in the Planned Unit Development.
4. Specific uses not permitted by the zoning regulations may be permitted in the Planned Unit Development provided:
  - a. That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development.
  - b. That the uses permitted by such exceptions are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood; and
  - c. That not more than 20 percent of the ground area of a building shall be devoted to the uses permitted by said exception.
5. Exceptions to the lot area and yard requirements for individual lots and buildings may be authorized provided:
  - a. That along the periphery of such planned developments, yards shall be provided as required by the regulations of the district in which said development is located;
  - b. The total number of dwelling units in the Planned Unit Development shall not exceed the total number of dwelling units permitted in the zoning district in which the development is located; and
  - c. The open space resulting from the permitted decrease in the individual yard and lot requirements shall be designed and retained for recreational and open space uses.
6. No building permit shall be issued for any construction or use of a development which does not conform to the approved plans, terms and conditions of the Planned Unit Development. No changes shall be made in the Planned Unit Development except by approval in the same procedure by which the original plan was approved. No Planned Unit Development shall be approved until a public hearing is held in accordance with Sections 13.1, 2 and 13.1,3.

## 10.9 Mobile Home Parks

Mobile home parks may be permitted in a district from which they are excluded by this Ordinance upon the approval of a special permit in accordance with Section 12, subject to the following requirements.

### Minimum Development Requirements:

- a. Requirements for parks:
  1. Front yard- to be measured from all streets on which park abuts- 35 feet
  2. Side yard- 10 feet
  3. Rear yard- 10 feet
  4. Drives or access ways- 24 feet in width surfaced with asphalt or Portland Cement Concrete
  5. Sanitary facilities- connected with the municipal sewer system or adequate private sewerage disposal facilities.
- b. Requirements for "home spaces"
  1. Minimum space size- 40 feet by 95 feet
  2. Minimum space area- 3,800 square feet
  3. Off-drive parking- one (1) parking space for each "home" space
  4. Minimum front yard- 15 feet, subject to provisions of sections 10.9 (b) (7) and 10.9 (b) (8) herein
  5. Minimum rear yard- 10 feet subject to provisions of sections 10.9 (b) (7) and 10.9 (b) (8) herein
  6. Minimum side yard- 10 feet subject to provisions of sections 10.9 (b) (7) and 10.9 (b) (8) herein
  7. No mobile home shall be located closer than 55 feet to the nearest existing residence structure when such mobile home park is located in a zoned residence district
  8. No mobile home shall be located closer than 20 feet to an existing industrial or commercial structure located outside of the mobile home park.

## 10.10 Home Occupations

A home occupation as defined by this Ordinance may be permitted in any Residence District in accordance with the following requirements and procedure:

1. The applicant shall submit an application to the Zoning Administrator on forms provided by the Zoning Administrator and shall be accompanied by:
  - a. The names and mailing addresses of all property owners within 200 feet of the property on which the home occupation is to be conducted.
  - b. A filing fee of \$25.00 plus cost of postage.
2. The Zoning Administrator shall notify by certified mail, property owners within 200 feet of the property to be used for the home occupation, along with a postpaid return post card whereon the support or opposition of the home occupation can be indicated by the notified property owners by return mail.
3. If no opposition is received within 10 days by the Zoning Administrator, the Zoning Administrator may approve the home occupation as defined in this Ordinance.

4. If opposition is received, the applicant may appeal to the Board of Adjustment in accordance with Section 12.

## SECTION 11 NONCONFORMING USES

### 11.1 Failure To Secure Permit.

All non-conforming uses for which a Special Use Permit has not been granted within one year after the adoption of the Ordinance, shall be subject to the provisions of this Section.

### 11.2 Alterations.

The lawful use of a building existing at the time of the adoption of this Ordinance may be continued, although such does not conform with the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. The foregoing provisions shall also apply to nonconforming uses in districts hereafter changed. Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

### 11.3 Restoration.

No building which has been damaged by fire, explosion, act of God or the public enemy, to the extent of more than fifty (50) percent of its value shall be restored except in conformity with the regulations of this Ordinance; provided, that in the event a structure of historical value or significance has been so damaged, the restoration of such structure may be permitted by the Board of Adjustment by a Special Use Permit issued in accordance

### 11.4 Discontinuance.

In the event that a nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district which it is located.

### 11.5 Junk Yards

No junk yard may continue as a nonconforming use for more than one (1) year after the effective date of this Ordinance except that a junk yard may continue as a nonconforming use in an industrial district if within that period it is completely enclosed within a building, fence, living screen planting or other device of such height so as to screen completely the operations of the junk yard. Plans of such building or device shall be approved by a Special Use Permit in accordance with Section 12.

### 11.6 Outdoor Advertising Structure.

No outdoor advertising structure (including signs and billboards) may continue as a nonconforming use for more than ten (10) years after the effective date of this Ordinance.

### 11.7 Signs.

Signs pertaining to or advertising products sold on the premises of a nonconforming building or use may be continued only when the nonconforming use is permitted to continue and such signs shall not be expanded in number, area, height, or illumination.

### 11.8 Residential Alterations.

Alterations may be made to a residential building containing nonconforming residential units when they will improve the livability of such units, provided, however, that they do not increase the number of dwelling units in the building.

### 11.9 Normal Maintenance.

Maintenance of a building or other structure containing or used for a nonconforming use will be permitted when it includes necessary nonstructural repairs and incidental alterations which do not increase the floor area of the nonconforming building or use. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

## SECTION 12 BOARD OF ZONING ADJUSTMENT

### 12.1 Creation and Membership

A Board of Adjustment is hereby established. The Board shall consist of five members, two of whom shall be members of the Plan Commission. The members of the Board shall be appointed by the Mayor subject to approval by the City Council, each for a term of five years, excepting that when the Board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members shall be removable for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The City Manager shall act as Secretary of the Board.

The Board of Adjustment may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of this Ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained and provide that any property owner aggrieved by the action of the City Council in the adoption of such regulations and restrictions may petition the Board of Adjustment direct to modify regulation sand restrictions as applied to such property owner.

### 12.2 Rules- Meetings- General Procedures.

The Board shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of this chairman and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep

minutes of its proceedings, showing the vote of each member upon each question, or it absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record.

### 12.3 Power.

The Board of Adjustment shall have only the following powers:

1. To hear and decide special exceptions to the terms of this Ordinance upon which the Board is required to pass under this Ordinance and shall be limited to the following:
  - a. Issuance of special permits which are specifically described and required by this Ordinance.
  - b. Special exceptions in the form of approval or disapproval of plans, uses or construction plans specifically described and required by this Ordinance.
  - c. Permit with appropriate conditions and safeguards as determined by the Board, the location of any of the following specific uses only in a district form which they are excluded by the provisions of this Ordinance: airport, publicly owned and operated buildings and facilities, utility buildings and facilities.
  - d. The Board, in approving any special use permits or exceptions to the ordinance, shall be guided by the general rule that the design, construction and operation adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property and the community, shall provide adequate light and air, shall be in conformance with the comprehensive plan, shall be compatible with the surrounding area, shall conserve and stabilize property values, shall provide for adequate traffic facilities and shall provide for retaining the general character of the area.
2. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

No variance shall be authorized unless the Board finds that:

- a. The strict application of ordinance would produce undue hardship;
  - b. The hardship is not shared generally by other properties in the same zoning district and the same vicinity;
  - c. The authorization of such variance will not be of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance;
  - d. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice;
  - e. The condition of situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to the ordinance.
3. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance.

#### 12.4 Appeal Procedure.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administration officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board within 15 days of the date of the decision by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

#### 12.5 Application Procedure.

The appellant shall make application thereof to the Board of Adjustment upon forms provided by the Board in duplicate, along with the names and mailing addresses of the property owners within 300 feet of the property for which the exception, special use permit or variance is requested. A fee of \$25.00 plus postage and publication costs shall be submitted with the application.

The Board shall fix a reasonable time for a hearing of the appeal; publish a notice of the public hearing in the official newspaper at least 15 days before the date of the hearing; and notify the property owners within 300 feet of the property being considered, by certified mail.

In exercising the above-mentioned powers the Board may, in conformity with the provisions of the ordinance reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation of this Ordinance.

#### 12.6 Appeals from the Board of Adjustment.

Any person or persons, or any board, taxpayer, or any department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner prescribed by Chapter 414, Code of Iowa.

### SECTION 13 AMENDMENT

13.1 This Ordinance may be amended whenever the public necessity and convenience and the general welfare require such amendment by following the procedure specified as follows:

1. An amendment may be initiated by the City Council of the City Planning Commission, or by the verified petition of not less than fifty (50) percent of the property owners affected by the proposed amendment and fifty (50) percent of those property owners within three hundred (300) feet of the boundaries of the proposed change.



2. Before any amendment is adopted, the City Planning Commission shall hold at least one public hearing thereon after a notice of the hearing has been established in the official newspaper at least fifteen (15) days before the hearing. Following the hearing, the City Planning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the City Clerk within thirty (30) days after the hearing. Failure of the City Planning Commission to so report shall be deemed to be approval by the Commission of the proposed amendment.
3. Upon the filing of such report or upon the expiration of such thirty (30) days as aforesaid, the City Council may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the City Council may adopt the amendment or any part thereof in such form as it deems advisable. The amendment shall be effective only if four-fifths (4/5) of all the members of the Council concur in its passage.

#### SECTION 14 ENFORCEMENT

- 14.1 The Office of the Zoning Administrator is hereby established, for which the City Council may appoint such employee or employees of the City as it may deem proper. It shall be the duty of the Zoning Administrator to enforce this Ordinance through the proper legal channels.
- 14.2 Hereafter no person shall basically erect, alter, wreck, or move any building or part thereof without first securing a building permit therefore.
- 14.3 Application for a building permit shall be made to the Zoning Administrator on blank forms to be furnished by the City. Each application for a permit to construct or alter a building shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected and a statement of the intended use therefore. Applications for any kind of building permit shall contain such other information as may be deemed necessary for the proper enforcement of this Ordinance or any other. The fee for a building permit shall be determined by the City Council. The Zoning Administrator shall issue the building permit only after determining that the building plans, together with the application, comply with the terms of this Ordinance. In the absence of a showing of good cause, such building permit shall expire within 80 days after granting of the permit, if construction is not then commenced.

#### SECTION 15 VIOLATIONS AND PENALTIES

- 15.1 Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined with not less than five (\$5.00) dollars nor more than one hundred (\$100.00) dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
- 15.2 In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the Zoning Administrator, in addition to other remedies, may institute any proper action or proceedings in the name of the City of Shenandoah, and hereby shall have the powers of a police officer to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to

restrain, correct or abate such violations to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises.

SECTION 16  
VALIDITY

16.1 Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 17  
REPEAL OF CONFLICTING ORDINANCES

17.1 All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. These are the “zoning ordinance of 1963” and all ordinances amending the same.

SECTION 18  
DATE OF EFFECT

18.1 This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Passed and approved this 9<sup>th</sup> day of March, 1982 .

ATTEST:

/s/ Merrill J. Kruse  
City Clerk

/s/ Kay Norton  
Mayor

