

City of Britt

# Zoning Ordinance

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*Amended: March 2006*

Prepared with the Assistance of  
North Iowa Area Council  
of Governments

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## **CITY OF BRITT, IOWA**

AN ORDINANCE to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and other purposes; to regulate and restrict the height of buildings and structures, the number and size of buildings and other structures; to establish the size of yards and courts and other open spaces; to establish minimum lot areas; to regulate off-street parking; to regulate the location, size and number of signs; to divide the City into districts for such purposes; to provide for the administration and enforcement of its provisions; to create a Board of Adjustment; to prescribe penalties for the violation of its provisions, all in accordance with Chapter 414, Code of Iowa; and to be known, and cited as,

### **"THE ZONING ORDINANCE OF THE CITY OF BRITT, IOWA"**

WHEREAS, the City Council of the City of Britt, Iowa, deems it necessary to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers, to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid concentration of population; to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; to conserve the value of buildings, and encourage the most appropriate use of land throughout the City; all in accordance with the comprehensive plan.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRITT, IOWA:**

**ARTICLE 1**  
**SHORT TITLE AND JURISDICTION**

Section 1. **SHORT TITLE.** This Ordinance shall be known and may be cited and referred to as the "Zoning Ordinance of the City of Britt, Iowa", to the same effect as if the full title were stated.

Section 2. **JURISDICTION.** In accordance with the provisions of Chapter 414 of the Code of Iowa and amendatory acts thereto, this Ordinance is adopted by the City of Britt, Iowa, governing the zoning of all lands within the corporate limits of the City.

**ARTICLE 2**  
**INTERPRETATION OF REGULATIONS**

Section 1. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes greater restrictions than is imposed or required by other provisions of law or other rules or regulations or Ordinances, the provisions of this Ordinance shall govern.

### **ARTICLE 3 DEFINITIONS**

Section 1. **DEFINITIONS.** For the purpose of interpreting this Code, certain words, terms and expressions are herein defined. Words used in the present tense include the future; the singular; includes the plural and the plural the singular; the word "may" is permissive; the word "shall" is mandatory; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied; and the word "he" includes the word she.

**ACCESSORY USE:** A use on the same lot with, and or a nature customarily incidental and subordinate to the principal use.

**AGRICULTURE:** The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the nessasary uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory use shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garabage or offal to swine or other animals. The raising or keeping of any number of horses, swine, sheep, goats, fowl or similar animals shall constitute agriculture.

**ALLEY:** A public or private thoroughfare which affords only a secondary means of access to abutting property.

**APARTMENT:** A single room or set or rooms occupied as a dwelling which is part or a multi-family structure.

**BASEMENT:** A story having part, but not more than one-half (1/2) of its height below grade as measured at the front of the structure. A basement is counted as a story for the purposes of height regulations.

**BED AND BREAKFAST HOME:** A structure containing a single dwelling unit, which provides lodging and meals for overnight guests only, in which no more than five (5) sleeping rooms are available for guests andis the principal residence (as defined in the Internal Revenue Code) of a person owning not less than 30 percent of the fee title to the property. Each sleeping room in a bed and breakfast home shall be at least one hundred forty (140) square feet in area.

**BED AND BREAKFAST INN:** A structure containing a single dwelling unit with a full-time resident owner or resident manager which provides lodging and meals for overnight guests only and has no more than nine (9) sleeping rooms available. Each sleeping room shall be at least one hundred forty (140) square feet in area.

**BILLBOARD:** "Billboard" as used in this Ordinance shall include all structures, regardless of the material used in the construction of the same that are erected, maintained or used for public

display of posters, painted signs, or wall signs, whether the structure be placed on the wall or painted itself, pictures or other pictorial reading material which advertise a business or attraction which is not carried on, manufactured, grown or sold on the premises where said signs or bill boards are located.

**BLOCK:** That property abutting on one side of a street, and lying within the two nearest intercepting or intersecting streets or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.

**BOARDING HOUSE:** A building other than a hotel where, for compensation, meals, or lodging and meals are provided for six (6) or more persons.

**BUILDING:** A building that is completely enclosed by a roof and by a solid exterior wall along whose outside faces constitute a minimum of three (3) sides of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support, or enclosure of persons, animals, or property of any kind.

The connection of two buildings by means of an enclosed porch, enclosed breezeway, enclosed passageway, enclosed carport, or other such enclosed structures, with a roof, shall make them one building. Such structures attached to the principal building shall be deemed a part of the principal building.

**BUILDABLE AREA:** The portion of a lot remaining after required yards have been provided.

**BUILDING, ACCESSORY:** A building which is subordinate to the main building on the lot, not attached thereto and used for purposes customarily incidental to those of the main building. Private garages are accessory buildings.

**BUILDING, HEIGHT OF:** The perpendicular distance measured in a straight line from the curb level to the highest point of the roof beams in the case of flat roofs, and to the average of the height of the roof in the case of pitched roofs; the measurement in all cases to be taken through the center of the front of the house. Where a dwelling is situated on ground above the curb level such height shall be measured from the level of the adjoining ground. Where a dwelling is on a corner lot and there is more than one grade or level, the measurements shall be taken from the main entrance elevation.

**BUILDING LINE:** The setback distance from the front property line, rear lot line, and side lot lines as provided in this Code.

**BUILDING, PRINCIPAL:** The principal building is a nonaccessory building in which a principal use of the lot, on which it is located, is conducted.

**BUILDING WALL:** The wall of a building forming a part of the main structure. The foundation walls of unenclosed porches, steps, walks and retaining wall or similar structures, shall not be considered as building walls under the provisions of this Code.

BUSINESS: The word "business" or "commercial" when used herein refers to the engaging in the purchase, sale or exchange of goods or services, or the operation for profit of offices or recreational amusement enterprises.

CARPORT: Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls, and is attached to and considered a story for the purpose of this Ordinance.

CELLAR: A story having more than one-half (1/2) of its height of all walls below the highest level of the adjoining ground. A cellar shall not be considered as a story for the purpose of this Code.

CITY: City of Britt, Iowa.

CLUB OR LODGE (PRIVATE): An association of persons for the promotion of some nonprofit object, who are bonafied members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals to members and their guests on such premises provided adequate dining room space and kitchen facilities are available and are operated in compliance with state and municipal laws.

COMMISSION: The Britt Planning and Zoning Commission.

COUNCIL: The Britt City Council.

CONDOMINIUM: A multi-family dwelling or townhouse as defined herein where the fee title to each dwelling is held independently of the others and title to common areas is held jointly by dwelling unit title holders.

DAY NURSERY OR NURSERY SCHOOL: Any private agency, institution, establishment or place which provides, for compensation, supplemental parental care and/or educational work, other than overnight lodging, for six (6) or more unrelated children of preschool age.

DECK: A non-roofed structure open on two (2) or more sides projecting from the front, side, or rear wall of a building and at least twelve (12) inches in height above the ground.

DETACHED: Fully separated from any other structure; not attached.

DRIVEWAY: An area providing vehicular access between a street and an off-street parking or loading area.

DISTRICT: Any part or parts of Britt, Iowa, wherein regulations of this Ordinance are uniform.

DWELLING: Any building or portion thereof which is designed or used primarily for residential purposes but not including a tent or trailer

DWELLING ATTACHED: A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

DWELLING DETACHED: A dwelling which is entirely surrounded by open space on the same lot.

DWELLING, MULTI-FAMILY: A residence designed for the occupancy by three (3) or more families with housekeeping and cooking facilities for each.

DWELLING, SINGLE FAMILY: A detached residence designed for or occupied by one (1) family only and having no party wall in common with an adjacent building.

DWELLING, TWO FAMILY: A residence designed for or occupied by two (2) families with separate entrances, housekeeping, and cooking facilities for each.

DWELLING, UNIT: A room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one (1) family and contain independent cooking facilities for the family.

ENGINEER, CITY: A duly qualified individual or firm designated by the City Council.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by developers, public utilities, or governmental agencies of underground or overhead gas, telephone, television, electrical, wastewater, water transmission or distribution systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or governmental agencies or for public health or safety or general welfare, but not including buildings.

FAMILY: A group of individuals related by blood, marriage or adoption and not more than three (3) unrelated individuals living together and occupying a dwelling unit; a group of not more than five (5) unrelated persons living together by joint agreement; the residents of an elder family home as defined in Section 231A.2 of the Iowa Code; or residents of a family home as defined in Section 414.22(4)(c) of the Iowa Code. Only one family may reside in any dwelling unit.

FLOOR AREA: The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages or space in a basement or cellar.

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 one (1) side between an intersecting street and the dead-end of the street. The front of a double fronted lot shall face the street upon which the lot will be addressed.

FENCE: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

GARAGE, PRIVATE: An accessory building or portion of a building and/or used only for the shelter or storage of vehicles by the occupants of the premises or the leasing of space as provided therein, including covered parking space or carport.

GARAGE, COMMERCIAL: A building or portion thereof, other than a private or storage garage, operated for commercial purposes and/or designed, intended or used for the equipping, servicing, selling, hiring, storing, care or repair of motor vehicles.

GASOLINE SERVICE STATION: Any building or premises used for the retail sale of automotive fuels, oils and other items customarily associated with the sale of such products, but not for the purpose of making other than minor repairs. When the dispensing, retail sale or offering for retail sale is incidental to the conduct of a commercial garage, the premises shall be classified as a commercial garage.

GRADE: The average level of finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the centerline of the street at the center of the wall adjoining the street shall be grade.

HOME OCCUPATION: An occupation, profession, activity or use, carried on by a member of the family residing in the premises, that is an incidental or secondary use of the dwelling.

HOTEL: A building in which lodging or boarding and lodging, are provided and offered to the public as more or less a temporary abiding place of individuals for compensation and which is open to a transient guest provided no provisions have been made for cooking in any individual room in contradistinction to a boarding house or lodging house as herein defined.

INSTITUTION: A building or premises occupied by a nonprofit corporation or establishment for public use.

JUNK YARD OR SALVAGE YARD: Any open area of any lot or parcel where discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, kept, stored, or handled, including scrap metals or scrap materials, or the abandonment or dismantling of machinery, motor vehicles, or parts thereof. A solid waste transfer station is not considered a junk yard or salvage yard for purposes of this Ordinance.

JUNK VEHICLE OR JUNK MACHINERY: Any vehicle or portion thereof not in running condition and/or not licensed for the current year as provided by law and not legally placed in storage with the treasurer of Hancock County, or any vehicle or machinery, which because of its defective or obsolete condition, or rotted, rusted or loose parts, or in any other way constitutes a threat to the public health or safety.

KENNEL: An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

KENNEL, PRIVATE: Any building or buildings or land designed or arranged for the care of dogs and cats belonging to the owner of the principal use, kept for purposes of show, hunting, or as pets.

LOADING SPACE: An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.

LODGING HOUSE: A building other than a hotel or motel where, for compensation, lodging is provided for six (6) or more people.

LOT: A parcel of land under one (1) ownership on which a principal building and its accessories are, or may be placed, together with the required open spaces, having its frontage upon one (1) or more dedicated streets.

LOT AREA: The area of a horizontal plane bounded by the front, side, and rear lot lines, but excluding any portion of a flag (panhandle) lot providing access to a street and excluding any public or private easement or right-of-way providing access to another lot.

LOT CORNER: the lot fronting on two (2) intersecting streets.

LOT COVERAGE OR BUILDING COVERAGE: The area of a lot covered by buildings or ground level paving, but excluding incidental projecting eaves, balconies, and similar features and excluding landscaping and open recreational facilities.

LOT, DEPTH: The mean horizontal distance between the front and rear lot lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot.

LOT LINE, FRONT: In the case of an interior lot abutting on only one street, the "front lot line" is the street line of such street. In the case of any other lot, it may be such street line as is selected by the owner as the "front lot line" for the purpose of this Code, provided that the principal entrance to such building shall be on the street so selected.

LOT LINE, REAR: That boundary line which is opposite and most distant from the front lot line.

LOT LINE, SIDE: Any boundary line not a front line or a rear lot line.

LOT OF RECORD: A lot which is part of a legal subdivision of the City of Britt, Iowa, the plat of which has been recorded in the office of the County Recorder of Hancock County, Iowa, or a

lot or parcel of land, the deed or valid contract of sale which was recorded in the office of the County Recorder of Hancock County, Iowa, prior to the effective date of this Ordinance.

LOT, THROUGH: An interior lot having frontage on two parallel, or approximately parallel streets and also known as a double fronted lot.

LOT, WIDTH: The distance between the side lot lines. In the case of a lot of irregular shape, the mean width shall be the lot width.

LOT, ZONING: A single tract of land located within a single block which is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership. Therefore, a “zoning lot” may be comprised of one or more lots or record, provided they are contiguous, not separated by a street or alley, and are under single ownership.

MANUFACTURED OR MOBILE HOME: As defined by Section 435.1(1) of the Code of Iowa; Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include and such vehicle with motive power not registered as a motor vehicle. A mobile home shall not be considered a dwelling unless converted to real property as described in Section 435.26 of the Code of Iowa.

MANUFACTURED OR MOBILE HOME CONVERTED TO REAL ESTATE: An unencumbered mobile home which has been attached to a permanent foundation on real estate owned by the mobile home owner and entered on the tax roles of the county.

MANUFACTURED OR MOBILE HOME PARK: Any site, lot, field, or tract of land upon which two (2) or more occupied manufactured or mobile homes are parked and connected to utilities, either free of charge or for revenue purposes, and shall include any buildings, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.

MANUFACTURED OR MOBILE HOME SUBDIVISION: A subdivision designed according to the Britt Subdivision Regulations, and is designed only for the location of manufactured or mobile homes on lots owned by the manufactured or mobile home owner.

MINI STORAGE: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access. Typical uses include mini warehousing, also referred to as convenience storage or personal storage.

MODULAR HOME: A Modular Home as defined in Section 435.1(3) of the Code of Iowa is defined as a factory-built structure which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to the body or frame any wheels or axles.

MOTEL: A permanent building or group of buildings so arranged or designed primarily for temporary occupancy, so laid out as to provide space for parking vehicles used by the traveling public. Such building or group of buildings may include living quarters for the use of operating personnel.

NONCONFORMING USE: A lawful use of any land, building, or structure, other than a sign, that does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.

NURSING OR CONVALESCENT HOME: A building or structure having accommodations and where care is provided for invalid, infirmed, aged, convalescent, or physically disabled or injured persons in which three (3) or more persons not of the immediate family are received, kept and provided with food and shelter for compensation. This shall not include insane, mental cases, inebriate or contagious cases.

PARKING BAY: An access driveway or aisle and the parking spaces adjacent to said aisle.

PARKING LOT: A parcel of land devoted to unenclosed parking spaces.

PARKING FACILITY: An area on a lot or within a building, or both, including one or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, and meeting the requirements established by this Ordinance. The term "parking facility" shall include parking lots, garages, and parking structures.

PARKING SPACE: A surfaced area, enclosed or unenclosed, having space for parking and maneuvering a motor vehicle, and connected to a surfaced driveway or aisle which affords satisfactory ingress and egress for automobiles.

PATIO: A non-roofed, hard surfaced area projecting from the front, side or rear wall of a building which is less than twelve (12) inches in height above the ground.

PRINCIPAL USE: The main use of land or structures as distinguished from an accessory use.

PROFESSIONAL OFFICE: Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, medicine, engineering or other occupation customarily considered as a profession.

PUBLIC WAY: An open or unoccupied public space more than thirty feet (30') in width which is permanently reserved for the purpose of access to abutting property.

PORCH, OPEN: A roofed structure, open on two (2) or more sides, projecting from the front, side or rear wall of the building.

PUBLIC NOTICE: The publication of the time and place of any public hearing not less than four (4) days and not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the City.

RETAIL STORE: An enterprise offering for sale to the ultimate consumer for direct consumption and not for resale.

ROAD OR STREET LINE: The dividing line between a lot, tract or parcel of land and a contiguous road, street or alley.

ROADSIDE STAND: A temporary structure, unenclosed, and so designed and constructed so the structure is easily portable or can be readily moved, and which is adjacent to a road and used for a sale of farm products produced or grown on the premises.

SIGN: An identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, persons, institution or business; provided, however that the following shall not be included in the application of the regulations herein:

- A. Signs not exceeding one (1) square foot in area bearing only property numbers, post box numbers, names of occupants of the premises or other identification of premises or other identification of premises not having commercial connotations;
- B. Flags and insignia of any government except when displayed in connection with commercial promotion;
- C. Legal notices: identification, informational, or directional signs erected or required by government bodies;
- D. Integral decoration or architectural features of buildings, except letters, trademarks, moving parts, moving lights;
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SIGN AREA: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

SIGN TYPES:

- A) Address Sign: A sign communicating street address only, whether written or in numerical form.
- B) Animated Sign: Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation. However, public service information signs such as time, weather, date, temperature or similar electronic message signs shall be permitted.

- C) Billboard Sign: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
- D) Construction Sign: A temporary sign erected on the premises on which construction is actively taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project. One sign shall be permitted for each major street the project abuts.
- E) Joint Identification Sign: A free-standing sign which identifies a subdivision, a multiple residential complex consisting of three (3) or more structures, a shopping center consisting of three (3) or more separate business concerns, an industrial area, an office complex consisting of three (3) or more structures or any combination of the above.
- F) Campaign Sign: A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted upon at a governmental election.
- G) Directional Sign: A sign erected on public or private property which bears the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.
- H) Free-Standing Sign: Any immovable sign not affixed to a building.
- I) Governmental Sign: A sign which is erected by a governmental unit.
- J) Information Sign: Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.
- K) Non-conforming Sign: A sign which lawfully existed at the time of the passage of this Ordinance or amendments thereto but which does not conform to the regulation of this ordinance.
- L) Projecting Sign: A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.
- M) Real Estate Sign: A business sign placed upon a property advertising that particular property for sale, for lease or for rent.
- N) Roof Sign: A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the pint of a building with a flat roof, the eave line of a building with a gambrel, gable or hip

roof or the deck line of a building with a mansard roof.

- O) Sign: The use of any words, numerals, pictures, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, profession or business, and are visible to the general public.
- P) Sign Area: That area within the marginal lines of the surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building; that area which is included in the smallest connecting geometric figures which can be made to circumscribe the message, figure or symbol displayed thereon. Only changeable copy areas of marquee or canopies shall be considered in determining the total sign area.
- Q) Sign Structure: The supports, uprights, bracing and framework for a sign including the sign area.
- R) Temporary Sign: Any sign which is erected or displayed for a specified period of time. The temporary use of portable or moveable signs, search lights, banners, pennants, and similar devices shall be allowed in excess of and in addition to the sign limitations of this Article for continuous periods of ten (10) consecutive days. No business proprietor shall be allowed more than three such periods in any calendar year.
- S) Wall Sign: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches for such building or structure.

SITE PLAN: A plan, prepared to scale, showing accurately and with complete dimensions, all of the buildings, structures and uses, and principal site development features including parking, access, and landscaping and screening, proposed for a specific parcel of land.

STABLE: Detached accessory structure including, but not limited to a corral or paddock for the keeping of one (1) or more hoofed animals owned or controlled by the occupants of the premises and which are kept for pets, board, propagation, sale or lease.

STREET, LINE: The right of way line of a street, road or highway.

STREET, PUBLIC: A public thoroughfare more than twenty-four feet (24') in width.

STREET, WALL: The wall of the building nearest the street under consideration.

STRUCTURAL ALTERATION: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary.

**STRUCTURE:** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, decks, poster panels, and carports. Attached uncovered steps and planters are not considered a structure.

**STRUCTURE, ACCESSORY:** A subordinate structure customarily incidental to the main structure or building and located on the same lot therewith, e.g., satellite dishes, radio and television towers, masts and aerials, swimming pools, solar energy collectors, etc.

**TEA HOUSE:** A public house or restaurant where tea, light refreshments, and limited menu meals are served, generally during midday.

**TOWNHOUSE:** A dwelling unit having a common wall with or abutting one or more adjoining dwelling units in a townhouse group.

**TRAILER CAMP OR TOURIST GROUND:** Any area providing spaces for two (2) or more travel trailers, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public.

**USE:** The conduct of an activity, or the performance of a function or operation, on a site or in a structure.

1. **Accessory Use:** A use or activity which is incidental to and customarily associated with a specific principal use on the same site.
2. **Principal Use:** A use which is a primary function of a lot or structure.
3. **Permitted Use:** Any use defined by the individual district and listed by the regulations for any particular district as a permitted use within that zone, and permitted therein as a matter of right when conducted in accordance with the regulations established by this Ordinance.
4. **Conditional Use:** Any use defined by the individual district and listed by the regulations for any particular district as a conditional use within that district and allowable therein, solely on a discretionary and conditional basis subject to a Conditional Use Permit, and to all other regulations established by this Ordinance.

**UTILITY, PUBLIC:** A utility owned and operated by the City of Britt, Iowa.

**VALUATION:** The one hundred percent (100%) valuation of a building or structure, as determined by the Hancock County Assessor.

**VARIANCE:** A variance is a relaxation of the terms of the zoning Ordinance where such variance will not be contrary to the public interest and where owing to conditions peculiar to the

property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area and size of structure, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in adjoining zoning districts.

YARD: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from twenty-four (24) inches above the general ground level of the graded lot upward. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used. A yard shall be measured exclusive of any public right-of-way.

YARD, FRONT: A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps and eaves.

YARD, REAR: A yard extending across the full width of the lot and measured between the rear lot line and the structure or any projections other than uncovered steps, balconies or eaves. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.

YARD, SIDE: A yard extending from the front yard to the rear yard and measured between the side lot lines and nearest building.

ZONING ADMINISTRATIVE OFFICER: The individual(s) appointed by the City Council of Britt, Iowa to administer and enforce the provisions of this Ordinance.

ZONING COMPLIANCE PERMIT OR ZONING PERMIT: A permit issued by the Zoning Administrative Officer, authorizing the use of land in the manner and for the purpose specified in the application.

Section 2. USE CLASSIFICATIONS. The purpose of the Use Classifications shall be to provide a consistent set of terms encompassing and defining uses permitted or specifically permitted in the various districts, and to provide a procedure for determination of the applicable use classification of any activity not clearly within any defined use classification.

In the event of any question as to the appropriate use classification of any existing or proposed use or activity, the Zoning Administrator shall have the authorization to determine the appropriate classification, subject to the right of appeal pursuant to Article 20. In making such determination, the Zoning Administrator shall consider the characteristics of the particular use in question, and shall consider any functional, product, service, or physical facility requirements common with or similar to uses cited as examples of use classifications.

A. GENERAL DESCRIPTION OF RESIDENTIAL USE TYPES: Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis but exclude institutional living arrangements involving those providing twenty-four (24) hour skilled nursing or medical care and those providing forced residence, such as asylums and prisons.

1. Single Family Residential: The use of a site for only one dwelling unit.
2. Duplex Residential: The use of a site for two (2) dwelling units within a single building.
3. Two Family Residential: The use of a site for two (2) dwelling units, each in a separate building.
4. Townhouse Residential: The use of a site for three (3) or more townhouse dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site, together with common area serving all dwelling units.
5. Condominium Residential: The use of a site for three (3) or more dwelling units intended for separate ownership, together with common area serving all dwelling units.
6. Multiple Family Residential: The use of a site for three (3) or more dwelling units, within one or more buildings.
7. Mobile Home Residential: The residential occupancy of mobile homes by families on a weekly or longer basis. Uses only include mobile home parks or mobile home subdivisions.

B. GENERAL DESCRIPTION OF COMMERCIAL USE TYPES: Commercial use types include the sale, rental, service, and distribution of goods; and the provision of services other than those classified as Industrial or Civic uses.

1. Administrative and Business Offices: Office of private firms or organizations which are primarily used for the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.
2. Agricultural Sales and Services: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries; hay, feed or grain stores, and tree service firms.

3. Agricultural Animal Husbandry (Limited): The raising of cattle, swine, poultry, horses, sheep, goats or similar farm animals for reproductive stock or for slaughter. Such uses shall be conducted completely within enclosed structures.
4. Agricultural Animal Husbandry (General): The raising of cattle, swine, poultry, horses, goats or similar farm animals for reproductive stock or for slaughter.
5. Automotive and Equipment Services: Establishments or places of business primarily engaged in automotive-related or equipment sales or services. The following are automotive and equipment use types:
  - A. Automotive Washing: Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes.
  - B. Service Station: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.
  - C. Commercial Off-Street Parking: Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.
  - D. Automotive Rentals: Rental of automobiles, noncommercial trucks, trailers, and recreational vehicles, including incidental parking and servicing of vehicles available for rent or lease. Typical uses include auto rental agencies, trailer rental agencies and taxi parking and dispatching.
  - E. Automotive Sales: Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new or used car dealerships, motorcycle dealerships, and; boat, trailer and recreational vehicle dealerships.
  - F. Equipment Sales: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile homes sales establishments.
  - G. Automotive Repair Services: Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include new and used car dealerships, motorcycle dealerships; and boat, trailer and recreational vehicle dealerships.
  - H. Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck

repair garages, tractor and farm implement repair services, and machine shops, but excluding dismantling or salvage.

- I. Vehicle Storage: Long term storage of operational or non-operational vehicles. Typical uses include storage of private parking tow-aways or impound yards, but exclude dismantling or salvage.
6. Building Maintenance Services: Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.
7. Business Support Services: Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but exclude automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.
8. Commercial Recreation: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types.
  - A. Indoor Sports and Recreation: Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, and penny arcades.
  - B. Outdoor Sports and Recreation: Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and racquetball courts.
  - C. Indoor Entertainment: Predominately spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls and dance halls.
  - D. Outdoor Entertainment: Predominately spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities, and amusement parks.
9. Communication Services: Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Major Utility Facilities. Typical uses include television studios, telecommunication service centers or telegraph service offices.
10. Construction Sales and Services: Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale, from the premises, of materials used in the construction of

buildings or other structures other than retail sales of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Service use types. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.

11. Consumer Repair Services: Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding Automotive and Equipment use types. Typical uses include appliance repair shops, watch or jewelry repair, or musical instrument repair firms.
12. Convenience Storage: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini warehousing.
13. Convenience Store: An establishment engaged in the retail sale of food and household products, including gasoline. However, the repair, storage or servicing of vehicles shall be prohibited.
14. Crop Production: The growing of the usual farm crops for animal feed or for sale for the manufacturing of food products. Typical uses include corn, soybean or wheat fields.
15. Financial Services: Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities, and similar services.
16. Food Sales: Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
17. Funeral Services: Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
18. General Retail Sales: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this section inclusive. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products, drugs, cards, and stationary, notions, books, tobacco products, cosmetics, and specialty items; flowers, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories (excluding service and installation).

19. Kennels: Boarding and care services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, or dog training centers.
20. Laundry Services: Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as Personal Services. Typical use types include bulk laundry and cleaning plants, diaper services, or linen supply services.
21. Liquor Sales: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales for off-site consumption.
22. Medical Offices: A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans, licensed for such practice by the State of Iowa.
23. Personal Improvement Services: Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a non-professional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
24. Personal Services: Establishments primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, shoe repair shops, and self-service laundry or apparel cleaning services.
25. Pet Services: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons, or pet grooming shops.
26. Professional Office: A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions.
27. Research Services: Establishments primarily engaged in research of an industrial or scientific nature but excludes product testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.
28. Restaurant (Convenience): A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on premise consumption. Typical uses include soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.
29. Restaurant (General): A use engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than 50 percent of the gross income. A general restaurant may include live entertainment. Typical uses include restaurants, coffee shops, dinner houses and similar establishments with incidental alcoholic beverage service.

30. Riding Academy: A use engaged in the provision of equestrian riding, lessons or for the quartering of horses. Typical uses include saddle clubs, riding stables or liveryes.
31. Tavern: A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including bars, and similar uses.
32. Veterinary Services: Veterinary services for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals.
33. Visitor Habitation: Establishments primarily engaged in the provision of lodging services on a less-than-weekly basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:
  - A. Campground: Campground facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.
  - B. Hotel/Motel: Lodging services involving the provision of room and/or board offered for occupancy to the general public. Typical uses include hotels, motels or transient boarding houses.
  - C. Bed & Breakfast Home/Inn: A structure containing a single dwelling unit which provides sleeping rooms for rent to the general public. The only meal to be provided to guests is breakfast, and it shall only be served to those taking lodging in the facility.
  - D. Cottage/Resort Enterprise: Any group of buildings containing guest rooms offered for rent primarily for temporary occupancy. Such buildings may include quarters for the boarding of employees.
  - E. Commercial Cottage: A single dwelling unit rented to the general public for periods not exceeding one calendar month.

C. GENERAL DESCRIPTION OF INDUSTRIAL USE TYPES: Industrial use types include the on-site extraction or production of goods by non-agricultural methods, and storage and distribution of products.

1. Basic Industry: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.

2. Custom Manufacturing: Establishments primarily engaged in the on-site production of goods by hand manufacturing which involve only the use of hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle making shops or jewelry.
3. Light Manufacturing: A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
4. Resource Extraction: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
5. Scrap & Salvage Services: Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards or paper salvage yards.
6. Stockyards: Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales and auction yards.
7. Warehousing and Distribution: Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage and distribution types:
  - A. Limited Warehousing and Distribution: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses or moving and storage firms.
  - B. General Warehousing and Distribution: Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, grain elevators or open storage yards.
- D. GENERAL DESCRIPTION OF CIVIC USE TYPES: Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance.
1. Administrative Services: Offices, administrative, clerical or public contact services that deal directly with the citizens, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county or municipal offices.

2. Club or Lodge: A use providing meeting, recreational, or social facilities for a private or non-profit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.
3. Community Recreation: A recreational facility for use by residents and guests of a particular residential development, planned unit development or limited residential neighborhood, including both indoor and outdoor facilities.
4. Convalescent Services: A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services, and excluding a facility providing care of alcoholism, drug addiction, mental disease, or communicable disease.
5. Cultural Services: A library, museum, art gallery, or similar non-profit use affording display, preservation and exhibition of objects of permanent interest in one or more of the arts and sciences.
6. Day Care Services (Limited): A facility, or use of a building or portion thereof, for the care of six (6) or fewer individuals. This term includes nursery schools, pre-schools, day care centers for children or adults, and similar uses.
7. Day Care Services (General): A facility, or use of a dwelling unit or portion thereof, for the care of seven (7) or more individuals. This term includes nursery schools, pre-schools, day care centers for children or adults, and similar uses.
8. Game Refuge: A use of land providing natural habitat for animals and plant species. Typical uses include prairies, marshes, woodlands and wetlands.
9. Local Utility Services: Services which are necessary to support principal development and involve only minor structures such as lines, poles, transformers, control devices and junction boxes which are necessary to support principal development.
10. Maintenance and Service Facilities: A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage, and similar activities, including corporation yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.
11. Major Utility Facilities: Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants, and similar facilities of public agencies or public utility firms having potentially significant impact upon surrounding uses.
12. Park and Recreation Services: Publicly owned and operated parks, playgrounds, recreation areas or open spaces.

13. Postal Facilities: Postal services, including post offices, bulk mail processing or sorting centers, operated by the United States Postal Service.
14. Primary Educational Facilities: A public, private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools in the State of Iowa.
15. Public Assembly: Publicly owned and operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.
16. Railroad Facilities: Railroad yards, equipment servicing facilities, and terminal facilities.
17. Religious Assembly: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, but excluding primary or secondary educational facilities.
18. Residential Care Services: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including over-night occupancy or care for extended periods of time.
19. Safety Services: Facilities for conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
20. Secondary Educational Facilities: A public, private, or parochial school offering instruction at the junior / middle school and senior high school levels in the branches of learning and study required to be taught in the public schools of the State of Iowa.

**ARTICLE 4  
DISTRICTS**

Section 1. DISTRICTS. For the purpose and intent of this Ordinance, the City of Britt, Iowa, is hereby divided into zoning district classifications as follows:

- "A-1" Agricultural District
- "R-1" Single Family Residential District
- "R-3" Multi-Family Residential District
- "R-4" Mobile Home District
- "CB" Central Business District
- "GC" General Commercial
- "PUD" Planned Unit Development
- "I-1" Industrial District

Section 2. BOUNDARIES AND OFFICIAL MAP. The boundaries of these districts are indicated and established as shown upon maps designated as the Official Zoning Map of Britt, Iowa, which, with all their notations, designations, references, and other matters shown thereon, shall be as much a part of this Ordinance as if fully described and set forth herein. The Official Zoning Maps shall be identified by the Mayor and attested by the City Clerk under the following words:

"This is to certify that this is the Official Zoning Map referred to in Article 4 of the Britt Zoning Ordinance adopted on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_."

Amendments, supplements, or changes of the boundaries of districts as shown on the Official Zoning Map shall be made by an Ordinance amending Ordinance No. \_\_\_\_\_. 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 exists 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 by attached to the Official Zoning Map. Such amendatory Ordinance shall, however, not repeal or reenact said map, but only amend it. The Official Zoning Map, together with amending Ordinances, shall be the final authority as to current zoning status of land and water areas, buildings, and other structures in the City.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Ordinance or any subsequent amendment thereof.

Section 3. INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 3.1 Boundaries indicated as approximately following the center lines of streets, highways, alleys or other public right-of-ways shall be construed to follow such center lines;
- 3.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 3.3 Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;
- 3.4 Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- 3.5 Boundaries indicated as parallel to or extensions of features indicated in subsections 3.1 - 3.5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- 3.6 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 3.1 - 3.5 above, the Planning and Zoning Commission shall interpret the district boundaries.

Section 4. ROAD OR PUBLIC WAY VACATION. Whenever any road, street, or other public way is vacated by the official action of the City Council, the Zoning District(s) adjoining each side of such road or public way shall automatically extend to the center of such vacation and all area included in such vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

Section 5. ANNEXED TERRITORY. All territory which may hereafter be annexed to the City of Britt shall be in the (A-1) Agricultural District; unless otherwise recommended to the City Council by the Planning and Zoning Commission to be annexed as an appropriate zone for the existing land use on the property to be annexed.

Section 6. GENERAL REGULATIONS.

Except as herein provided:

- 6.1 No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by this Ordinance for the district in which the building or land is located.
- 6.2 No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum required by this Ordinance. No part of a yard or other open space, or off street parking or loading space provided about any building, structure, or use for the purpose of complying with the provisions of this Ordinance, shall be included as part of a yard, open space, or off street parking or loading space required under this Ordinance for another building, structure, or use.
- 6.3 Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this Ordinance.
- 6.4 No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off street parking and loading regulations of this Ordinance.
- 6.5 No yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building.
- 6.6 Minimum Requirements for Residential Structures in the City of Britt:
  - 6.6-1 All structures intended for residential occupancy placed, erected, assembled, or constructed in the City after the effective date of this Ordinance shall meet and comply with the minimum requirements set out below.
  - 6.6-2 Structure size: Each such structure shall have a "main body" with a minimum exterior dimension of at least twenty two feet (22') measured from the outside of the exterior walls.
  - 6.6-3 Minimum Floor Area: Each structure should have a minimum floor area of not less than eight hundred (800) square feet. (In order to comply with the provisions of the foregoing section, the minimum exterior dimensions of a residential structure shall not be less than 22 feet by 36.5 feet. A structure may include porches, sun rooms, garages, and "wings" of lesser dimensions and area, so long as the "main body" meets the minimum requirements.)
  - 6.6-4 Foundation: All residential structures shall have a continuous and complete frost protected perimeter foundation, except that a perimeter foundation shall not be required for a manufactured home if a perimeter foundation is incompatible with

the structural design of the manufactured home. For such a manufactured home, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site.

Foundation materials may be masonry, poured concrete, wood, or metal and must be extended below the normal frost line. The structure must be permanently attached to the foundation.

6.6-5 Exterior wall and Roof Material:

- A) Exterior wall covering shall be wood or masonry finish, vertical or horizontal grooved siding or lap siding, or the appearance thereof.
- B) Roofing materials shall be shingles (asphalt, fiberglass, or wood), slate, ceramic, concrete, or metal of a type customarily used for residential roofing material, such as "standing seam" or embossed or textured metal.
- C) Smooth, unfinished or corrugated metal or fiberglass shall not be used for exterior wall or roof covering.
- D) Soffits, eaves, window, and door trim, roofs and coverings over bay and bow windows and doors may be smooth finished metal, vinyl, or wood or unfinished metal, such as copper, customarily used for residential structure trim.

6.6-6 Ceiling Height: A minimum finished interior ceiling height of not less than seven and one-half feet (7½') is required

6.6-7 Entrance and Exit Doors: Not less than two (2) functional entrance and exit doors shall be provided.

6.6-8 Home occupations shall be limited as follows:

- A) Such uses shall be limited to those customarily carried on in a dwelling unit, and;
- B) Shall only be carried on by a member of the family residing in the dwelling unit, and;
- C) Shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes, and;
- D) Shall not employ more than one (1) person outside the immediate family, and;

- E) Shall have no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building, other than one (1) exterior sign, mounted flush with the exterior of the building, which sign shall not exceed 2 foot by 2 foot (2' x 2') in area, and shall not have flashing lights, and;
- F) Shall occupy not more than one floor of the dwelling unit and occupy no more than thirty (30) percent of the area of that floor of the dwelling unit, and;
- G) Shall produce no offensive noise, vibration, smoke, dust, odors, heat or glare rendering such building premises objectionable or detrimental to the residential character of the neighborhood, and;
- H) Shall not generate traffic in significantly greater volumes than would normally be expected in a residential area.

**ARTICLE 5**  
**AGRICULTURAL (A-1) DISTRICT**

Section 1. INTENT. The intent of the Agricultural District is to preserve land best suited for agriculture (especially prime agricultural soils) from the encroachment of incompatible uses and to preserve in agricultural use land suited to eventual development in other uses until such time as streets, utilities and other community facilities may be provided or programmed as to ensure the orderly and beneficial conversion of these lands to nonagricultural use.

Section 2. PRINCIPAL PERMITTED USES. Only the following uses and structures shall be permitted in the (A-1) District:

- 2.1 Agriculture, excluding the raising or keeping of any number of horses, swine, sheep, goats, fowl or similar animals;
- 2.2 Single family detached dwellings;
- 2.3 Publicly owned and operated buildings and facilities including substations, transfer stations, treatment facilities, pumping stations, and storage facilities.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1 Accessory uses and structures normally incidental and subordinate to the permitted uses and structures permitted as exceptions;
- 3.2 Home occupations;
- 3.3 Roadside stands for the sale of agricultural produce grown on the premises;
- 3.4 Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;
- 3.5 Essential Services.

Section 4. CONDITIONAL USES AND STRUCTURES. The following uses may be permitted in the Agricultural District (A-1) subject to approval by the Board of Adjustment as provided for in Article 16 and 18 of this Ordinance.

- 4.1 Churches, chapels, temples, and similar places or worship.
- 4.2 Private educational institutions having a curriculum comparable to that of the public school;

- 4.3 Private parks, playgrounds, recreation areas, camping grounds, golf courses, country clubs, golf driving ranges, archery ranges and swimming pools;
- 4.4 Private airport and landing fields;
- 4.5 Agriculture, and agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis including corn shelling, hay baling, horticultural services such as plant nurseries, landscape gardening, landscape contracting, farm equipment service and repair, veterinary services, commercial auction yards and barns; bulk storage or petroleum products for distribution or direct sales to agricultural consumers;
- 4.6 Salvage yards;
- 4.7 Sand and gravel extraction and processing sites;
- 4.8 Substations, transfer stations, gravel plants, asphalt or concrete batch plants, and sanitary landfills conducted in a manner and method approved by the State Health Department;
- 4.9 Radio and television broadcasting studios and transmitting structures;
- 4.10 Stables and kennels;

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 13.

- 5.1 Lot Area: 5 Acres.
- 5.2 Lot Width: 300 feet
- 5.3 Front Yard Setback: 50 feet
- 5.4 Side Yard Setback: 25 feet
- 5.5 Rear Yard Setback: 50 feet
- 5.6 Maximum Building Height: No limitation; provided; however, that no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of any public airport.

Section 6. Zoning Permits Required. Zoning permits shall be required in accordance with the provisions of Article 18 of this Ordinance.



**ARTICLE 6**  
**SINGLE FAMILY RESIDENTIAL (R-1) DISTRICT**

Section 1. INTENT. The intent of the Single Family Residential District is to provide for low to medium density residential development with a limited number of institutional and recreational facilities permitted.

Section 2. PRINCIPAL PERMITTED USES. Only the following principal uses and structures shall be permitted in the (R-1) District:

- 2.1 Single family dwellings;
- 2.2 Churches, chapels, temples and similar places of worship;
- 2.3 Schools and colleges;
- 2.4 Publicly owned and operated buildings and facilities, excluding substations, transfer stations, treatment facilities, pumping stations, storage facilities and regular stations.
- 2.5 Publicly owned park, playgrounds or other public recreational uses.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted in the R-1 District:

- 3.1 One (1) private garage or carport, provided, however, that such structures shall be required to comply with the exterior wall and roof material requirements contained in Article 4, Section 6.6-5;
- 3.2 Private swimming pools and tennis courts;
- 3.3 Private green houses not operated for commercial purposes;
- 3.4 Essential services;
- 3.5 Home occupations;
- 3.6 Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work. Such buildings shall not be required to comply with the requirements contained in Article 4, Section 6.6-5;
- 3.7 Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions.

- 3.7-1 Utility or garden sheds for wholly residential uses shall be no larger than twelve feet by sixteen feet (12' x 16') with a door no larger than eight feet by seven feet (8' x 7').
  - 3.7-2 No more than one accessory structure will be permitted for each principal structure regardless of the size of the accessory structure.
  - 3.7-3 Setback requirements for utility and garden sheds shall be three feet (3') side setback and three feet (3') rear setback.
  - 3.7-4 Maximum height of accessory structures and uses in residential properties shall not exceed fifteen feet (15') in height.
- 3.8 Parking within the front yard of a residential property may be temporarily allowed for a travel trailer, camping trailer, a pick-up truck coach, auto camper or motorized home belonging to a guest of the property owner. A vehicle may park and occupy for temporary lodging on the same lot but not more than seven (7) days in a calendar quarter, only upon obtaining a special temporary permit from the chief of police or his/her designee.

Section 4. CONDITIONAL USES AND STRUCTURES. The following uses and structures may be permitted in the (R-1) District subject to provisions of Article 16 and 18 of this Ordinance and with the approval of the Board of Adjustment:

- 4.1 Two family dwellings (duplexes);
- 4.2 Hospitals, sanitariums, rest homes, nursing homes and convalescent homes;
- 4.3 Boarding or lodging houses;
- 4.4 Private clubs or fraternities;
- 4.5 Substations, transfer stations, treatment facilities, pumping stations, storage facilities, and regular stations, owned by a municipality or utility or utility company;
- 4.6 Additional private garages or carports.
- 4.7 Bed and Breakfast Home.
- 4.8 Tea House.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modification contained in Article 13.

- 5.1 Lot Area: The minimum lot area shall be:  
Single family dwelling - seven thousand five hundred (7,500) square feet  
Two family dwelling - eight thousand (8,000) square feet  
Other uses - eight thousand (8,000) square feet.
- 5.2 Lot Width: The minimum lot width shall be sixty-six (66) feet;
- 5.3 Front Yard: The minimum front yard shall be twenty-five (25) feet;
- 5.4 Side Yard: The minimum side yard shall be five (5) feet;
- 5.4a Corner Side Yard: There shall be provided a side yard of not less than 15 feet in every instance where the side property line is adjacent to a public street.
- 5.5 Rear Yard: The minimum rear yard shall be twenty-five (25) feet;
- 5.6 Maximum Height: No building shall exceed a height of thirty-five (35) feet, unless otherwise provided.

Section 6. ZONING PERMITS REQUIRED. Zoning permits shall be required in accordance with the provisions of Article 18 of this Ordinance.

**ARTICLE 7**  
**MULTI-FAMILY RESIDENTIAL DISTRICT (R-3)**

Section 1. INTENT. The intent of the Multi-Family Residential District is to provide for living areas within the City for development of multiple family dwellings and single family dwellings which are compatible in character and density with the multiple family residential environment.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (R-3) District:

- 2.1 Single family dwellings;
- 2.2 Two family dwellings (duplexes);
- 2.3 Multi-family dwellings;
- 2.4 Publicly owned and operated buildings and facilities, excluding substations, transfer stations, treatment facilities, pumping stations, storage facilities and regular stations.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1 One (1) private garage or carport, provided, however, that such structures shall be required to comply with the exterior wall and roof material requirements contained in Article 4, Section 6.6-5;
- 3.2 Private swimming pools and tennis courts;
- 3.3 Private greenhouses not operated for commercial purposes;
- 3.4 Essential services;
- 3.5 Home occupations;
- 3.6 Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;
- 3.7 Accessory uses and structures normally incidental and subordinate to the permitted uses and structures permitted as exceptions.
  - 3.7-1 Utility or garden sheds for wholly residential uses shall be no larger than one hundred twenty (120) square feet. Setback requirements for residential shed and storage units is three feet (3') side setback and three feet (3') rear setback.

3.7-2 Maximum height of accessory structures and uses in residential properties shall not exceed fifteen feet (15') in height.

3.8 Parking within the front yard of a residential property may be temporarily allowed for a travel trailer, camping trailer, a pick-up truck coach, auto camper or motorized home belonging to a guest of the property owner. A vehicle may park and occupy for temporary lodging on the same lot but not more than seven (7) days in a calendar quarter, only upon obtaining a special temporary permit;

Section 4. CONDITIONAL USES AND STRUCTURES. The following uses and structures may be permitted in the (R-3) District subject to provisions of Articles 16 and 18 of this Ordinance and with the approval of the Board of Adjustment:

4.1 Medical or dental clinics.

4.2 Mortuaries or funeral parlors.

4.3 Substations, transfer stations, treatment facilities, pumping stations, storage facilities and regulator stations, owned by a municipality or utility company.

4.4 Additional private garages or carports.

4.5 Private parking lot.

4.6 Bed and Breakfast Inn.

4.7 Boarding or lodging houses.

4.8 Hospitals, sanitariums, rest homes or nursing homes.

4.9 Private clubs or fraternities whose chief activity is not carried on as a business.

4.10 Churches, chapels, temples and similar places of worship.

4.11 Schools and colleges.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 13.

5.1 Lot Area: The minimum lot area shall be:  
Single family dwelling - seven thousand five hundred (7,500) square feet

Two family dwelling - eight thousand (8,000) square feet  
Multi-family dwelling - one thousand (1,000) square feet per dwelling unit, but not in any case less than a total of eight thousand (8,000) square feet

- 5.2 Lot Width: The minimum lot width shall be feet; sixty-six (66);
- 5.3 Front Yard: The minimum front yard setback shall be twenty-five (25) feet;
- 5.4 Side Yard: The minimum side yard setback shall be five (5) feet.
  - 5.4a Corner Side Yard: There shall be provided a side yard of not less than 15 feet in every instance where the side property line is adjacent to a public street.
- 5.5 Rear Yard: The minimum rear yard setback shall be twenty-five (25) feet;
- 5.6 Maximum Height: No building shall exceed a height of thirty-five (35) feet unless otherwise provided.

Section 6. ZONING PERMITS REQUIRED. Zoning permits shall be required in accordance with the provisions of Article 18 of this Ordinance.

**ARTICLE 8**  
**MOBILE HOME DISTRICT (R-4)**

Section 1. INTENT. The Mobile Home District (R-4) shall provide for mobile home subdivisions in areas of the community where such use is compatible with existing and future development. This district shall be well served by arterial streets to provide adequate access and planned development that is compatible with the character of neighboring land uses.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (R-4) District.

- 2.1 Mobile homes located within planned mobile home subdivisions; and with the provisions of this section, regulations of the Hancock County Board of Health, applicable State Statutes, and Britt standards;
- 2.2 Publicly owned and operated buildings and facilities, excluding substations, transfer stations, treatment facilities, pumping stations, storage facilities and regular stations.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1 Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
  - 3.1-1 Accessory structures and uses may include but not limited to: utility and garden sheds, storage units, detached garage(s), decks, porches, gazebos, swimming pools, kennels, satellite receiver dishes, wood piles, compost piles, and gardens.
  - 3.1-2 Utility or garden sheds for wholly residential uses shall be no larger than one hundred twenty (120) square feet. Setback requirements for residential shed and storage units is three feet (3') side setback and three feet (3') rear setback.
  - 3.1-3 Maximum height of accessory structures and uses in residential properties shall not exceed fifteen feet (15') in height.
- 3.2 Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;
- 3.3 Home occupations;
- 3.4 Essential services;

- 3.5 Sale of mobile homes for use on the premises only, provided that such mobile homes are suited and connected to all utilities.

Section 4. CONDITIONAL USES AND STRUCTURES. The following uses may be permitted in the Mobile Home District (R-4) subject to approval by the Board of Adjustment as provided in Article 16 of this Ordinance.

- 4.1 Substations, transfer station, treatment facilities, pumping stations, storage facilities, and regulator stations, owned by a municipality or utility company.
- 4.2 Churches, chapels, temples and similar places of worship.

Section 5. SPECIAL REQUIREMENTS. Mobile homes within the R-4 District shall be subject to the following special requirements;

- 5.1 In all mobile home parks, except as provided in this Ordinance there shall be one (1) or more recreation areas which shall be safe and easily accessible to all residents. The size of such recreation areas shall be based upon a minimum of two hundred fifty (250) square feet for each lot. No outdoor recreation area shall contain less than one thousand (1,000) square feet.
- 5.2 Each mobile home shall be served with water and sanitary sewer utilities, service facilities for bathing, laundry, etc. as required by state and local health regulations, and current city standards;
- 5.3 Exceptions:
- A) A travel trailer, camping trailer, a pick-up truck coach, auto camper or motorized home belonging to a guest of the property owner may park and occupy for temporary lodging on the same lot but not more than seven (7) days in a calendar quarter, only upon obtaining a special temporary permit;
  - B) A trailer or mobile home may be used as a temporary office incidental to the construction of a building development for duration of the construction provided the trailer is located on the same lot as the construction project.

Section 6. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 13:

- 6.1 Minimum lot area for mobile home park:
- A) Lot Area: The minimum lot area shall be five (5) acres;

- B) Lot Width: The minimum lot width shall be three-hundred (300) feet;
- C) Front Yard: The minimum front yard shall be thirty-five (35) feet;
- D) Side Yard: The minimum side yard shall be thirty (30) feet;
- E) Rear Yard: The minimum rear yard shall be thirty (30) feet;
- F) Maximum Height: The maximum height shall be thirty-five (35) feet unless otherwise provided.

6.2 Individual trailer lot requirements:

- A) Lot Area: The minimum lot area shall be four-thousand (4,000) square feet, or a maximum of six (6) mobile home units per gross acre, whichever is greater;
- B) Lot Width: The minimum lot width shall be thirty-five (35) feet;
- C) Front Yard: The minimum front yard shall be twenty-five (25) feet;
- D) Side Yard: The minimum side yard setback shall be five (5) feet;
- E) Rear Yard: The minimum rear yard setback shall be five (5) feet;
- F) Maximum Height: The maximum height shall be thirty-five (35) feet.

Section 7. GENERAL PROVISIONS. All mobile home parks shall be located within the Mobile Home (R-4) District subject to the following requirements.

- A) No mobile home shall be connected to water, sewer, or electrical services unless the mobile home complies with the standards and requirements of the National Fire Protection Association, the City of Britt, and state and local Departments of Health. Compliance with these standards shall be determined by the administrative officer.
- B) No mobile home shall be located in any Mobile Home Park, until a Mobile Home Park Development Plan is officially approved by the Planning and Zoning Commission and the required licensing provisions of the Code of Iowa are complied with.

1. The owner or owners of any tract of land comprising an area of not less than five (5) acres may submit to the Planning and Zoning Commission a plan for the use and development of all such tracts of land for Mobile Home purposes.
  2. In acting upon and approving mobile home parks, the Planning and Zoning Commission shall consider the location, size, height, spacing, use of any mobile homes and their appurtenances, access and circulation for vehicles and pedestrians, streets, parking areas, yards and open spaces and the relationship to adjacent property. The Planning and Zoning Commission shall not recommend a mobile home park development plan unless such plan conforms to all applicable provisions provided in this Ordinance, and any state, federal, or local city policy.
- C) If said mobile home park development plan contains no dedication to the City streets or utilities, or should it be contemplated that the facilities of the City shall not be used for maintenance of streets, sidewalks, and water and sewer lines, garbage collection, or other related functions, then the owner shall be required to record with the Mobile Home Park Plan a covenant, as follows:
- “That (Name of owner), being the owner or owners of the real estate contained in the above attached mobile home park development plan, hereby consent that if they or their assignees, heirs, or those holding or owning said land through owners, fail to maintain the streets, sidewalks, water or sewer mains according to and in compliance with the minimum standards for the maintenance of streets, sidewalks, water or sewer mains as established by the City of Britt, Iowa, that after twenty-four (24) hours notice in writing to the owner of said land as shown upon the records of the County Auditor’s office of Hancock County, Iowa, and at the address therein shown, then said owner, assignees, heirs, and those holding or owning through said owners, hereby authorize the City of Britt, Iowa to make all necessary repairs and perform all necessary maintenance, and further authorize the City of Britt, Iowa, to file a mechanic’s lien other lien or encumbrance against said real estate, and enforce said lien pursuant to laws then applicable.”
- D) Exposed ground surfaces in all parts of every mobile home park shall be paved, covered with stone screening, or other solid material, or protected with a vegetative growth or other material capable of preventing soil erosion and objectionable dust.
- E) Adequate provisions shall be made to handle all surface and storm drainage water as determined by the City Engineer.

- F) The limits of each mobile home lot shall be clearly marked on the ground by permanent steel or iron rods driven into the ground with the top of said rods flush with the finish lot grade. Location of lot limits in the ground shall be approximately the same as shown on the approved plans. The degree of accuracy obtainable by working with a scale on the plan and then a tape on the ground is acceptable. Precise engineering of lot limits is not required either on the plans or on the ground. This is not to be construed as permitting lots of a lesser size than the required minimum, or permitting lesser yard or separation dimensions than set forth elsewhere in this Ordinance.
- G) No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for services, well-being of park residents, and for the management and maintenance of the park. Nothing contained in this section shall be deemed to prohibit the sale by an owner of a mobile home located on a mobile home stand connected to the pertinent utilities. Any sale of mobile homes in place on the mobile home stand shall in no way relieve any parties involved from complying with all regulations of this Ordinance.
- H) In all mobile home parks there shall be one or more recreation area which shall be safe and easily accessible to all park residents. The size of such recreation areas shall be based upon a minimum of two hundred fifty (250) square feet for each lot. No outdoor recreation area shall contain less than one thousand (1,000) square feet. The required recreational area shall be computed in addition to any other common space required by this Ordinance.
- I) All mobile home parks shall conform to the above requirements in addition to all current City specifications and standards.
- J) Minimum Lot Area for Mobile Home Park: Refer to Article 8/Mobile Home District.
- K) Individual Trailer Lot Requirements: Refer to bulk regulations in this Article.
- L) Minimum Design Criteria:
  1. Roads and streets shall be at least twenty-five (25) feet wide;
  2. All streets shall be hard surfaced, of which may contain concrete, asphalt, or crushed rock;
  3. The minimum space between trailers shall be fifteen (15) feet;

Section 8. ZONING PERMITS REQUIRED. Zoning permits shall be required in accordance with the provisions of Article 18 of this Ordinance.

**ARTICLE 9  
CENTRAL BUSINESS DISTRICT (CB)**

Section 1. INTENT. The intent of the Central Business District is to provide for a commercial area to serve the general shopping needs of the trade area and to permit uses which will strengthen the central business area as the center of trade, service, governmental and cultural activities.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (CB) District:

- |      |   |      |   |
|------|---|------|---|
| 2.1  | Antique shops;  | 2.29 | Hardware store;   |
| 2.2  | Art shops;  | 2.30 | Heating-air conditioning supplies,  |
| 2.3  | Automobile service station;                                 | 2.31 | Hotel;  |
| 2.4  | Bakery, retail;   | 2.32 | Hospital, clinics, and infirmaries;   |
| 2.5  | Bank, including drive-in establishments, savings and loans; | 2.33 | Jewelry store;  |
| 2.6  | Barber shop, beauty parlor;                                 | 2.34 | Laundrette;   |
| 2.7  | Billiards-pool hall;  | 2.35 | Leather goods store;  |
| 2.8  | Bookstore;  | 2.36 | Music store;  |
| 2.9  | Broadcasting and receiving station;                         | 2.37 | Newsstand;  |
| 2.10 | Camera shop;  | 2.38 | Office equipment and supply store;  |
| 2.11 | Candy store;  | 2.39 | Optical goods store;  |
| 2.12 | Catering;   | 2.40 | Paint store;  |
| 2.13 | Cigar-tobacco store;  | 2.41 | Public parking lots   |
| 2.14 | Clothing or apparel store;                                  | 2.42 | Pharmacy;   |
| 2.15 | Conservatory commercial;                                    | 2.43 | Photography store;  |
| 2.16 | Convention building for private display;                    | 2.44 | Plumbing, heating and sheet metal   |
| 2.17 | Dairy store;  | 2.45 | Publicly owned and operated buildings and facilities, excluding substations, transfer stations, treatment facilities, pumping stations, storage facilities, and regulator stations; |
| 2.18 | Department store;   | 2.46 | Printing, newspaper, commercial;  |
| 2.19 | Drug store;   | 2.47 | Professional offices;   |
| 2.20 | Dry cleaning;   | 2.48 | Retail pet shops;   |
| 2.21 | Dry goods and notion store;                                 | 2.49 | Shoe store and repair shop;   |
| 2.22 | Eating and drinking establishment;                          | 2.50 | Sporting goods store;   |
| 2.23 | Electrical equipment, appliance supply and repair;          | 2.51 | Theater;  |
| 2.24 | Florist store;  | 2.52 | Upholstery shop;  |
| 2.25 | Furniture store;  | 2.53 | Variety store.  |
| 2.26 | Gift shop;  |      |   |
| 2.27 | Grocery store;  |      |   |
| 2.28 | Gymnasium, private;   |      |   |

Section 3. PERMITTED ACCESSORY USES AND STRUCTURE. The following accessory uses and structures shall be permitted:

- 3.1 Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;
- 3.2 Accessory uses and structures normally incidental and subordinate to the permitted uses and to uses and structures permitted as exceptions;
- 3.3 Essential service.

Section 4. CONDITIONAL USES AND STRUCTURES. The following uses and structures may be permitted in the (CB) District subject to provisions of Article 16 and 18 of this Ordinance and with the approval of the Board of Adjustment.

- 4.1 Lumber yard and building materials--open storage;
- 4.2 New farm implement and equipment open air display and storage;
- 4.3 Open air auto sales display and storage;
- 4.4 Private parking lots;
- 4.5 Substations, transfer stations, treatment facilities, pumping stations, storage facilities and regulator stations;
- 4.6 Churches, chapels, temples and similar places of worship;
- 4.7 Day nursery or nursery school;
- 4.8 Multi-family residential uses, provided that such uses be prohibited from occupying the first or ground floor or basement of any structure;
- 4.9 Auditorium, exhibition hall, club;
- 4.10 Automobile washing;
- 4.11 Book magazine publishing and sales;
- 4.12 Bowling alley;
- 4.13 Carpentry shop;
- 4.14 Commercial nurseries and greenhouses;

- 4.15 Commercial recreation or amusements;
- 4.16 Drive-in establishment;
- 4.17 Garden supplies store;
- 4.18 Motels;
- 4.19 Private clubs;
- 4.20 Churches, chapels, temples, and similar places of worship;
- 4.21 Woodworking shop, small;
- 4.22 Veterinary clinics;
- 4.23 Other commercial uses determined by the Zoning Board of Adjustment to be of the same general character as the uses permitted in the District.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 13.

- 5.1 Lot Area: No minimum lot area shall be required;
- 5.2 Lot Width: No minimum lot width shall be required;
- 5.3 Front Yard: No minimum front yard shall be required;
- 5.4 Side Yard: No minimum side yard shall be required;
- 5.5 Rear Yard: No minimum rear yard setback shall required;
- 5.6 Maximum Height: No building shall exceed a height of thirty-five (35) feet.

Section 6. ZONING PERMITS REQUIRED. Zoning permits shall be required in accordance with the provisions of Article 18 of this Ordinance.

**ARTICLE 10  
GENERAL COMMERCIAL DISTRICT (GC)**

Section 1. INTENT. The General Commercial District is intended to provide space for commercial areas located outside the Central Business District. These Districts accommodate a wide range of facilities with a City-wide impact and include much of the commercial frontage along the major transportation arteries. These uses are also characterized by the need for larger lot sizes and the need to supply their own off street parking.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (GC) District:

- |      |   |      |   |
|------|---|------|---|
| 2.1  | Auditorium, exhibition hall, club;  | 2.18 | Furniture store;  |
| 2.2  | Automobile service station;   | 2.19 | Garden supplies store;  |
| 2.3  | Automobile washing;   | 2.20 | Hotel;  |
| 2.4  | Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales | 2.21 | Lumber and building materials;  |
| 2.5  | Bank, including drive-in establishments, savings and loans;   | 2.22 | Motels;   |
| 2.6  | Book magazine publishing and sales;   | 2.23 | Private clubs;  |
| 2.7  | Bowling alley;  | 2.24 | Private parking lots;   |
| 2.8  | Broadcasting and receiving station;   | 2.25 | Professional office;  |
| 2.9  | Carpentry shop;   | 2.26 | Publicly owned and operated buildings and facilities, excluding substations, treatment facilities, pumping stations, storage facilities and regulator stations; |
| 2.10 | Commercial nurseries and greenhouses;   | 2.27 | Retail pet shop;  |
| 2.11 | Commercial recreation or amusements;  | 2.28 | Sporting goods store;   |
| 2.12 | Dairy store;  | 2.29 | Supermarket, grocery store;   |
| 2.13 | Discount department store;  | 2.30 | Woodworking shop, small;  |
| 2.14 | Drive-in establishment;   | 2.31 | Veterinary clinics.   |
| 2.15 | Drug store;   |      |   |
| 2.16 | Dry cleaning and coin operated laundry;   |      |   |
| 2.17 | Eating and drinking establishment;  |      |   |

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1 Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions.
- 3.2 Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

3.3 Essential services.

Section 4. CONDITIONAL USES AND STRUCTURES. The following uses and structures may be permitted in the (GC) District subject to provisions of Articles 16 and 18 of this Ordinance and with the approval of the Board of Adjustment:

- 4.1 Churches, chapels, temples and similar places of worship;
- 4.2 Mortuary;
- 4.3 Radio and television towers and transmitter or receiver facilities;
- 4.4 Substations, transfer stations, treatment facilities, pumping stations, storage facilities and regulator stations;
- 4.5 Warehouses.
- 4.6 Other commercial uses determined by the Zoning Board of Adjustment to be of the same general character as the uses permitted in the District.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 13.

- 5.1 Lot Area: Minimum lot area shall be seven thousand five hundred (7,500) square feet;
- 5.2 Lot Width: Minimum lot width shall be seventy-five (75) feet;
- 5.3 Front Yard: The minimum front yard shall be twenty-five (25) feet;
- 5.4 Side Yard: The minimum side yard requirement shall be ten (10) feet;
  - 5.4a Corner Side Yard: There shall be provided a side yard of not less than 15 feet in every instance where the side property line is adjacent to a public street.
- 5.5 Rear Yard: The minimum rear yard requirement shall be twenty (20) feet;
- 5.6 Maximum Height: No building shall exceed a height of thirty-five (35) feet unless otherwise provided.

Section 6. ZONING PERMITS REQUIRED. Zoning permits shall be required in accordance with the provisions of Article 18 of this Ordinance.

**ARTICLE 11  
PLANNED UNIT DEVELOPMENT (PUD)**

Section 1. INTENT. The Planned Unit Development (PUD) district is intended to encourage a more efficient use of land and public services and greater amenity by allowing, under certain circumstance, a more flexible means of land development or redevelopment than is otherwise afforded through the strict enforcement of the zoning requirements of other use districts for lot-by-lot development. Although PUD developments may appear to deviate in certain aspects from a literal interpretation of the zoning and subdivision ordinances, the PUD and its accompanying guidelines are intended to allow freedom of design in order to promote developments which will be an asset to the City by equaling or surpassing the quality of developments resulting from the application of more conventional zoning regulations.

Section 2. PERMITTED USES. Each planned unit development shall be comprised of one or more use types, including residential, commercial, industrial and civic. In each PUD, permitted, accessory and conditional uses shall be specified on the Plan.

Section 3. BULK REGULATIONS.

- 3.1 Minimum Lot Size: The minimum site area for establishment of a PUD district shall be 20,000 square feet.
- 3.2 Floor Area Ratio: The total floor area for residential developments shall not exceed 25% of the area of the lot. The total floor area for all other developments shall not exceed 75% of the area of the lot.

Section 4. GENERAL PROVISIONS.

- 4.1 Ownership: A tract of land to be developed as a planned unit development shall be under the control of a single owner, or a group of land owners, acting through a corporation, partnership or joint venture where each owner agrees in advance to be bound by the conditions and regulations which will be effective with the district.
- 4.2 Plan Preparation: The applicant is required to have the necessary documents and supporting plans prepared by a registered landscape architect, engineer, architect or certified planner.
- 4.3 More than one building may be placed in one platted or recorded lot in any PUD.
- 4.4 No building permit shall be granted for any building on land for which a plan for a PUD is in the process of City review or which does not conform to the approved final plan.

- 4.5 Occupancy and use of buildings and structures in a PUD may be permitted when the buildings and structures have been completed to the satisfaction of the City, and the access drives and parking areas are sufficiently completed to support emergency vehicles at all times and are kept in a dust free condition. Final surfacing of streets, roadways and parking areas and landscaping may be deferred over winter months upon written application to and approval by the City.
- 4.6 Approval of the PUD shall not relieve the owner in any way from complying with the City and State regulation which dictate circumstances under which subdivision plats must be approved.
- 4.7 Covenants, Easements and Restrictions. The final plan will contain such proposed covenants, easements and other provisions relating to the bulk, location and density of such residential units, non-residential uses and public facilities as are necessary for the welfare of the PUD and are consistent with the best interests of the City.
- 4.8 Streets, Utilities, Services and Public Facilities. The uniqueness of each proposal for a PUD requires the specifications and standards for streets, utilities and services may be subject to minor modifications from the specifications and standards established in this and other City Ordinances governing their construction. The City Council may, therefore, waive or modify the specifications or standards where it is found that they are not required in the interests of the residents or of the entire City.
- 4.9 Open Space: A primary function of the PUD provision is to encourage development which will preserve and enhance the natural characteristics of a site, while allowing adequate intensity of development. In evaluating a PUD proposal, this objective will be a basic consideration in granting approval or denial.
- 4.10 Architectural style of buildings shall not solely be a basis for denial of approval of a plan. However, the overall appearance and compatibility of individual building to other site elements or to surrounding development will be primary consideration in the review process.
- 4.11 The Planning Commission shall review each PUD at least once a year until the development has been completed and shall make a report to the City Council on the status of the development in each PUD district. The status shall be reported to the City Council. If the City Council finds that insufficient progress is made toward completion of a 24 month period following notification to the owner of to such insufficient progress, the property shall automatically revert to the zoning district existing on the property immediately prior to PUD zoning approval.

## Section 5. APPROVAL PROCEDURES

The following procedures and requirements shall be met for the establishment of a PUD district:

- 5.1 Pre-Application Conference: Prior to filing an application for preliminary PUD plan approval, the applicant shall submit a concept plan and review it with the Planning Commission. This plan shall show the generalized overall plan for development of the proposed PUD area.
- 5.2 Preliminary Plan Approval: Following review of the concept plan, the applicant shall submit an application for preliminary plan approval to the City. Such application shall be deemed a petition for rezoning to a PUD classification. A fee in the amount established by the City, in addition to the following information, drawings and data, shall accompany the application:
  - 5.2-1. The location, size and legal description of the site.
  - 5.2-2. The nature of the developer's and landowner's interests in the land proposed to be developed.
  - 5.2-3. The total number of living units and the overall density of the project defined as the number of living units per acre.
  - 5.2-4. The location and boundaries of proposed land uses, if more than one is proposed.
  - 5.2-5. Approximate height and location of buildings and other structures.
  - 5.2-6. Form of organization proposed to own and maintain public or private open space.
  - 5.2-7. Preliminary layout to of the proposed systems for the collection and treatment of sanitary wastes and disposition of storm water.
  - 5.2-8. Proposed source and distribution of water facilities.
  - 5.2-9. The substance of covenants, easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements for utilities.
  - 5.2-10. The provisions for parking of motor vehicles, including the total number and location of public and private parking spaces.
  - 5.2-11. The location and width of proposed public and private streets and thoroughfares.
  - 5.2-12. A schedule showing the proposed phasing and time limitations within which applications for final approval of all phases and construction of improvements within phases of the PUD are intended to be filed.
  - 5.2-13. Generalized preliminary grading plan, but not to include detailed final grades or elevations.
  - 5.2-14. Generalized landscaping plan, but not to include detailed planting list of planting plan.
  - 5.2-15. Generalized exterior building elevations or facades.
  - 5.2-16. All maps and diagrams shall be of sufficient scale and size to permit easy interpretation.

- 5.2-17. North arrow and graphic scale shall be provided with all maps or sketches.

The Planning and Zoning Commission shall hold a public hearing, following the public notice procedures of zoning change requests, and shall make recommendation to the City Council upon the application for preliminary approval within 60 days following receipt of all required plans and documentation. The City Council shall take final action on the preliminary plan within a reasonable time following receipt of the Planning Commission's recommendations.

If the preliminary plan is approved, such approval shall constitute a rezoning of the property as designated on the plan and the applicant shall proceed to final plan approval. If the application for preliminary plan is denied, the applicant must submit another application and fee to receive consideration.

- 5.3 Final Plan Approval. Within one year following City Council approval of the preliminary plan, an application for final plan approval shall be submitted to the City. Such final plan shall include either the entire site included in the preliminary plan or a portion thereof in accordance with the phasing plan approved. Subsequent final plan submittals shall be submitted in accordance with the approved phasing plan. A fee in the amount established by the City, in addition to the following information shall accompany each application.

- 5.3-1. A plan with locations of all structures including placement, size and type with topography showing two foot contour intervals.
- 5.3-2. Elevations or sections through the site which will best indicate the relationship of the building with the various terrain features and site elements.
- 5.3-3. Detailed grading and drainage plan at two foot contour intervals.
- 5.3-4. Utility plan for all public utilities.
- 5.3-5. Detailed landscape plan.
- 5.3-6. Deed restrictions, covenants, agreements, by-laws of proposed homeowner's association and other documents controlling the use of property, type of construction or development or the activities of future residents.
- 5.3-7. The procedure for approving and recording the plats shall be followed if the final plan involves platting or division of land or the platting of public streets.
- 5.3-8. Any other information which is necessary to fully represent the intentions of the preliminary plan.

The Planning and Zoning Commission shall consider the final plan and make recommendation to the City Council within 60 days following submission of the required material. The City Council shall make its consideration and determination within a reasonable time following receipt of the Planning Commission's recommendation. In granting final approval of the application, the Planning and Zoning Commission and the City Council shall determine whether the PUD district regulations and standards, and compliance with the approved preliminary plans, have been satisfied based on the final plans.

- 5.4 Changes. Changes in the final plan involving the location and alignment of structures not to exceed ten (10) feet in any direction and other minor revisions in the shape of structures may be authorized by the City for good cause shown provided the changes are within the maximum allowable floor area limits, are in harmony with the intent of the approved plans as to uses and densities of use and the architectural style has been approved in writing by the PUD's homeowner association or other ownership body. All other changes shall be made only after following the approval procedures provided for in this section.

**ARTICLE 12**  
**INDUSTRIAL DISTRICT (L-1)**

Section 1. INTENT. The intent of this District is to provide space for certain commercial and a wide range of industrial uses and structures which are able to meet certain performance standards to protect nearby nonindustrial uses from undesirable environmental conditions.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (L-I) District, except those uses which by reason of the emission of odor, dust, fumes, smoke, noise and other obnoxious characteristics would be injurious to the public health, safety and general welfare of the community:

- |      |  |      |   |
|------|--|------|---|
| 2.1  | Assembly or fabrication of metal products;                       | 2.22 | Express storage and delivery station;   |
| 2.2  | Automobile assembly;   | 2.23 | Flour/grain storage and elevator;   |
| 2.3  | Auto-truck repair, including body shop;                          | 2.24 | Food products manufacture;  |
| 2.4  | Baggage, transfer, storage warehouses;                           | 2.25 | Ice cream manufacture;  |
| 2.5  | Bakery, wholesale and manufacture;                               | 2.26 | Moving company;   |
| 2.6  | Bottling works;  | 2.27 | Open-air new and used auto trucks, farm implement and machinery sales and storage;  |
| 2.7  | Blacksmith;  | 2.28 | Popcorn processing;   |
| 2.8  | Building material storage and sales yard;                        | 2.29 | Private parking lots;   |
| 2.9  | Boot and shoe manufacture;                                       | 2.30 | Produce warehouse;  |
| 2.10 | Broom manufacture;   | 2.31 | Publicly owned and operated buildings and facilities, excluding substations, transfer pumping stations, storage facilities, and regulator stations; |
| 2.11 | Cabinet maker;   | 2.32 | Sheet metal shop;   |
| 2.12 | Candy manufacture;   | 2.33 | Solid waste transfer station;   |
| 2.13 | Canning and preserving manufacture;                              | 2.34 | Storage of farm and agricultural products;  |
| 2.14 | Cap and hat manufacture;   | 2.35 | Transfer company, storage warehouse;  |
| 2.15 | Cement, lime, gypsum or plaster or paris manufacture, warehouse; | 2.36 | Truck and freight terminals;  |
| 2.16 | Clothing manufacture;  | 2.37 | Warehouse and wholesale establishments;   |
| 2.17 | Cold storage and delivery station;                               | 2.38 | Welding shop;   |
| 2.18 | Commercial or industrial storage building;                       | 2.39 | Wood products, manufacture.   |
| 2.19 | Concrete and cement products manufacture;                        |      |   |
| 2.20 | Dairy products manufacture;                                      |      |   |
| 2.21 | Dry goods, wholesale or storage;                                 |      |   |

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1 Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
- 3.2 Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;
- 3.3 Essential services;
- 3.4 Living quarters used by custodians or watchmen of the property.

Section 4. CONDITIONAL USES AND STRUCTURES. The following uses and structures may be permitted in the (L-I) District subject to provisions of Article 16 and 18 of this Ordinance and with the approval of the Board of Adjustment.

- 4.1 Fertilizer manufacture, storage, or processing;
- 4.2 Fuel storage;
- 4.3 Gas manufacture;
- 4.4 Radio and television towers and transmitter or receiver facilities;
- 4.5 Salvage yard;
- 4.6 Substations, transfer stations, treatment facilities, pumping stations, storage facilities and regulator stations.
- 4.7 Churches, chapels, temples, and similar places of worship;
- 4.8 Other commercial uses determined by the Zoning Board of Adjustment to be of the same general character as the uses permitted in the District.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 13.

- 5.1 Lot Area: Minimum lot area shall be ten thousand (10,000) square feet;
- 5.2 Lot Width: Minimum lot width shall be seventy-five (75) feet;
- 5.3 Front Yard: Minimum front yard shall be twenty-five (25) feet;

- 5.4 Side Yard: The minimum side yard shall be ten (10) feet;
- 5.4a Corner Side Yard: There shall be provided a side yard of not less than 15 feet in every instance where the side property line is adjacent to a public street.
- 5.5 Rear Yard: The minimum rear yard shall be twenty (20) feet;
- 5.6 Maximum Height: No building shall exceed a height of thirty-five (35) feet unless otherwise provided.

Section 6. ZONING PERMITS REQUIRED. Zoning permits shall be required in accordance with the provisions of Article 18 of this Ordinance.

**ARTICLE 13**  
**ADDITIONAL AREA AND HEIGHT REGULATIONS**

Section 1. INTENT. The regulations set forth in this Article qualify, supplement or modify the area and height regulations set forth elsewhere in this Ordinance.

Section 2. LOT AREA AND WIDTH. Any lot of record at the time of passage of this Ordinance having less area or width than herein required may be used for a single family dwelling where such uses are permitted as provided in this Ordinance and subject to further provisions of Article 16, Section 2.

Section 3. YARDS.

- 3.1 Where thirty (30) percent or more of the block front is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent corners of the buildings on either side thereof, or, where there is a building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings, except that no building shall be required to provide a front yard greater than forty (40) feet. Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line;
- 3.2 In the case where the block front improved with buildings amounts to less than thirty (30) percent of the total number of lots, including vacant lots, on one side of the street between two intersecting streets, the required minimum yards of the district shall be observed;
- 3.3 Buildings on through lots shall provide the required front yard on both streets;
- 3.4 On a corner lot in any district, except the Central Business District (CB), no fence, wall, hedge, tree, or other planting or structure that will obstruct vision between a height of three (3) feet and ten (10) feet above the ground shall be erected, placed or maintained within the triangular area formed, by connecting the right-of-way lines at points which are twenty (20) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines;
- 3.5 The ordinary projections from buildings including eaves, sills, cornices, or similar architectural features (but not including decks, carports, or other structures) may project or extend not more than three (3) feet into a required yard. Patios may extend into required yards. Steps or access ramps may extend into a required yard to the extent necessary to provide sufficient access to a structure. No accessory building shall project into the required front yard or side yard adjacent to any street.

Section 4. HEDGES AND FENCES. Fences or Hedges in residential districts shall not exceed four (4) feet in height in any required front yard, and shall not exceed six (6) feet in height in any required side or rear yard, subject to the further restriction of Section 3.5 above. Fences in excess of six (6) feet will be allowed in the cases of tennis courts and swimming pools.

All fences must be erected with the finished side facing the adjoining properties.

Fences constructed of railroad ties or steel (except posts as set forth in the next paragraph) shall not be allowed. However, nothing herein shall be construed to prohibit the use of railroad ties for landscaping.

Fence posts shall be of an approved material and shall be embedded into tamped earth or concrete, to a depth that would assure its structural stability.

Security or screening fences are permitted in all districts except residential districts, but shall not exceed ten (10) feet in height.

Section 5. BUILDINGS TO HAVE ACCESS. Every principal use building hereafter erected or structurally altered, shall be on a lot or parcel having frontage on a public street or road of not less than fifty (50) feet except in the Central Business District.

Section 6. USE OF PUBLIC RIGHT-OF-WAY. No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structure for storage or display purposes, or to provide any parking or loading space required by this Ordinance.

Section 7. TEMPORARY BUILDING. Temporary building(s) with construction work may be permitted in any district during the period that the construction work is in progress, but such temporary building(s) shall be removed within thirty days after completion or abandonment of the construction work.

Section 8. ACCESSORY BUILDINGS AND STRUCTURES. Accessory buildings, structures, and uses customarily incidental to that of the main building may be erected or established as permitted, provided they comply with the following:

- 8.1 No accessory building or structure shall be located within three (3) feet of any side or rear lot line;
- 8.2 No accessory building or structure is permitted within the limits of the front yard;
- 8.3 No accessory building or structure shall be used for dwelling purposes;

- 8.4 An open unenclosed uncovered steps, ground level patio, or concrete slab driveway may project into a required yard;
- 8.5 No accessory building or structure shall be erected within a required lot line easement.
- 8.6 No accessory building or structure in any district shall be erected within six (6') feet of any principal building on the same lot or adjacent lots, and shall not occupy more than thirty (30%) percent of the rear yard in a residential district; however, this regulation shall not be interpreted to prohibit the construction of a four hundred forty (440) square foot garage in a rear yard.
- 8.7 All accessory buildings and structures will be securely anchored to the ground.

Section 9. BUILDING HEIGHT.

- 9.1 The height regulations shall not apply to television and radio towers, church spires, belfries, monuments, farm buildings, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, grain elevators, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatus which may be erected to any height not in conflict with any other applicable regulations.

**ARTICLE 14**  
**OFF-STREET PARKING AND LOADING REQUIREMENTS**

Section 1. OFF-STREET PARKING. Except for at the time of construction, alteration, moving into, enlargement of a structure or building, or change in the use of the land, off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows:

- |    |   |  |
|----|---|--|
| A) | Single Family Residential:                        | 2 spaces   |
| B) | Duplex Residential:                               | 2 spaces per dwelling unit   |
| C) | Multi- Family Residential:                        | 2 spaces per dwelling unit   |
| D) | Condominium Residential:                          | 2 spaces per dwelling unit   |
| E) | Townhouse Residential:                            | 2 spaces per dwelling unit   |
| F) | Mobile Home Residential:                          | 2 space per mobile home  |
| G) | Hotel / Motel:                                    | 1 space per room   |
| H) | Resorts:  | 1 space per rental unit or room  |
| I) | Hospital:   | 1 space for each four hospital beds,<br>plus 1 space for each two employees<br>on the major shift                                |
| J) | Public Assembly:                                  | 1 space for each four seats  |
| K) | Bowling Alleys:                                   | 5 spaces per lane  |
| L) | General Retail Sales<br>and Professional Offices: | 1 space per 300 feet of gross floor<br>area  |
| M) | Restaurants:                                      | 1 space for each four seats, plus 1<br>space for each two employees  |
| N) | Cocktail Lounges:                                 | 1 space for each two seats   |
| O) | Primary Educational Facility:                     | 2 spaces per classroom or 1 space for<br>very four seats in the largest facility<br>for public assembly, whichever is<br>greater |
| P) | Secondary Educational Facility:                   | 1 space per classroom or 1 space for   |

- |    |                        |   |
|----|------------------------|---|
|    |                        | very six seats in the largest facility for public assembly, whichever is greater    |
| Q) | Industry:              | 1 space for every two employees on the largest shift                                |
| R) | Convalescent Services: | 1 space for each eight beds, plus 1 space for each 3 employees on the largest shift |
| S) | Group Residential:     | 1 space for each two bedrooms   |

Section 2: COMPUTATION OF SPACES.

- A) In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply, as determined by the Planning and Zoning Commission.
- B) Where fractional spaces occur, the parking spaces required shall be construed to be the nearest whole number.
- C) Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- D) In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses if computed separately.

Section 3: LOCATION AND TYPE OF PARKING SPACES. All parking spaces required herein shall be located on the same lot as the building or use served, except that where an increase in the number of spaces is required due to a change or enlargement of use or where such

spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained no more than three hundred feet (300') from an institutional or other non-residential building being served.

- A) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution, and shall be filed with the application for a building permit.
- B) Off-street parking spaces may be located within the required front yard in any "C" or "I" district, however, no off-street parking shall be permitted in the required front yard in any "R" district except upon a driveway providing access to a garage, carport or parking area for the dwelling.
- C) All required off-street parking areas in any "C" or "I" district of more than five spaces shall be surfaced with either asphalt, concrete, or crushed rock so as to provide a durable surface. The parking area shall be graded and drained to dispose of all surface water accumulation within the lot, and shall be arranged and marked to provided for orderly and safe loading or unloading.
- D) Any lighting used to illuminate any off-street parking areas shall be arranged to reflect light away from adjacent lots and uses of land.
- E) No part of any parking space shall be closer than five feet from any street right-of-way. In case the parking lot adjoins an "R" district, is shall be at least five feet from the property line and shall be effectively screened immediately by the use of a fence, hedge, other similar methods, or by City approval.
- F) All off-street parking spaces shall have an area of not less than two hundred (200) square feet plus necessary maneuvering space for the parking of a motor vehicle, and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles. Space for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way.

**Section 4: OFF-STREET LOADING SPACES REQUIRED.** In any district, in connection with every building or part thereof hereafter erected, having a gross floor area of five thousand (5,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry

cleaning or other uses similarly requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space plus one (1) additional loading space for each twenty thousand (20,000) square feet or fraction thereof.

- A) Each loading space shall be no less than twelve feet (12') in width, forty feet (40') in length and fifteen feet (15') in height.
- B) Such space may occupy all or any part of any required yard or open space, except where adjoining a residential district. If the loading space is adjacent to a residential district, it shall be set back at least ten feet (10') from said district and be effectively screened from view.

**ARTICLE 15**  
**SIGN REGULATIONS**

Section 1: PURPOSE. This article is established to protect and promote health, safety, general welfare and order within the City of Britt through the establishment of comprehensive and uniform standards, regulations and procedures governing the type, numbers, size, structure, location, height, lighting, erection, use or display of devices, signs, or symbols serving as a visual communications media to persons situated within or upon public rights-of-way or private properties. The provisions of this article are intended to encourage opportunity for effective, aesthetically compatible, and orderly communications by reducing confusion and hazards resulting from unnecessary or indiscriminate use of communications facilities. Hereafter no sign shall be erected, constructed, altered, or modified except as regulated by the provisions of this article.

Section 2: REQUIREMENTS. Billboards and signs in conjunction with principal permitted uses are allowed subject to the following regulations. Only signs specifically permitted shall be allowed in the various districts.

A) Central Business District.

1. Only one permanent type sign per street frontage intended to be read from off the premises will be allowed for each principal use;
2. The following sign types are permitted:
  - a. Real Estate Signs (Not to exceed 24 square feet);
  - b. Government Signs;
  - c. Address Signs (Not to exceed 1 square foot);
  - d. Campaign Signs (Not to exceed 8 square feet);
  - e. Informational Signs (Not to exceed 2 square feet);
  - f. Directional Signs;
  - g. Joint Identification Signs.
  - h. Wall Signs (Not to exceed 1 square foot for each linear foot of building frontage);
  - i. Projecting Signs (Not to exceed 9 square feet);
  - j. Roof Signs (Not to exceed 1 square foot for each linear foot of building frontage.
  - k. Temporary Signs (Not to exceed 32 square feet);
  - l. Construction Sign (Not to exceed 32 square feet).

B) General Commercial.

1. Free-standing signs must not impair sight distance or create a traffic hazard;

2. Only one free-standing signs will be permitted per development and must be located no more than 150 feet from the business, product or service advertised on said sign;
3. Only two permanent type signs will be permitted per development;
4. The following sign types are permitted:
  - a. Address signs (Not to exceed 1 square foot);
  - b. Real Estate Signs (Not to exceed 32 square feet);
  - c. Government Signs;
  - d. Campaign Signs (Not to exceed 8 square feet);
  - e. Directional Signs;
  - f. Informational Signs (Not to exceed 2 square feet);
  - g. Joint Identification Signs (Not to exceed 12 square feet).
  - h. Wall Signs (Not to exceed 1 square foot for each linear foot of building frontage)
  - i. Projecting Signs (Not to exceed 16 square feet);
  - j. Free-Standing Signs (Not to exceed 100 square feet).
  - k. Temporary Signs (Not to exceed 32 square feet);
  - l. Construction Signs (Not to exceed 32 square feet).

C) Residential Districts.

1. The following sign types are permitted:
  - a. Address signs (Not to exceed 1 square foot);
  - b. Real Estate Signs (Not to exceed 6 square feet);
  - c. Government Signs;
  - d. Campaign Signs (Not to exceed 6 square feet);
  - e. Joint Identification Signs (Not to exceed 12 square feet);
  - f. Construction Signs (Not to exceed 9 square feet).

D) Agricultural/Conservation and Limited Industrial Districts.

1. Free-standing signs may be located no more than 100 feet from the business, product or service advertised on said sign;
2. The following sign types are permitted:
  - a. Address Signs (Not to exceed 1 square foot);
  - b. Directional Signs;
  - c. Real Estate Signs (Not to exceed 32 square feet);
  - d. Government Signs;
  - e. Campaign Signs (Not to exceed 16 square feet);
  - f. Joint Identification Signs (Not to exceed 36 square feet).

- g. Wall Signs (Not to exceed 1 square foot for each linear foot of building frontage);
- h. Free-Standing Signs (Not to exceed 100 square feet);
- i. Construction Signs (Not to exceed 32 square feet).
- j. Billboards (Not to exceed 32 square feet)

Section 3: CONDITIONAL USES. Any sign type may be granted conditional status after review by the Board of Adjustment and subject to any conditions deemed by the Board to be appropriate.

Section 4: ADDITIONAL REGULATIONS. In all districts, signs and billboards shall adhere to pertinent state regulations and other local Ordinances.

Section 5: GENERAL SIGN PROVISIONS.

- A) Hazardous Signs: No sign permitted by this Ordinance shall, by reason of its location, lighting, size, color or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as "stop", "caution", "warning", etc., unless such sign is intended to direct traffic within the premises.
- B) Sign Maintenance: All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. In addition, all parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the property owner or agent of the owner of the property upon which the sign is located, after written notice by the City of Britt.
- C) Interference: No sign, nor any guys, stay or attachment thereto shall be erected, placed or maintained by any person on rocks, fences, or trees; nor in such a manner as to interfere with the effective use of fire fighting equipment or personnel, or any electric light, power, telephone, telegraph or TV cable wires or supports thereof.
- D) Signs in Right-of Way: No signs other than government signs shall be erected or temporarily placed within any public rights-of-way except as may be specifically provided herein.
- E) Clearance: All signs located over public rights-of-way or any public or private access route (sidewalk, mall, etc.) shall be located a minimum of twelve (12) feet above grade level.

- F) Safe Ingress and Egress: No sign or part thereof shall be erected or maintained so as to prevent or deter free ingress and egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
- G) Signs Required by Law: All signs required by law shall be permitted in all districts.
- H) Back to Back Signs: If a free-standing sign or sign structure is constructed so that the faces are not back to back, the angle shall not exceed thirty degrees. If the angle is greater than thirty degrees, the total area of both sides added together shall be the calculated sign area. Back to back signs (when less than thirty degrees) shall be considered as one sign when debited against the total number of signs permitted on one zoning lot.
- I) Obsolete Signs: Obsolete signs which advertise an activity, business product or service which is no longer produced or conducted on the premises shall be removed within ninety (90) days from date of notice provided by the City of Britt. The owner of the property on which the sign is located shall have ninety (90) days from date of notice to remove any such sign. If after the expiration of the ninety (90) day period, the sign has not been removed, the City may cause the sign to be removed and any expenses may be charged back to the property owner.
- J) Illumination: All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties or public streets.
- K) Animated Signs: Animated signs may be allowed as a conditional use except in residential districts following a hearing before the Board of Adjustment in accordance with the provisions set forth in Article 15 of this ordinance.
- L) Double Frontage: Lots having frontage on two streets or on a street and an alley shall be permitted to provide the maximum number and square footage of signs on each of the opposite ends of said lot, provided however, that not more than the maximum number of square feet of signs per frontage may be viewed simultaneously.
- M) Permit Required: No sign except permitted signs as identified herein shall be erected, altered, constructed or modified without first receiving a valid sign permit from the Zoning Administrative Officer.
- N) Sign Permit Application: The application for a sign permit shall contain such information as may be deemed necessary for the proper enforcement of this Ordinance.
- O) Permit Fees: To defray administrative costs of processing requests for sign permits, the applicant for a sign permit shall pay to the City Clerk, a fee as established by the City Council.

Section 6: PERMITTED SIGNS. The following signs are allowed without a permit but shall comply with all other applicable provisions of this Ordinance.

- A) Government Signs: Signs of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty.
- B) Directory Signs: A wall sign which identifies the business, owners, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one directory sign per zoning lot not to exceed two (2) square feet of area per business or resident occupant.
- C) Parking Signs (on site): On-site directional and parking signs intended to facilitate the movement of vehicles and pedestrians upon which the sign is located. Such signs shall not exceed six (6) square feet of area.
- D) Integral Signs: Name of buildings, date of construction, commemorative tablets and the like, which are of the building or structure.
- E) Construction Signs: A non-illuminated sign announcing the names of architects, engineers, contractors, future use, and other individuals or firms involved with the construction, alteration, or repair of such building (but not including any advertisement of any product). Such signs shall be confined to the site of the construction, alteration or repair and shall be removed within two (2) years of the date of issuance of the first building permit or when the particular project is completed, whichever is sooner. One (1) sign shall be permitted for each major street the project abuts.
- F) Real Estate Signs: Any on-site sign announcing the owner, manager, realtor or other person directly involved in the sale or rental of the property. Signs shall not measure more than six (6) square feet in the residential districts, twenty-four (24) square feet in the Central Business District, nor thirty-two (32) square feet in the other districts. Only one (1) real estate sign may be allowed per zoning lot.

## **ARTICLE 16 CONDITIONAL USES**

Section 1: PROCEDURES AND REQUIREMENTS. Allowable conditional uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of the Board of Adjustment. The Board of Adjustment will grant or deny a conditional use permit in accordance with the standards set forth herein and with the intent and purpose of this Ordinance. In granting a conditional use permit, the Board of Adjustment will authorize the issuance of a conditional use permit and may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the conditional use permit.

Section 2: APPLICATION FOR CONDITIONAL USE PERMIT. A request for a conditional use permit for a conditional use or modification of a conditional use may be initiated by a property owner or his or her authorized agent by filing an application with the City Clerk upon forms prescribed for the purpose. The application shall be accompanied by a site plan and other such plans and data showing dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standards set forth herein. The application shall also be accompanied by a fee in an amount as established by the City Council.

- A) APPLICATION AND FEE: Application for a Conditional Use Permit shall be filed with the City Clerk. The application shall include the following:
1. Name and address of the owner and applicant.
  2. Address and legal description of the property.
  3. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
  4. The property address and the name and mailing address of the owner of each lot within two hundred (200) feet of the subject property and a map with parcels keyed to the ownership and address data.
  5. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application.
  6. Site plans, preliminary building elevations, preliminary improvement plans, and such additional maps and drawings, all dimensions sufficiently shown, as required to illustrate the following:
    - a. The date, scale, north point, title, name of owner, and name of person preparing the site plan.

- b. The location and dimensions of boundary lines, easements, and required yards and setbacks.
- c. The location, height, bulk, general appearance, and intended use of existing and proposed buildings on the site, and approximate location of existing buildings on abutting sites within fifty (50) feet.
- d. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs, and lighting.
- e. The location of watercourses and drainage features.
- f. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.
- g. The relationship of the site and proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.

**Section 3: PROCEDURES.** A conditional use shall not be granted by the Board of Adjustment unless and until the following procedures have been fulfilled:

- A) The Board of Adjustment shall schedule a public hearing in relation to the conditional use request. Notice shall be given of the public hearing as required by State Statute by publication in a newspaper of general circulation in the City. Notice shall be given to a complete list of persons provided by the applicant who are all of the owners of property within two hundred (200) feet of the property in question.
- B) The Board of Adjustment shall determine that it is empowered under this Ordinance to grant the conditional use as described in the application, and that the granting of the conditional will not adversely affect the public interest.
- C) In granting any conditional use, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under

which the conditional use is granted, shall be deemed a violation of this Ordinance and punishable under Article 18 of this Ordinance.

- D) The concurring vote of three (3) members of the Board of Adjustment grants a conditional use permit. No order of the Board of Adjustment granting a conditional use permit shall be valid for a period longer than six (6) months from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a building permit is obtained within the six (6) month period and construction is commenced.

Section 4: STANDARDS. No conditional use permit shall be granted by the Board of Adjustment unless such Board shall find:

- 4.1 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
- 4.2 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
- 4.3 That the establishment of the conditional use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district.
- 4.4 That adequate utilities, access roads, drainage, parking, and/or necessary facilities have been or will be provided.
- 4.5 That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Section 5: SUPPLEMENTAL STANDARDS. In addition to the general standards outlined in Section 4 above, specified uses shall adhere to standards as follows:

- 5.1 Salvage Yards: All salvage yards, including any area where waste, junk, discarded or wrecked and salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including dismantling or "wrecking" of automobiles or machinery or other vehicles, shall be located in the Agricultural District and the Industrial District under conditional use permit.

The application for a conditional use permit shall be accompanied with a proposed intent or covenant to meet the minimum requirements described herein:

- A) The yards shall be at least five hundred (500) feet distant in all directions from any residential building;
- B) The out-of-doors yards shall be screened by a solid wall or uniformly painted solid fence not less than eight (8) feet in height;
- C) An off-street parking or service area in connection with the yards may be located outside of the screened-in area.

**ARTICLE 17**  
**NONCONFORMING USES**

Section 1. INTENT. There exists lots, structures, and uses of land and structures, within the various zoning districts of this Ordinance or Amendments thereto which were lawful prior to the adoption of this Ordinance, but which would be prohibited, regulated or restricted under provisions of this Ordinance. These nonconformities will be allowed to continue to exist until they are discontinued, but are declared by the Ordinance to be incompatible with permitted uses in the zoning districts involved. Such nonconformities may only expand or extend in compliance with Section 4 of this article.

Section 2. NONCONFORMING LOTS OF RECORD IN ANY DISTRICT IN WHICH SINGLE FAMILY DWELLINGS ARE PERMITTED USES. A single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in that district. The yard dimensions and other bulk regulations for the district in which such lot is located shall apply. Variance of area, width, and yard requirements shall be obtained through action of the Board of Adjustment.

Two or more nonconforming lots, or portions thereof, that are contiguous in frontage and under the same ownership shall be considered to be an unsubdivided parcel for purposes of this Ordinance. No portion of said parcel shall be sold and then used which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

Section 3. NONCONFORMING USES OR STRUCTURES IN ANY DISTRICT OTHER THAN A COMMERCIAL OR INDUSTRIAL DISTRICT. Existing structures or premises devoted to a use not permitted by this Ordinance in the district which such structure or premise is located shall not be enlarged, extended, reconstructed, substituted, or structurally altered, except when required by law, unless:

- 3.1 The use is changed to a use permitted in the district in which such structure or premises is located;
- 3.2 A nonconforming use of a structure may be changed to another nonconforming use of the same or more restrictive classification, provided no structural alterations are made;
- 3.3 If a nonconforming use of any structure or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

Section 4. NONCONFORMING USES OR STRUCTURES IN ANY COMMERCIAL OR INDUSTRIAL DISTRICT. The regulations described in Section 3 of this Article shall apply to nonconforming uses in a commercial or industrial district, subject to the following exception:

- 4.1 Nonconforming structures may be structurally altered or enlarged in conformity with the lot area, lot width, yard, and height requirements of the district in which such use is located. Such construction shall be limited to buildings on lots of record in the same ownership prior to the effective date of this Ordinance. The structural alteration or enlargement of structures shall not change the nature of the nonconforming use that existed prior to the effective date of this Ordinance.

Section 5. PERMITTED STRUCTURES AND USE OF LAND AND STRUCTURES MADE NONCONFORMING BY THE REQUIREMENTS OF THE BULK REGULATIONS. A permitted structure or use that fails to meet the established bulk regulations of the district in which it is located may be structurally altered or extended provided that the alteration or extension is in compliance with the bulk regulations of the district in which it is located. Any variance must be obtained through action of the Board of Adjustment.

Section 6. REPLACING DAMAGED BUILDINGS. Any nonconforming building or structure damaged more than fifty (50) percent of its replacement value exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or act of God shall not be restored or reconstructed and used as before such happening, but if less than fifty (50) percent of the building occurring above the foundation is damaged, it may be restored, reconstructed, or used as before provided that reconstruction be started within one (1) year of such happening.

Section 7. USES UNDER CONDITIONAL PROVISIONS. Any use for which a conditional use permit is permitted as provided in this Ordinance shall not be deemed a conforming use. Any additions shall be with Board of Adjustment approval.

## **ARTICLE 18 ENFORCEMENT**

Section 1. ADMINISTRATIVE OFFICER. The City Council of Britt, Iowa, shall appoint a Zoning Administrative Officer, and it shall be the duty of said officer to enforce this Ordinance. Such officer may be a person holding other appointive office in the City, or in another governmental agency.

Section 2. ZONING COMPLIANCE. No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a permit is issued by the Zoning Administrative Officer, stating that the building and use comply with the provisions of this Ordinance.

No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefore by the Zoning Administrative Officer. No permit shall be issued to make a change unless the changes are in conformity with provisions of this Ordinance. Nothing in this part shall prevent the continuance of a nonconforming use as here-in-before authorized, unless a discontinuance is necessary for the safety of life or property.

Section 3. PLATS. Each application for a compliance permit shall be accompanied by a plat in duplicate drawn, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, the dimensions of the required yards, parking and open spaces, and such other information as may be necessary to provide for the enforcement of this Ordinance.

Section 4. CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS AND PERMIT. Zoning permits issued on the basis of plans and applications, approved by the Zoning Administrative Officer, authorize only that use, arrangement and construction. Use, arrangement and construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Article 18.

Section 5. CONDITIONAL USES. A zoning permit for a conditional use may be issued by the Administrative Officer after review by order of the Board of Adjustment.

**ARTICLE 19**  
**VIOLATION AND PENALTY**

Section 1. TYPES OF VIOLATION. Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance and by Iowa law:

- 1.1 Without Permits: To engage in any development, use, construction, remodeling, or other activity of any nature that is subject to the provisions of this Ordinance without all of the required permits, approvals, certificates and other forms of authorization required by this Ordinance in order to conduct or engage in such activity.
- 1.2 Inconsistent with Permit: To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms, conditions, or qualifications of any permit, approval, certificate, or other form of authorization required in order to engage in such activity.
- 1.3 Inconsistent with Ordinance: To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or sign, or to use any land in violation or contravention of any regulation of this Ordinance.
- 1.4 Making Lot or Setback Noncomplying: To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this Ordinance.
- 1.5 Increasing Intensity of Use: To increase the intensity of use of land or structure, except in accordance with the procedural and substantive requirements of this Ordinance.
- 1.6 Removing, Defacing, Obscuring Notice: To remove, deface, obscure, or otherwise interfere with any notice required by this Ordinance.
- 1.7 Continuing Violation: To continue any of the above violations.

Section 2. REMEDIES. The City shall have the following remedies and enforcement powers, which shall be cumulative and are not exclusive of any other remedy available at law or in equity.

- 2.1 Withhold Permits: The City may deny or withhold all permits, certificates, or other forms of authorization on any land, structure, or improvements thereon upon which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City, the Planning and Zoning Commission, or the Zoning Board of Adjustment. The City may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected. The provisions of

this section shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

- 2.2 Revoke Permits: Any permit may be revoked when the Zoning Administrative Officer determines that any of the following conditions exist:
- A) That there is departure from the plans, specifications, or conditions that apply to the permit;
  - B) That the same was procured by false representation or was issued by mistake; or
  - C) That any of the provisions of this Ordinance are being violated. Written notice of such revocation shall be served upon the owner, his or her agent, or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no construction shall proceed.
- 2.3 Stop Work: With or without revoking permits, the City may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Ordinance or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under the City Zoning Code.
- 2.4 Revoke Plan or Other Approvals: Where the violation involves a failure to comply with approved plans or conditions to which the approval was made subject, the body with authority to approve the plans or applications may, upon notice to the applicant and after a hearing, revoke the plan or other approval, or condition the continuance of approval on such conditions as may reasonably be imposed.
- 2.5 Injunctive Relief: The City may seek an injunction or other equitable relief in court to stop any violation of this Ordinance, pursuant to Iowa Code 414.20.
- 2.6 Abatement: The City may abate any violation of this Ordinance pursuant to Title III, Chapter 2, Code of Ordinances of the City of Britt, Iowa.
- 2.7 Civil Penalties: A violation of any provision of this zoning Ordinance shall be a municipal infraction punishable in accordance with Title I, Chapter 3, Code of Ordinances of the City of Britt, Iowa.
- 2.8 Criminal Penalties: A violation of any provision of this Ordinance shall constitute a misdemeanor. 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, upon conviction shall be subject to a fine of not more than five-hundred dollars (\$500) or imprisonment of not more than thirty (30) days for each offense. Each day that a violation is permitted to exist constitutes a separate offense.

2.9 Other Remedies: The City shall have such other remedies as are and as may be from time to time prescribed by Iowa law.

**ARTICLE 20**  
**BOARD OF ADJUSTMENT**

Section 1. CONFIRMATION OF BOARD OF ADJUSTMENT. The members of the Board of Adjustment are hereby confirmed to their appointed terms of office. Future members of the Board of Adjustment shall be appointed by the City Council for a term of five (5) years. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by the City Council for the unexpired term of the resigning member.

Section 2. CREATED. A Board of Adjustment is hereby established. The Board shall consist of five (5) members to be appointed by the City Council for a term of five (5) years, except 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. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by the City Council for the unexpired term of the member.

Section 3. PROCEEDINGS OF THE BOARD OF ADJUSTMENT. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairperson or upon request of three (3) members of the Board of Adjustment and at such other times as the Board may determine. The chairperson, or in his/her absence the acting chair-person, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The City Clerk shall act as secretary for the Board of Adjustment.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed at City Hall. The presence of three (3) members shall constitute a quorum.

Section 4. HEARINGS, APPEALS, NOTICE. Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or board of the City of Britt affected by a decision of the Administrative Officer. Such appeals should be taken within a reasonable time, not to exceed fifteen (15) days, by filing with the City Clerk and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record from which the action appealed was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notices thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney.

A fee shall be paid to the City Clerk, in the amount established by the City Council, at the time the notice of appeal is filed.

Section 5. STAY OF PROCEEDINGS. An appeal stays all proceedings in furtherance of the action which was appealed, unless the Administrative Officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on the application, on notice to the Administrative Officer from whom the appeal is taken and on due cause shown.

Section 6. POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties:

- 6.1 Administrative Review: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Ordinance.
- 6.2 Conditional Uses: To hear and decide only such exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance, and as provided for in Article 15.
- 6.3 Variances: 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 the special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustments unless and until:
  - A) A written application for a variance is submitted demonstrating:
    1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
    2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
    3. That the special conditions and circumstances do not result from the actions of the applicant.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- B) Notice of Public hearing shall be given as Article 15, Section 3, Paragraph A.
  - C) The public hearing shall be held. Any party may appear in person or by agent or by attorney.
  - D) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
  - E) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
  - F) The application for a variance shall be accompanied by a fee established by the City Council.
  - G) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Article 19 of this Ordinance.

Section 7. DECISIONS OF THE BOARD OF ADJUSTMENT. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify, order requirements, decision, or determination as ought to be made and to that end shall have powers of the Administrative Officer from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to affect any variation in application of this Ordinance.

Section 8. APPEALS FROM THE BOARD OF ADJUSTMENT. Any person or persons, or any board, taxpayer, department, board or bureau of the community aggrieved by any decision of the Board of Adjustment may seek review of such decision of the Board of Adjustment by a court of

record in the manner provided by the laws of the State of Iowa and particularly by Chapter 414,  
Code of Iowa.

**ARTICLE 21  
CHANGES AND AMENDMENTS**

Section 1. PROCEDURES. This Ordinance and the district map created by said Ordinance may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by or shall have been first submitted to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission shall have forty-five (45) days in which to submit its report to the City Council. If the Commission fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment.

A public hearing shall be held by the City Council before adoption of any proposed amendment to this Ordinance. A notice of such public hearing shall be published not less than fifteen (15) days prior to the date established for such hearing. Such notice shall include the time and place for the public hearing.

In case the Planning and Zoning Commission does not approve the change, or in a case of a protest filed with the City Council against a change in district boundaries signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within two hundred (200) feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all the members of the City Council.

Section 2. APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES. Any person may submit to the Council, an application requesting a change in the zoning district boundaries as shown on the official zoning map.

- 2.1 Each application shall be filed with the City Clerk accompanied by a fee in the amount established by the City Council and shall contain the following information:
- A) The legal description and local address of the property.
  - B) The present zoning classification and the zoning classification requested for the property.
  - C) The existing use and proposed use of the property.
  - D) The names and addresses of the owners of all property within two-hundred (200) feet of the property for which the change is requested.
  - E) A statement of the reasons why the applicant feels the present zoning classification is no longer appropriate.

- F) A plat showing existing and proposed locations, dimensions and use of the applicant's property and all property within two-hundred (200) feet thereof, including streets, alleys, railroads, and other physical features.
- 2.2 All fees shall be deposited to the General Revenue Fund of the City. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.
- 2.3 Upon receipt of the application by the City Clerk a copy shall be forwarded immediately to the Planning and Zoning Commission for study and recommendation. The Commission shall, prior to making a recommendation, determine the following:
- A) Whether or not the current district classification of the property to be rezoned is valid;
  - B) Whether there is a need for additional land zoned for the purpose requested;
  - C) Whether the proposed change is consistent with the current land use plan, considering such factors as:
    - 1. Whether the rezoning would result in a population density or development which would in turn cause demand for services and utilities in excess of the capacity planned for the area;
    - 2. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.
  - D) Whether there is an intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.
- 2.4 The Commission shall report its determinations and recommendations to the Council within forty-five (45) days from receipt of the application, except that when no report is issued within that time, the application will be deemed approved by the Commission. The Council shall then hold a public hearing as provided in Section 362.3 of the Code of Iowa, except that at least seven (7) days notice must be given and in no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice.

**ARTICLE 22**  
**SEVERABILITY CLAUSE**

Section 1. SEVERABILITY. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that 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.



**ARTICLE 24  
ADOPTION**

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2001, by the  
CITY COUNCIL OF THE CITY OF BRITT, IOWA.

SIGNED:

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JIM NELSON  
MAYOR, CITY OF BRITT, IOWA

ATTEST:

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JEAN PURVIS  
CITY CLERK OF BRITT, IOWA