

CITY OF MONTEZUMA, IOWA

ZONING ORDINANCE

Recommended for Adoption by the
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Montezuma City Council
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Chapter 1

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

1.1 Title.

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

1.2 Purpose.

The various use districts, which are created by this Ordinance and the various articles and sections of this Ordinance, are adopted for the purpose among others of:

1. Carrying out the Comprehensive Plan for the City of Montezuma, Iowa;
2. Promoting the public health, safety, morals, comfort, general welfare, and preserving the natural, scenic and historically significant areas of the City;
3. Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities, which have similar needs.
4. Encouraging such distribution of population, classification of land use, and distribution of land development throughout the City that will tend to facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;
5. Lessening, or avoiding congestion in public streets and highways;
6. Protecting against fire, explosion, noxious fumes, flood, panic, and other dangers in the interest of public health, safety, comfort, and general welfare;
7. Helping to ensure that all residential, commercial, and manufacturing structures as well as other types of structures will be accessible to fire fighting and other emergency equipment.
8. Prohibit the formation or expansion of nonconforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district;
9. Promoting the development of residential neighborhoods which are free of noise, dust, fumes and heavy traffic volumes in which each dwelling unit is assured of light, air, and open spaces;
10. Helping to prevent land development activities, which lead to roadside blight, and to minimize the effects of nuisance-producing activities;
11. To prevent, whenever possible, land boundary disputes or real estate title problems;
12. Promoting and guiding the continued growth and expansion of the City while protecting the natural, economic, historic and scenic resources of the City; Conserving the taxable value of land and buildings throughout the City; and defining the powers and duties of the zoning officer and other bodies as provided herein.

1.3 Nature.

This Ordinance classifies and regulates the use of land, buildings and structures within the corporate limits of the City of Montezuma, Iowa, and hereinafter set forth. The regulations contained herein are necessary to promote the health, safety, convenience, morals and welfare of the inhabitants, and to preserve the natural, scenic and historically significant areas of the City by dividing the City into zoning districts and regulating therein the use of the land and the use and size of the buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population.

1.4 Authority.

This title, in pursuance of the authority granted by the Revised Statutes of the State of Iowa, Chapter 414, Section 1, shall be known and cited as the "Zoning Ordinance of the City of Montezuma, Iowa."

1.5 Iowa Open Meetings Law.

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

1.6 Definitions.

For the purpose of this title and in order to carry out the provisions contained herein, certain words, terms, phrases, and illustrations are to be interpreted and defined herein. Words used in the present tense shall include the future

tense; the singular number includes the plural, and the plural number includes the singular. The word "lot" includes the word "plot" or "parcel" and the word "building" includes "structure." The word "shall" is mandatory, and the word "may" is permissive. The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customarily assigned to them.

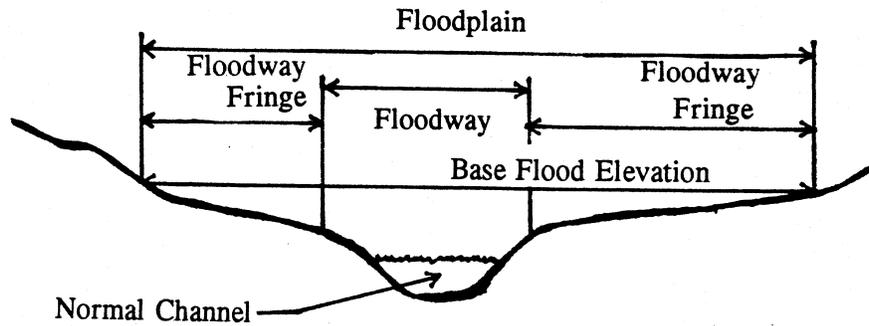
1. "Accessory building" or use is a building or use of the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use.
2. "Alterations, Structural" "Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
3. "Apartment" means a room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are three or more such rooms or suites.
4. "Appeal" a request for review by the Board of Adjustment of the Zoning Administrator's interpretation of any provision of this Ordinance.
5. "Auto Body Repair Shop" any building, structure or land use for automobile body repair, restoration, and painting.
6. "Bed and Breakfast" a private residence which provides lodging and meals for guests only, in which the host or hostess resides. A bed and breakfast does not hold itself to the public to be a restaurant, hotel, or motel and serves only food to overnight guests. For the purposes of this Ordinance, a bed and breakfast shall be considered a home occupation.
7. "Board of adjustment" shall mean the zoning board of adjustment of the City of Montezuma, Iowa.
8. "Building height," means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
9. "Building Line" a line on a plat between which said line and street, alley, or private place no building or structure may be erected.
10. "Car Wash" a building, or portion thereof, containing facilities for washing two (2) or more automobiles; using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices, or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether by operator or by a customer.
11. "Child Care Center (Institutional)" Any established institution, such as a church or nonprofit organization, which receives three (3) or more children under the age of sixteen (16) years for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation. An institutional child care center shall not be conducted in a dwelling unit or private home.
12. "Child Care Center (In-Home)" An organization located in a dwelling unit, or private home, which provides care services for children under the age of sixteen (16) years for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation. For the purposes of this Ordinance, a child care center operated in the home shall be considered a "home occupation" and shall follow the provisions outlined in this Ordinance.
13. "Clinic" means a building or buildings used by physicians, dentists, veterinarians, osteopaths, chiropractors and allied professions for out-patient care of persons requiring such professional service.
14. "Comprehensive Plan" The general plan outlining the development of the community, which may also be titled or referred to as the master plan, comprehensive land use plan or some other title, which has been adopted by the City Council. Said Comprehensive Plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
15. "Convenience Store" A retail store that is designed and stocked to sell primarily food, beverages, fuel, and other household supplies to customers who purchase only a relatively few items. It is designed to attract and depends on a large volume of stop-and-go traffic.
16. "Court" An open, unobstructed, and unoccupied space other than a yard which is bounded on two (2) or more sides by a building on the same lot.
17. "Deck" An outdoor structure that is attached or unattached to a house or accessory building which is generally constructed of wood or structurally approved materials and used for recreational or relaxation purposes. A deck is not an accessory building unless it is a minimum of five (5) feet away from other buildings or structures. An attached deck shall be considered part of the principal building for setback measurement purposes.
18. "Development" Any human-made change to improved or unimproved real estate, including but not limited

- to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.
19. "District" A section or sections of the City within which certain uniform regulations and requirements governing the use of buildings and premises or the height and areas of buildings and premises are enforced.
 20. "Driveway" means a private roadway, providing access for vehicles to a parking space, garage, dwelling or other structure.
 21. "Dwelling" is any building or portion thereof which is designed for, or used for, residential purposes and is not less than twenty-four feet in width. Does not include a tent, cabin, trailer, or mobile home.
 22. "Dwelling, Attached" A dwelling that is physically attached by a common roof, wall, or floor to another dwelling or accessory building.
 23. "Dwelling, Condominium" a multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each owner having an undivided interest in the common real estate.
 24. "Dwelling, Rowhouse or Townhouse" Any one of two (2) or more attached dwellings in a continuous row, each dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.
 25. "Dwelling unit" is a dwelling which consists of one (1) or more rooms which are arranged, designed, or used as living quarters for one (1) family only.
 26. "Dwelling, Single-Family" is a detached residential dwelling unit, other than a mobile home, designed for occupancy by one (1) family only.
 27. "Dwelling, Two-Family" is a detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families with separate housekeeping and cooking facilities for each.
 28. "Dwelling, Multiple-Family" is a residential building designed for occupancy by three (3) or more families, with separate housekeeping and cooking facilities for each.
 29. "Dwelling, detached" means a dwelling, which is not attached to any other dwelling, by any means. The detached dwelling does not have any roof, wall, or floor in common with any other dwelling unit.
 30. "Exotic Animals" Domesticated animals kept for commercial or personal purposes that are not common domesticated animals including, but not limited to: emus, ostriches, llamas, monkeys, snakes, spiders, chinchillas, and mink.
 31. "Family" means one (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or adoption, no such family shall contain over eight (8) persons.
 32. "Family home" means a community-based residential home which is licensed as a residential care facility under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. A "family home" does not mean an individual foster care family as licensed under Chapter 237 of the Code of Iowa.
 33. "Farm or Farmland" means a parcel of land used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of livestock.
 34. "Farm animal" means the production, keeping or maintenance for sale, lease or personal use of animals useful to humans, including but not limited to: dairy animals, poultry, livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; and fur animals but not including rabbits kept as pets.
 35. "Feedlot" means any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs, sheep or poultry. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.
 36. "Fence, residential" means a barrier and/or structure erected in an "R" district intended to provide security, mark a boundary or as a means of landscaping with the centerline of said barrier to be located on the designated property line. Such fence shall be constructed of materials commonly used for landscape fencing such as masonry block, lumber, and chain link, but shall not include corrugated sheet metal, barbed wire, or salvage material.
 37. "Fence, nonresidential" A barrier and/or structure erected in a district other than an "R" district intended to provide security, mark a boundary, or as a means of landscaping with the centerline of said barrier to be located on the designated property line provided no such fence is constructed of salvaged material or uses barbed wire closer than six (6) feet to the ground except a fence used purely for agricultural purposes.

Such fence shall be constructed of materials commonly used for landscape fencing such as masonry block, lumber, and chain link, but shall not include corrugated sheet metal, barbed wire, or salvage material. Barbed wire is allowed in zoned A-1 areas.

38. "Floodplain" The channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater. See Figure 1 below.

Figure 1: Floodplain Definitions

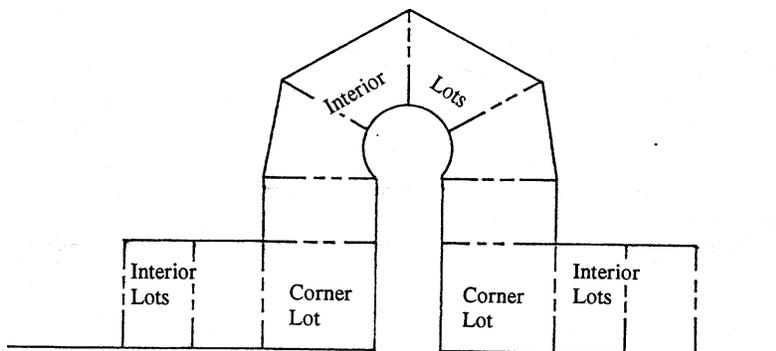
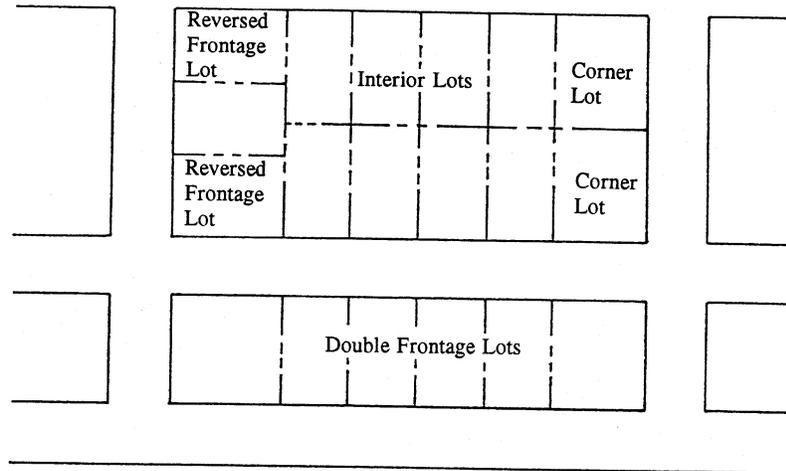


39. "Frontage" That side of a lot abutting on a street; the front lot line.
40. "Garage, Attached" An attached structure designed or used for the storage of motor-driven vehicles owned and used by the occupants of the primary building.
41. "Garage, Detached" A detached accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the primary building.
42. "Governing Body" The City Council of the City of Montezuma, Iowa.
43. "Group care facility" A facility, which provides resident services to seven (7) or more individuals of whom one or more, are unrelated. These individuals are handicapped, aged or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category includes any licensed or supervised federal, state or county health/welfare agencies, such as group homes (all ages), halfway houses, resident schools, resident facilities and foster or boarding homes.
44. "Home Industry" An occupation or profession conducted entirely within an enclosed accessory building(s) and/or an attached garage of a dwelling unit that is clearly incidental and secondary to the residential occupancy and does not change the character thereof.
45. "Home Occupation" An occupation or profession conducted entirely within an enclosed dwelling unit that is clearly incidental and secondary to residential occupancy and does not change the character thereof.
46. "Hotel" A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or rooming house
47. "Household" A family living together in a single dwelling unit, with common access to and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.
48. "Improvements" Changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, storm sewers, sanitary sewers, drainage ways, and other public works and appurtenances.
49. "Junk or Salvage" All old or scrap copper, brass, lead, broken glass, rope, rags, batteries, paper trash, tires and rubber, debris, waste, tin-ware, plastics, appliances, furniture, equipment, building demolitions materials including wood and lumber, structural steel materials, or similar materials. This definition shall also include junked, dismantled, or wrecked motor vehicles, or parts of motor vehicles, and iron, steel, or other scrap ferrous or nonferrous material.
50. "Junkyard" means any area where waste, discarded or salvaged materials are bought, sold, exchanged, stored or abandoned, baled or packed, disassembled, or handled, including the dismantling or "wrecking" of automobiles or other vehicles or machinery, house wrecking yards, house wrecking and structural steel

materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.

51. "Junk Vehicle" As defined in Chapter 51 of the Montezuma Code of Ordinances.
52. "Kennel, Dog Commercial" means any parcel of land on which three (3) or more dogs, six (6) months old or older are kept for the purposes of breeding, grooming, boarding or other activities associated with the care of dogs for commercial purposes.
53. "Kennel, Dog Private" means any parcel of land on which three (3) or more dogs are kept, however, this shall not include breeding, grooming, boarding or other activities associated with the care of dogs other than the owner's dogs.
54. "Laundromat" An establishment providing washing, drying and/or dry cleaning machines on the premises for rental use to the general public for family laundering and/or dry cleaning purposes.
55. "Lot area" The total area within the lot lines of a lot, excluding any street rights-of-way. (See Figure 2.)
56. "Lot Corner" means a lot abutting upon two (2) or more streets at their intersections.
57. "Lot depth," means the mean horizontal distance between the front and rear lot lines. (See Figure 2.)
58. "Lot, Double Frontage" means a lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.
59. "Lot frontage" the length of the front line measured at the street right-of-way line. (See figure 2)
60. "Lot, Interior," means a lot other than a corner lot.
61. "Lot line" A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.(See Figure 2)
62. "Lot line, rear" The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. (See Figure 2.)
63. "Lot lines, side" Any lot line other than a front or rear lot line. (See Figure 2)
64. "Lot, minimum area" The smallest lot area established by the Zoning Ordinance on which a use or structure may be located in a particular district.
65. "Lot of record" means a lot which is a part of a subdivision, the plat of which has been recorded in the office of the county recorder of the county in which it is located.
66. "Lot width," means the width of a lot measured at the building line and at right angles to its depth. (See Figure 2)

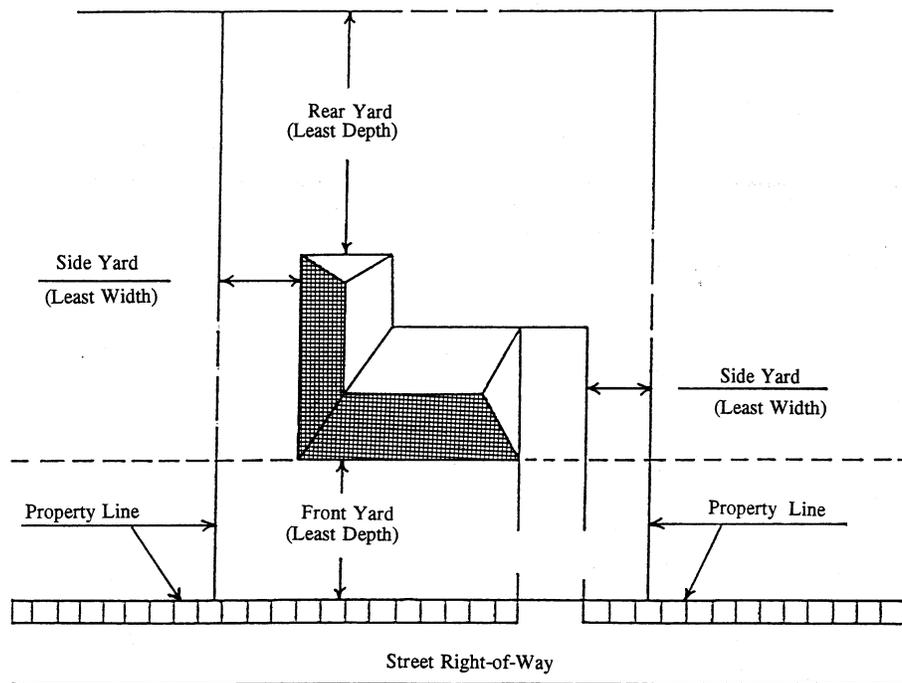
Figure 2: Examples of Lot Definitions



67. "Manufactured Home" A single-family structure which is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. The home shall also be converted to real estate and taxed as such, as required by Chapter 435 of the Iowa Code. For the purposes of this Ordinance, a manufactured home may also be known as a modular home. The principal portion of such building shall have a continuous and complete frost protected perimeter foundation. A manufactured home as defined in this ordinance shall be placed upon piers per the manufacturer's requirements but said home must meet the foundation requirements contained herein, namely it shall also have a complete permanent perimeter foundation with piers. The building shall have for the exterior wall covering either:
- i. Wood or masonry finish, or its appearance, and/or
 - ii. Vertical or horizontal grooved siding or lap siding, or its appearance.
68. "Mobile home" A structure, transportable in one or more sections, which is at least eight feet in width and thirty-two feet in length, which is built on a permanent chassis and designed to be used as a dwelling unit.
69. "Motor Court or Motel" is a building or group of buildings used primarily for the temporary residence of motorists or travelers with parking facilities conveniently located to each unit, and may include accessory facilities such as swimming pool, restaurant, meeting rooms, etc.
70. "Nonconforming Building" A building which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is situated.
71. "Nonconforming Use" A use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is situated
72. "Owner" The legal entity holding title to the property, or such representative or agent as is fully empowered to act on its behalf.
73. "Parcel" A part of a tract of land.
74. "Parking Lot" A parcel of land devoted to unenclosed parking spaces.
75. "Parking Space" A surfaced area, enclosed in the principal building, an accessory building, or an unenclosed area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.
76. "Planned unit development" (PUD) An area of a minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one (1) or more residential clusters or planned unit residential developments and one (1) or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified.
77. "Sidewalk" A paved or surfaced area, paralleling and usually separated from the street, used as a pedestrian walkway.
78. "Sign" means any structure or part thereof or device attached thereto or painted, or represented thereon, which displays or includes any letter, work model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. Sign includes "billboard" but does not include the flag, pennant or insignia of any nation, state, City or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.
79. "Site plan" A plan (to scale) showing uses and structures proposed for a parcel of land as required by the regulations involved.
80. "Special Exception" A listed use that may not be in exact compatibility with other principal permitted uses of a zoning district, but which may be allowed according to the provisions and requirements of this Ordinance by the Board of Adjustment.
81. "Stable, Private" A building, incidental to an existing residential, principal use, that shelters equine for the exclusive use of the occupants of the premises.
82. "Stable, Public" An accessory building in which equine are kept for commercial use including boarding, hire, and sale.
83. "Structure" Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards and poster panels.

84. "Structural Alteration" Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
85. "Towers" Any radio, television, telephone, short-wave, cellular telephone, wind generation, or microwave antenna or tower.
86. "Utilities" Systems for the distribution or collection of water, gas, electricity, wastewater, stormwater, telephone and cablevision.
87. "Variance" A grant of relief considered by the Board of Adjustment to an applicant from the terms of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.
88. "Violation" An intentional or deliberate failure of a structure or other development to be fully compliant with the provisions of this Ordinance.
89. "Yard, front" A yard extending across the full width of the lot and measured between the front lot line and the building.
90. "Yard, Rear" means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard. (See Figure 3.)
91. "Yard, Side" means a yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto. (See Figure 3.)
92. "Zoning Administrator" The administrative officer designated or appointed by the City Council to administer and enforce the regulations contained in this Ordinance.

Figure 3: Yard Definitions



Chapter 2

ESTABLISHMENT OF DISTRICTS, ZONING MAP, RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES, ANNEXED TERRITORY

2.1 Establishment of Districts.

For the purposes of this Ordinance, the City of Montezuma is hereby organized into the following zoning districts:

- A-1 Agricultural district;
- R-1 Residential district;
- R-2 Planned Mobile Home district;
- C-1 Mixed Use Commercial district,
- C-2 Downtown Historic Commercial district; and
- M-1 Manufacturing/Industrial district.

2.2 Zoning Map.

The location and boundaries of the zoning districts established by this title are set forth on the map entitled "Zoning Map" which is located in the Montezuma City Hall and made a part of this title. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this title as though fully set forth and described herein.

2.3 Rules for Interpretation of District Boundaries.

Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the zoning map, the following rules shall apply:

1. Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the center lines of such streets, highways or alleys;
2. Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to follow said boundary lines;
3. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines;
4. Boundaries shown as following or approximately following the center lines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel center line of such water courses taken at a mean low water mark;
5. Boundaries shown as following or closely following the City limits of Montezuma shall be construed as following such City limit lines;
6. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Adjustment shall interpret the district boundaries;
8. Whenever any street, alley or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classifications of the vacated land.

2.4 Annexed Territory.

All territory, which may hereafter be annexed to the City of Montezuma, shall be classed automatically as being in an "A-1" Agricultural District until such classification shall have been changed by amendment of this Ordinance as provided hereafter.

Chapter 3

GENERAL PROVISIONS

3.1 Zoning Affects Every Structure.

Except as hereinafter provided, no building, structure, or land shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired, except in conformity with the regulations herein specified for the class of District in which it is located.

3.2 Minimum Street Frontage, Lot of Record, Number of Buildings on Lot and Lots Unserved by Sewer or Water.

1. Minimum Street Frontage. No lot shall be created after the adoption of this Ordinance unless it abuts at least thirty (30) feet on a public street.
2. Lot of Record: in any Residential District on a lot of record at the time of enactment of this Ordinance, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this Ordinance are met.
3. Further, where two (2) or more contiguous recorded lots are held in common ownership, they may be combined into a zoning lot and shall thereafter be maintained in common ownership by deed restriction and shall be so joined and developed for implementing this section. The razing of a building on a substandard lot shall constitute the formation of a vacant lot.
4. Lots Unserved by Sewer and/or Water. In any residential district where neither public water supply nor public sanitary sewer is reasonably available, one (1) single dwelling may be constructed, provided the otherwise specified lot area and width requirements shall be a minimum of two (2) acres.

3.3 Required Yard Cannot be Reduced or Used by Another Building.

No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by this title, and if already less than the minimum required it shall not be further reduced. No required open space provided around any building or structure shall be included as part of any open space required for another building or structure.

3.4 Yard and Parking Space Restriction.

No part of any yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this title, shall be included as part of yard, open space, off-street parking or loading space similarly required for any other building.

3.5 Traffic Visibility Across Corner Lots.

In a residential or agricultural district on any corner lot, no fence, wall, hedge or other planting or structure that will obstruct vision between a height of two and one-half (2 1/2) feet and ten (10) feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by the right-of-way lines at such corner and a straight line joining the right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines.

3.6 Essential Services.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the community. With the exception of buildings and telecommunication towers, it is the intent to exempt such essential services from the application of this Ordinance. Associated buildings and telecommunication towers must be located in the appropriate Zoning District, and must abide by the corresponding requirements thereof.

3.7 Validity of Existing Building Permits.

Nothing contained in this title shall require any change in the overall layout, plans, construction, size or designated uses of any development, building, structure or part thereof, for which the official approvals and required building permits have been granted before the enactment of this Ordinance, the construction of which, conforming with such plans, shall have been started prior to the effective date of the title and the completion thereof carried on in a normal manner within the subsequent six (6) month period, and not discontinued until completion, except for reasons beyond the builder's control.

3.8 Height Exceptions.

The height limitations contained in Chapter 3.16 does not apply to spires, belfries, cupolas, chimneys, antennas,

water tanks, ventilators, elevator housing or other structures placed above roof level and not intended for human occupancy.

3.9 Public Right-of-Way Use.

No portion of the public street or alley right-of-way shall be used or occupied by an abutting use of land or structures for storage or display purposes, or to provide any parking or loading space required by this title, or for any other purpose that would obstruct the use or maintenance of the public right-of-way. No structure, building, sign, fencing or landscaping shall be placed in an easement. The City will not bear any responsibility, financial or otherwise, for moving or reconstructing any of these types of structures when access is required to an easement

3.10 Fences.

1. Fences in a "R" District. Residential fences or landscape features such as sculpture or walls may be erected or constructed on the property line. A fence in the front yard shall not exceed four (4) feet in height and six (6) feet in height in the case of side and rear yards.
2. Fences in Districts other than a "R" District. Fences cannot exceed eight (8) feet in height and may be erected directly on property line.

3.11 Proposed Use Not Covered By Title.

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

3.12 Access Required.

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

3.13 Application of Regulations.

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

3.14 Permitted Uses.

1. Use is permitted in all zoning districts for the purposes of the distribution of public utilities. However design and placement of said equipment and devices shall be reviewed by the Zoning Commission and approved by the City Council.
2. All other uses are permitted only as listed under each specific zoning district.

3.15 Temporary Special Exceptions.

The following uses may be permitted by a temporary special exception permit, valid for ten (10) days or less to the applicant, subject to the review and approval of the application by the Board of Adjustment:

1. Carnival, circus;
2. Festivals;
3. In determining whether a temporary special exception permit shall be granted, the board of adjustment shall give consideration to the health, safety, morals and comfort of area residents, any adverse impact on land uses, possibility of traffic congestion, harm to public roads, erosion of adjacent property and threat to any source of water supply. Conditions and restrictions as determined necessary to protect the public health, safety, morals, and comfort may be attached to the permit.

3.16 Bulk Requirements.

1. All new buildings shall conform to the building regulations established herein for the district in which each building shall be located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict or to further conflict with the bulk regulations of this title for the district in which such buildings shall be located.
2. Minimum bulk requirements are listed on Table 1, Bulk Requirements, Montezuma, Iowa, on the following pages.

Table 1: Bulk Requirements.

| District Use | Maximum Building Height ⁴ | Minimum Lot Area | Minimum Lot Width | Minimum Front Yard | Minimum Side Yard | Minimum Side Yard on a Corner Lot ⁵ | Minimum Rear Yard |
|--|---------------------------------------|------------------|-------------------|----------------------------|-------------------|--|-------------------|
| A-1 | | | | | | | |
| Single Family | --- | 2 Acres | 180 Ft. | 25 Ft. | 8 Ft. | 25 Ft. | 30 Ft. |
| Other Permitted Uses | --- | 2 Acres | 180 Ft. | 50 Ft. | 50 Ft. | 50 Ft. | 50 Ft. |
| R-1 Residential | | | | | | | |
| Single Family | --- | 8,700 Sq. Ft. | 66 Ft. | 10 Ft. | 5 Ft. | 10 Ft. | 5 Ft. |
| Other Permitted Uses | --- | 17,400 Sq. Ft. | 66 Ft. | 10 Ft. | 5 Ft. | 10 Ft. | 5 Ft. |
| R-2 Mobile Homes | --- | 5,000 Sq. Ft. | 50 Ft. | 10 Ft. | 5 Ft. | 10 Ft. | 5 Ft. |
| C-1 Mixed Use Commercial | --- | --- | --- | --- | --- | --- | --- |
| C-2 Downtown Historic Commercial | --- | --- | --- | --- | --- | --- | --- |
| M-1 Manufacturing/Industrial | --- | --- | --- | --- | --- | --- | --- |
| Accessory Buildings in R-1 & R-2 Districts | 25 Ft. or 1 story which ever is lower | --- | --- | Not allowed in front yards | 5 Ft. | 10 Ft. | 5 Ft. |

3.17 Requirements for Rezoning, Variances and Special Permits.

All petitions for rezoning, special exception, variance, etc. must be in writing, stating the exact legal description of land involved. Said petitions must be received by the Zoning Administrator twenty (20) days prior to a stated or special meeting of the Zoning Commission or Board of Adjustment. A preliminary plat plan shall be submitted with a petition for rezoning for subdivisions.

3.18 Home Occupation Standards

The following standards and criteria shall apply to home occupations.

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

3.19 Home Industry Standards

The following standards and criteria shall apply to home industries.

1. The home industry shall be clearly incidental and secondary to the residential occupancy of a dwelling unit located up on the property.
2. The home industry shall be conducted entirely and confined within an accessory detached building(s) located upon the property.
3. The home industry shall be conducted by a member(s) of the family residing within the dwelling unit located on the property and no more than two (2) non-resident employee.
4. There shall be no evidence of such industry being conducted within the accessory building(s) which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation.
5. Water, sewer, and waste disposal systems shall be subject to approval of the City Council.
6. Customer parking shall be provided and be as inconspicuous as possible on the premises.
7. Meet the accessory building requirements outlined in Section 3.16.

3.20 Home Occupation and Home Industry Sign Regulations

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

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

Chapter 4

A-1 AGRICULTURAL DISTRICT

4.1 General Description.

The A-1 agricultural district is intended to provide regulations for land situated on the fringe of the urban area that is used primarily for agricultural purposes. Many tracts in this district will be in close proximity to residential, commercial or industrial uses. The purpose of this district is to restrict the permitted uses to those which are compatible with both agricultural uses and developing residential, commercial or industrial uses.

4.2 Principal Uses Permitted

1. Agricultural crops and farm animals which are open grazed on the land;
2. Single family dwellings;
3. Manufactured housing;
4. Churches and temples;
5. Public schools, elementary, junior high and high schools;
6. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes;
7. Public buildings; public, semipublic parks, playgrounds or community buildings;
8. Golf courses and country clubs, miniature courses or driving ranges;
9. Accessory uses and buildings which are customarily incidental to any of the above stated uses, but not involving the conduct of business;
10. Roadside stand for sale of produce raised on the premises;
11. Public buildings and facilities, including essential service buildings; and
12. Home occupations and home industries

4.3 Special Exceptions.

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

1. Hospitals; rest, nursing, convalescent, and family homes; homes for children and aged; off-street parking and yards comparable for other institutional uses to be provided under its chapter;
2. Public utilities;
3. Cemetery or mausoleum;
4. Recreational development for seasonal or temporary use;
5. Extraction of sand, gravel, topsoil or other natural resources provided the land is restored to a condition suitable for the permitted uses of this district;
6. Dog kennels;
7. Greenhouses and plant nurseries operated for commercial purposes;
8. Telecommunications towers and other towers.

4.4 Lot Area, Frontage and Yard Requirements.

In the A-1 agricultural district, lot area, frontage and yard requirements shall be those regulations as specified in Section 3.16.

4.5 Off-Street Parking.

In the A-1 agricultural district, off-street parking and loading requirements shall be those regulations as specified in Chapter 9.

4.7 Sign Regulations.

In the A-1 agricultural district, sign regulations shall be those regulations as specified in Chapter 10.

Chapter 5

R-1 RESIDENTIAL DISTRICT

5.1 General Description.

The residential district is to provide for dwelling structures. The principal use of land may range from single family, multi-family, and condominiums and row housing. Certain other uses are permitted which are more compatible functionally with intensive residential uses than with commercial uses. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

5.2 Principal Uses Permitted.

Property and buildings in an R-1 single-family residential district shall be used only for the following purposes:

1. Single family detached dwellings;
2. Condominiums, townhouses, and rowhouses provided each unit has individual access to essential services.
3. Multi-family housing that complies with the standards in 5.8 and 5.9;
4. Manufactured housing;
5. Churches and temples;
6. Public schools, elementary, junior high and high schools;
7. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes;
8. Public, semi-public parks and playgrounds;
9. Public buildings and facilities, including essential service buildings;
10. Family Homes;
11. Home occupations and home industries; and
12. Accessory uses which are customarily incidental to any of the above stated uses, but not involving the conduct of business. Accessory uses shall include private garages and carports, private swimming pools, and private greenhouses not operated for commercial purposes.

5.3 Special Exceptions.

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

1. Family homes, nursing homes, convalescent homes, public buildings, and/or community buildings, with the same off-street parking and yards as those required for other institutional uses under this title;
2. Public utilities;
3. Swimming pools, golf courses and country clubs, miniature golf courses, and driving ranges;
4. The taking of boarders or the leasing of rooms by a resident family, providing total number does not exceed two per building.
5. Private kindergartens and day nurseries, and child care centers;
6. Medical and dental clinics;
7. Planned unit developments upon tracts of ten acres or more, subject to the requirements in Chapter 11;
8. Group care facilities.
9. Offices such as: Accountants, Dental Offices, Architects, Insurance, Attorneys, Barber shop, Medical offices, Beauty shop, Dispensary, Church offices, Home health nurses, Civil engineers, Psychologists, Collection agency, Public stenographers, Credit bureau, and Real estate. Other uses similar to the foregoing designated uses, but subject to review by the Board of Adjustment with the final review and approval by the City Council.
10. Accessory uses and buildings which are customarily incidental to any of the above uses.

5.4 Lot Area, Frontage and Yard Requirements.

In the R-1 single-family residential district, lot area, frontage and yard requirements shall be those regulations as specified in Section 3.16.

5.5 Sign Regulations.

In the R-1 single-family residential district, sign regulations shall be those regulations as specified in Chapter 10.

5.6 Height Regulations, Lot Area, Frontage and Yard Requirements.

1. On a corner lot the least width of a side yard along the side street lot line shall be equal to the required front yard along the side street. No part of any accessory building shall be nearer a side street lot line than the least depth on any front yard required along such side street.

5.7 Off-Street Parking.

1. Each multi-family living unit shall have 2 parking spaces per living unit. These parking spaces shall be in the side or rear yard. The parking spaces shall be graveled or hard surface and free of ruts and weeds.

5.8 Accessory Buildings, Structures, and Uses in Residential District.

1. General Provisions: The provisions in this section shall apply to all accessory buildings constructed within the City.
2. Percentage of Rear Yard Occupied. No detached accessory building or buildings shall occupy more than thirty (30) percent of the area of a rear yard.
3. Height of Accessory Buildings. No detached accessory building or structure shall exceed twenty five (25) feet in height.
4. Location on Lot. No accessory building or structure shall be erected in any front yard. Accessory buildings or structures shall be no closer than five (5) feet from any main buildings.

5.9 More Than One Principal Structure on Lot.

1. No more than one single-family detached dwelling may be erected on a single lot.

Chapter 6

R-2 PLANNED MOBILE HOME DISTRICT

6.1 General Description

The intent of the R-2 District is to provide sites only for the location of current mobile home parks. The city does not desire any new mobile home facilities.

6.2 Principal Permitted Uses

1. Single-wide or double-wide mobile homes in mobile home parks, as regulated herein.
2. Non-commercial community recreational facilities that are intended exclusively for the use of the residents and their guests of the mobile home development.
3. Buildings used for the management and maintenance of the development.
4. Tornado shelters.

6.3 Accessory Uses

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

6.4 Lot Area, Frontage, and Yard Requirements

Shall be those regulations as specified in Section 3.16, Table 1

6.5 Land Use and Density Requirements for Current & New Mobile Home Parks

- a. Alterations or changes may be made within existing mobile home parks provided that the spacing requirements are in conformance with the zoning ordinance. The placement or alterations of any additional structures, including mobile homes, manufactured homes, accessory buildings, and all other buildings shall require zoning approval.
- b. Any nonconforming mobile home or mobile home park which is hereafter damaged to an extent exceeding 60% or more of its replacement cost, shall not be restored or reconstructed until it is brought into compliance with the zoning ordinance. This requirement also includes constructing a storm/emergency shelter that is sufficient in size for the park at the rate of 5 spaces in the shelter for each mobile home lot.
- c. Nothing in this chapter shall prohibit the maintenance and repair of nonconforming mobile homes and mobile home parks to keep such mobile homes and parks in safe and sound condition, provided no enlargement, extension, alteration, or change shall be made to increase the degree of nonconformity.
- d. There shall be no less than 25 feet between any mobile homes.
- e. There shall be at least 3 feet between any mobile home and an accessory building.
- f. No part of any mobile home or other structure shall be located within twenty-five (25) feet of any public road, nor within twenty (20) feet of any exterior boundary of the R-2 district.
- g. Parking facilities shall be provided within the mobile home lot at the rate of two (2) spaces per mobile home.

Chapter 7

C-1 MIXED USE COMMERCIAL DISTRICT

7.1 General Description.

The C-1 commercial district is intended and designed for business, professions, and occupations and some residential activities in good locations in areas other than the central business district.

7.2 Principal Uses Permitted.

Property and buildings in a C-1 commercial district shall be used only for the following purposes:

1. Any use permitted in the R-1 district;
2. Antique shops;
3. Multi-family housing, with off-street parking;
4. Automobile accessory stores;
5. Automobiles, trailer, motorcycle, boat and farm implement establishments for display, hire, rental, and sales (including sales lots);
6. Bakeries or bakery outlets, retail sales only;
7. Banks, savings and loan associations, and similar financial institutions;
8. Barbershops and beauty parlors;
9. Business offices, professional offices and studios;
10. Car washes, including truck bays.
11. Carpenter and cabinet making shops;
12. Churches;
13. Clothes cleaning and laundry pick-up stations;
14. Commercial sales;
15. Confectionery stores, including ice cream or snack bars;
16. Dance studio;
17. Dental and medical clinics;
18. Restaurants;
19. Drug stores;
20. Dry goods stores;
21. Florist shops;
22. Furniture stores;
23. Gift shops;
24. Grocery stores, including supermarkets;
25. Hardware stores;
26. Health club;
27. Hotels and motels;
28. Household appliances, sale and repair. No items shall be stored or displayed outside of the building.;
29. Jewelry stores and watch repair shops;
30. Lawn mower repair shops;
31. Locker plant for storage and retail sales only;
32. Lumber yards;
33. Music studios;
34. Paint and wallpaper stores;
35. Pet shops;
36. Photographic studios, printing and developing establishments;
37. Playgrounds and public parks.
38. Plumbing and heating shops. No items shall be stored or displayed outside of the building;
39. Post offices;
40. Printing and lithographing shops;
41. Public buildings and facilities, including essential service buildings.
42. Publishing and engraving establishments;
43. Radio and television sales and repair shops. No items shall be stored or displayed outside of the building;
44. Rental storage buildings provided that all items are stored inside of the buildings;
45. Sporting goods stores;

46. Upholstering shops;
47. New & used car lots. All the vehicles shall be in immediately operable condition. No junk or unrepaired wrecked vehicles shall be stored in public view on the lot;
48. Variety stores;
49. Animal hospitals and veterinary clinics;
50. Service stations and convenience stores;
51. Welding and machine shops. No items shall be stored outside of the building;
52. Funeral homes and mortuaries;
53. Wholesale display and sales rooms and offices;
54. Accessory uses and buildings which are customarily incidental to the above stated uses;
55. Other uses similar to the foregoing designated uses after review and approval of the Board of Adjustment.

7.3 Special Exception.

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

1. Sheet metal shops;
2. Automobile, trailer, motorcycle, boat and farm implement service/repair establishments. The city may place site standards on storage of repair items and other requirements so that there is a good view from the public right of way;
3. Agricultural feed and seed sales, but excluding grinding, mixing and bleeding;
4. Billiard parlors and pool halls;
5. Book stores;
6. Dance halls;
7. Liquor stores and lounges;
8. Nightclubs
9. Private clubs and lodges;
10. Video equipment rental and sales, including film rental.

7.4 Off-Street Parking Areas

In the C-1 commercial district, off-street parking areas and loading requirements shall be those regulations as specified in Chapter 9.

7.5 Signs.

In the C-1 commercial district, sign regulations shall be those regulations as specified in Chapter 10.

Chapter 8

C-2 DOWNTOWN HISTORIC COMMERCIAL DISTRICT

8.1 General Description.

The C-2 central commercial district is designed to accommodate the needs of the central business district, allowing a wide range of services and goods permitted for consumer daily and occasional shopping and service needs. This district will also assist with protecting and enhancing the visual character of development and to preserve the unique streetscape of downtown by encouraging compatibility among downtown structures.

8.2 Principal Uses Permitted.

Property and buildings in a C-2 central commercial district shall be used only for the following purposes:

1. Antique shops;
2. Multi-family and owner occupied housing, – see housing restrictions in Section 7.5;
3. Automobile accessory stores;
4. Automobiles, establishments for display, rental, and sales (including sales lots). All the vehicles shall be in immediately operable condition. No junk or unrepaired wrecked vehicles shall be stored in public view on the lot.;
5. Bakeries or bakery outlets, retail sales only;
6. Banks, savings and loan associations, and similar financial institutions;
7. Barbershops and beauty parlors;
8. Business offices, professional offices and studios;
9. Churches;
10. Clothes cleaning and laundry pick-up stations;
11. Commercial sales;
12. Confectionery stores, including ice cream or snack bars;
13. Dance studio;
14. Dental and medical clinics;
15. Restaurants;
16. Drug stores;
17. Dry goods stores;
18. Florist shops;
19. Furniture stores;
20. Gift shops;
21. Grocery stores, including supermarkets;
22. Hardware stores;
23. Health club;
24. Household appliances, sale and repair;
25. Jewelry stores and watch repair shops;
26. Locker plant for storage and retail sales only;
27. Music studios;
28. Paint and wallpaper stores;
29. Pet shops;
30. Photographic studios, printing and developing establishments;
31. Plumbing and heating shops. No items shall be stored outside of the building.;
32. Post offices;
33. Printing and lithographing shops;
34. Public buildings and facilities, including essential service buildings.
35. Publishing and engraving establishments;
36. Radio and television sales and repair shops. No items shall be stored or displayed outside of the building;
37. Sporting goods stores;
38. Upholstering shops;
39. Variety stores;
40. Funeral homes and mortuaries;
41. Wholesale display and sales rooms and offices;
42. Accessory uses and buildings that are customarily incidental to the above stated uses.

43. Other uses similar to the foregoing designated uses after review and approval of the Board of Adjustment.

8.3 Special Exception.

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

1. Billiard parlors and pool halls;
2. Book stores;
3. Dance halls;
4. Liquor stores and lounges;
5. Nightclubs
6. Private clubs and lodges;
7. Animal hospitals and veterinary clinics; and
8. Video equipment rental and sales, including film rental.

8.4 Off-Street Parking Areas.

1. In the C-2 central commercial district, off street parking areas and loading requirements shall be those regulations as specified in Chapter 9.

8.5 Appearance Expectations

1. All downtown businesses shall not store items outside of the building that makes the business or area look bad. The city may place standards on buildings, set by the Board of Adjustment, to ensure that the buildings look good.
2. No junk or unrepaired vehicles or equipment shall be stored in public view on any lot.
3. There shall be no residential use on the 1st floor public street frontage. There can be residential use on the 1st floor but it shall be behind the permitted commercial space. The commercial space shall be at least two-thirds of the 1st floor square feet. That commercial space shall be on the frontage of the building.
4. Building entrances shall face the public street.
5. The front of building shall be adjacent to the public right of way sidewalk.
6. For new buildings and existing buildings with low or no sloped roofs, the front roof line shall appear to be flat. Awnings and signs may protrude from the front wall. There may be a roof pitch behind the front wall but the roof pitch shall not be visible from the public road.
7. The front façade shall be covered in materials that are representative of the downtown construction time frame and the original building construction. Permitted front façade material types for new construction shall be glass, stucco, tile, wood, and masonry or the appearance thereof. No vinyl siding or sheet metal shall be used on the building frontage. Existing buildings shall use front façade materials that are similar in appearance to the original building construction methods. A current building owner must comply with the historic material types specified in this chapter if they cover, change, or alter the current façade.

8.6 Signs.

In the C-2 central commercial district, sign regulations shall be those regulations as specified in Chapter 10.

Chapter 9

M-1 MANUFACTURING/INDUSTRIAL DISTRICT

9.1 General Description.

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

9.2 Principal Uses Permitted.

Property and buildings in an M-1 manufacturing/Industrial district shall be used only for the following purposes:

1. Any use permitted in the C-1 and C-2 district, except any type of residential use. This would include single family, two-family, multi-family, condominium, manufactured housing, mobile homes, and apartments. Hotels and motels are permitted.
2. Automobile body repair and paint shop.
3. Automobile restoration and rebuilding shops.
4. Automobile, trailer, motorcycle, boat, and farm implement service or repair establishments.
5. Cabinet making plants or factories with more than three (3) employees.
6. Consignment and auction sales operations of any kind having no more than four (4) public sales per month, but excluding the sale of livestock, fish, fowl, or animals of any kind.
7. Construction businesses, contractor's shops, and storage yards.
8. Farm implement sales, service, repair and assembly.
9. Rental storage buildings, including mini-storage facilities.
10. Semi-tractor trailer parking.
11. Tool and die operations.
12. Truck or bus garage and repair shop.
13. Welding and machine shops.
14. Wholesaling and warehousing.
15. Sheet metal products manufacture;
16. Brick and clay products and central mixing and proportioning plant;
17. Flour, feed and grain milling and storage;
18. Structural iron and steel fabrication;
19. Machinery manufacture;
20. Mini-steel plants;
21. PVC products manufacturing;
22. Accessory uses and buildings which are customarily incidental to the above stated permitted uses and including temporary buildings used in conjunction with construction work, provided such buildings are removed promptly upon completion of the construction work.
23. Other uses similar to the foregoing designated uses.

9.3 Special Exceptions.

The following uses deemed appropriate on review by the board of adjustments in accordance with provisions contained herein:

1. Carnivals, circuses, fairs, road shows;
2. Cleaning and dyeing plants;
3. Animal processing facilities;
4. Foundry operations;
5. Junkyards, including automobile wrecking and/or salvage, enclosed by a presentable solid fence eight feet high.
6. Fertilizer manufacture;
7. Stock yards, slaughterhouses and/or sale barns and yards;
8. Explosive manufacture;
9. Bulk storage and manufacturing of petroleum products and liquid fertilizers;
10. Acid manufacture;
11. Paint and varnish manufacture;

12. Wholesaling and warehousing of hazardous chemicals.
13. Kennel and/or animal rescue shelters.
14. Accessory uses and buildings which are customarily incidental to the above stated permitted uses and including temporary buildings used in conjunction with construction work, provided such buildings are removed promptly upon completion of the construction work;
15. Other uses after the review of the Board of Adjustment and final approval by the city council.

9.4 Off-Street Parking Areas

In the M-1 light industrial and/or manufacturing district, off-street parking areas and loading requirements shall be those regulations as specified in Chapter 9.

9.5 Signs.

In the M-1 Manufacturing district, sign regulations shall be those regulations as specified in Chapter 10.

Chapter 10
OFF-STREET PARKING AREAS AND LOADING SPACES

10.1 Development Standards.

1. Any lighting used to illuminate such parking areas shall be arranged as to reflect light away from adjoining premises in an R district.

Chapter 11

SIGNS

11.1 General Provisions.

1. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use will cease, they shall be removed promptly and the surrounding area restored to a condition free from refuse and debris.

11.2 Agricultural Districts.

In any agricultural district the following signs are permitted:

1. Name plates not to exceed one (1) square foot in area;
2. Church or public bulletin boards;
3. Temporary signs advertising the lease or sale of the premises, not to exceed twelve square feet in area;
4. Bulletin boards and signs pertaining to the lease, hire or sale of a building or premises, or signs pertaining to any material that is grown or treated within the district; provided, however, that such signs shall be located upon or immediately adjacent to the building or in the area in which such materials are treated, processed or stored.

11.3 Residential District.

In any residential district the following signs are permitted:

1. Name plates not to exceed one (1) square foot;
2. Church or public bulletin boards;
3. Temporary signs advertising the lease or sale of the premises, not to exceed twelve square feet in area;
4. Facilities, other than single family dwellings, normally required to provide an attractive residential area may illuminate signs, bulletin boards and name plates only with indirect non-intermittent lights that do not exceed sixty watts;
5. Signs for home occupations not exceeding four (4) square feet in area;
6. Signs must not project more than four feet above the roofline.

11.4 Commercial Districts.

The following signs are permitted in the commercial districts:

1. Signs permitted in the residential districts;
2. Two signs per business shall be permitted in the C-1 and C-2 district. There shall only be one (1) post sign for each business, however, that said post any exterior sign shall pertain only to a use conducted within the building and be integral or attached thereto. No sign may project over any street line (back of curb) or sidewalk. The maximum height of any post sign is 24 feet. Where the lot adjoins the R-1 district, the exterior sign shall be attached flat against the building and shall not face the R district.
3. In the C-1 and C-2 districts no sign shall project more than four (4) feet above the roof line. Signs shall not have a surface of greater than forty (40) square feet on any one (1) side thereof and not more than two (2) sides of post sign shall be used for advertising purposes.

11.5 Industrial Districts.

All signs allowed within the commercial district are allowed within the industrial district.

11.6 Outdoor Advertising Signs (off-site signs).

1. In all districts where permitted, signs shall be set back from the proposed right-of-way line of any state or federal highway, any major City thoroughfare so designated by the official major street plan, and from the right-of-way line of any other street or highway.
2. No signs shall be permitted on corner lots in the triangle formed by measuring 100 feet along the curb line of each street and then running a line between the two end points.
3. No such sign shall be permitted which faces the front or side lot line of an R-1 lot and is within one hundred (100) feet of such R-1 lot lines,

Chapter 12
PLANNED UNIT DEVELOPMENTS

12.1 Purpose.

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

1. A maximum choice in the types of environment available to the public by allowing a development which would not be possible under the strict application of the Zoning Code;
2. The permanent preservation of open areas and recreational facilities;
3. A creative approach to the use of land and related physical facilities which results in better development, design and construction;
4. A development which is consistent with the spirit and intent of the City's comprehensive plan;
5. The efficient use of land resulting in more economic networks of utilities, streets and other facilities;
6. A use of land which promotes the health, safety, comfort, morals, and welfare of the public;
7. The foregoing shall not be interpreted to permit the reduction of the other zoning standards.

12.2 Permitted Uses.

The permitted uses within any planned unit development shall be limited to the following:

1. Single-family, two-family, townhouse, row house and multiple-family residential;
2. Parks and playgrounds;
3. Customary accessory or associated uses, such as private garages, storage spaces and recreational and community facilities.

12.3 Density.

The maximum residential density within any planned unit development shall be as follows:

1. Type of Development Maximum Density
 - Single-family dwellings 7 units per acre.
 - Two-family dwellings 8 units per acre.
 - Townhouse dwellings 11 units per acre
 - Multifamily dwellings 12 units per acre

12.4 Yard Requirements.

The minimum yard requirements within any planned unit development shall be as follows:

| 1. Type of Development | Front | Rear | Side |
|---------------------------|-------|------|------|
| 2. Single-family dwelling | 10 | 5 | 5 |
| 3. Two-family dwelling | 10 | 5 | 5 |
| 4. Townhouse dwellings | 10 | 5 | 5 |
| 5. Row house dwellings | 10 | 5 | 5 |
| 6. Multifamily dwellings | 10 | 5 | 5 |

Provided that nothing herein contained shall reduce the yard abutting upon any public street to less than ten feet.

12.5 Signs.

Signs within any planned unit development shall be restricted to those signs permitted by Chapter 10.

12.6 Design Standards.

All improvements within any planned unit development, including street pavement, the sidewalks and the electric, sewer, water and gas lines and mains, shall be built to the design standards of the City.

12.7 Special exceptions.

1. The petition for special exception pursuant to the provisions of this chapter shall include a site development plan.
2. Prior to the granting of special exception pursuant to this chapter, the board of adjustment shall refer the petition for the special exception and all supporting documents to the Zoning Commission for its review and recommendation.
3. Any decision of the board of adjustment relative to the development shall include, but not by limitation, findings of fact on the following:
 - a. The extent to which the development is consistent with the purposes of planned unit developments as set forth in this chapter;
 - b. The extent to which the development meets the requirements and standards of planned unit developments as set forth in this chapter;
 - c. The manner in which the development conforms with the intent and spirit of the City's comprehensive plan;
 - d. The reasons why the granting of the special exception is deemed to be in the public interest;
 - e. The relationship and compatibility of the development to the adjacent properties and neighborhood;
 - f. The desirability of the development as it relates to the well-being of the City.
4. Any special exception granted pursuant to this chapter shall be expressly subject to such conditions as may be necessary to fully carry out the intents and purposes of this chapter, the City's comprehensive plan and the zoning ordinance of the City
5. The petition for the special exception and all supporting documents and the conditions to which the special exception is subject shall be binding upon the titleholders and upon their successors in interest, and shall limit and control the use of the development and the location of buildings and structures within the development as therein set forth.
6. Upon the granting of a special exception pursuant to this chapter, the zoning administrator shall issue building permits for construction within the development, provided that the application for such permits conforms to the petition for the special exception and all supporting documents and the conditions to which the special exception is subject.

Chapter 13
NONCONFORMING BUILDINGS, STRUCTURES AND USES OR LAND

13.1 Nonconforming Building.

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

13.2 Alteration or Enlargement of Building and Structures.

A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all the regulations of the district in which it is located; provided, however, that if a building or structure is conforming as to its use, but nonconforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which said building or structure is located. No nonconforming building or structure shall be moved in whole or part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located.

13.3 Building Vacancy.

A building or structure or portion thereof, which is nonconforming as to use, which is or hereafter becomes vacant and remains unoccupied for continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

13.4 Destruction of Nonconforming Building or Structure.

Any nonconforming building or structure which has been or may be damaged by fire, flood, explosions, earthquake, war, riot, or any other act of God, may be reconstructed and used as before if it can be done within twelve months of such calamity, unless damaged more than fifty (50) percent of its fair market value, as determined by the board of adjustment, at the time of the damage, in which case reconstruction shall be in accordance with the provisions of this title.

13.5 Change of Uses.

1. A nonconforming use of a conforming building or structure may be expanded or extended into any other portion of the structure provided the structure was manifestly arranged or designed for such use at the time of adoption or amendment of the ordinance codified in this title, but no such use shall be extended to occupy any land outside such building.
2. If such a nonconforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant conforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of this Ordinance, but otherwise it shall be used in conformity with the regulations of the district in which it is located.
3. The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of nonconforming building or structure is changed to a use of a more restricted district classification it thereafter shall not be changed to a use of a less restricted district classification; provided, however, that a building or structure that is nonconforming at the time of adoption of this title is not in violation. For the purpose of this subsection only, the R-1 district shall be considered the most restrictive and the M-1 Manufacturing/Industrial District the least restrictive district.

13.6 Nonconforming Uses of Land.

1. General: A lawful, or authorized, nonconforming use existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section. Any nonconforming use in existence at the adoption hereof that was not a lawful, or authorized use under previous zoning ordinances shall not be authorized to continue as a nonconforming use pursuant to this Ordinance, or amendments thereto.

2. Extension or Expansion of Use: A nonconforming use may not be extended or expanded, nor shall it occupy more lot area or be considered a more intense use than was in existence on the effective date of this Ordinance.

13.7 Nonconforming Lots

1. General: A lawful, or authorized, nonconforming lot existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section. Any nonconforming lot in existence at the adoption hereof that was not a lawful, or authorized use under previous zoning ordinances shall not be authorized to continue as a nonconforming lot pursuant to this Ordinance, or amendments thereto.
2. Nonconforming Lots as Lots of Record: A nonconforming lot in existence on the effective date of this Ordinance shall be considered a “lot of record”, as defined and regulated within this Ordinance.

Chapter 14

ADDITIONAL REQUIREMENTS, EXCEPTIONS, MODIFICATIONS AND INTERPRETATIONS

14.1 Generally.

The requirements and regulations specified elsewhere in this title shall be subject to additional requirements, exceptions, modifications, and interpretations contained in this chapter.

14.2 Height and Size Limits.

Height limitations stipulated elsewhere in this title shall not apply in the following situations:

1. To barns, silos, or other farm buildings or structures on farms provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts, and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if in the opinion of the zoning administrator, such structure would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustment;
2. To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors, wind generators and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height than specified, such may be authorized by the board of adjustment;
3. Telecommunication towers and other towers.

14.3 Rear Yard Exceptions and Modifications.

The following projections or structures may be permitted in rear yards:

1. Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.
 - a. In any Commercial or Residential District, a building which is non-conforming as to rear yard setbacks may be expanded or enlarged, provided the enlargement or expansion does not encroach closer to the rear property line than the already existing building. All other Bulk Requirements must be met.
 - b. Accessory buildings or structures subject to the provisions contained elsewhere in this title;
 - c. Fences or walls, not over six (6) feet above the average natural grade;
 - d. Fire escapes, bays and balconies.
 - e. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, and the like.
 - f. Terraces, steps, uncovered porches, or similar features.
 - g. Swimming pools.

Chapter 15

ADMINISTRATION AND ENFORCEMENT

15.1 Organization

The administration of this Ordinance is vested in the following four (4) offices of the government of the City of Montezuma: Mayor and City Council; Board of Adjustment; Zoning Commission; and Zoning Administrator.

15.2 Basis of Regulations

Regulations are made in accordance with Iowa Code, Chapter 414, as amended, and with the City's Comprehensive Plan. These regulations designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water sewerage, schools, parks, and other public requirements.

15.3 Mayor and City Council

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

15.4 Board of Adjustment

1. Creation: the Board of Adjustment, as established under applicable provisions of the Code of Iowa, is the Board referred to in this Ordinance.
2. Appointment-Terms-Removal: The Board shall consist of five (5) members, who are residents, to be appointed by the Mayor and subject to approval by City Council for a term of five (5) years except when the Board shall first be created then one (1) member shall be appointed for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year. A majority of the members of the Board shall be persons representing the public at large. The Board of Adjustment members shall not also be members of the Zoning Commission or City staff, and members shall not hold an elective office in municipal government nor shall a majority of the members be involved in the business of purchasing or selling real estate. Members of the Board may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by the Mayor, subject to City Council approval for the unexpired term of the member affected. There shall be no term limits for the Board of Adjustment.
3. Powers and Duties: The Board of Adjustment is hereby vested with the following powers and duties:
 - a. To hear and decide all applications for variances from the terms provided in the Ordinance in the manner prescribed and subject to the standards herein.
 - b. To hear and decide all applications for special exceptions in the manner prescribed in this Ordinance.
 - c. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance. The Board shall also interpret the Official Zoning Map, if necessary.
4. Meetings and Rules: The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this article. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in their absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each agenda item requiring action, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official

actions, all of which shall be public record and be filed in the office of the Zoning Administrator and City Clerk. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in application of this title. At the first meeting of each calendar the Board of Adjustment members shall name a chair and vice-chair for that coming year. If one of those officers shall choose not to be a member of the board during the year, a new officer shall be selected by the remaining board members for the remaining term of that calendar year. A chair can serve for multiple terms.

5. Finality of Decisions of the Board of Adjustment: All decisions and findings of the Board of Adjustment on appeals applications, applications for a variance, or application for a special exception, after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as is stated in the Code of Iowa.

15.5 Variances

1. Purpose and Findings of Fact: The Board of Adjustment, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment makes written findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are no practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.
2. Application for Variance: An application for a variance shall be filed in writing with the Zoning Administrator. Said application shall contain such information, and appropriate non-refundable fee, as the Board of Adjustment may, by rules, require.
3. Hearing on Application: Upon receipt in proper form of the application, the Board of Adjustment shall hold at least one (1) public hearing on the proposed variance. Notice of time and place of such hearing shall be published not less than seven (7) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in the City of Montezuma. Property owners within two hundred (200) feet of the property for which the change is being requested shall be notified as a courtesy as well. Before an application is filed with the Board of Adjustment, the applicant shall pay a non-refundable fee to the City of Montezuma to cover the publishing and administration costs of said request, per the adopted fee schedule.
4. Standards for Variance: The Board of Adjustment shall not vary the regulations of this Ordinance, as authorized in this Section, unless there is evidence presented to it in each specific case that:
 - a. Special conditions and circumstances exist which are unique to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. Special conditions shall include but not be limited to a property owner who can show that their property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographic conditions or other exceptional or extraordinary situations the strict application of the terms of this Ordinance actually prohibits the use of the property in manner reasonably similar to that of other property in the district.
 - b. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. In other words, an unnecessary hardship would result from literal enforcement of this Ordinance.
 - c. Special conditions and circumstances do not result from the actions of the applicant.
 - d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
5. Further Requirements:
 - a. The Board of Adjustment shall make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - b. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and the Montezuma Comprehensive Plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 - c. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under this Ordinance.

- d. Under no circumstances shall the Board of Adjustment grant a variance to allow for a use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the District.
 - e. If property lines cannot be determined through existing surveys or property markers, the request must be accompanied by a certified survey.
6. Denial and Revocation of Variance:
- a. Denial: No application for a variance that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions that may be found to be valid by the Board of Adjustment.
 - b. Revocation: In any case where variance has not been established within one (1) year after the date of granting thereof, the Board shall provide notice to the applicant that the approved variance may be revoked. Said notice shall offer the applicant an opportunity to be heard by the Board of Adjustment. The Board may, after this process, revoke or extend the approved variance.

15.6 Special Exceptions

Special Exception Requirements:

1. Purpose: The development and administration of this Ordinance is based upon the division of the City into Zoning Districts, within said Districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized that there are certain uses, because of their unique characteristics, cannot be properly classified in any particular District or Districts, without special consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use that locations. Such special exceptions fall into two categories:
 - a. Uses publicly operated or traditionally affected with a public interest, and
 - b. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
2. Initiation of Special Exceptions: Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one (1) or more of the special exceptions provided for in this Ordinance in the zoning district in which the land is located.
3. Application for Special Exception: An application for a special exception shall be filed with the Zoning Administrator on a form as the Zoning Administrator shall prescribe. The application shall be accompanied by an appropriate non-refundable fee and such plans and/or data prescribed by the Board of Adjustment and shall include a statement indicating the Section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
4. Hearing on Application: Upon receipt in proper form of the application and statement, the Board of Adjustment shall hold at least one (1) public hearing on the proposed special exception. Notice of time and place of such hearing shall be published not less than seven (7) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in the City of Montezuma. Property owners within two hundred (200) feet of the property for which the exception is being requested shall be notified as a courtesy as well. Before an application is filed with the Board of Adjustment, the applicant shall pay a non-refundable fee to the City of Montezuma to cover the publishing and administration costs of said request, per the adopted fee schedule.
5. Authorization: For each application for a special exception the Zoning Administrator shall prepare and file with the Board of Adjustment findings and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.
6. Standards: No special exception shall be granted by the Board of Adjustment unless such Board shall find:
 - a. That the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - b. That the special exception will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood;
 - c. That the establishment of special exceptions will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided and that the request not impair an adequate supply of air or light to adjacent properties;

- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
 - f. That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment;
 - g. That the special exception shall be consistent with the Montezuma Comprehensive Plan and the Code of Ordinances.
7. Conditions and Guarantees: Prior to the granting of any special use, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the Standards and requirements specified in Subsection (f) above. In all cases in which special exceptions are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be met.
8. Denial and Revocation of Special Exception:
- a. Denial: No application for a special exception that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.
 - b. Revocation: In any case where special exception has not been established within one (1) year after the date of granting thereof, the Board shall provide notice to the applicant that the approved exception may be revoked. Said notice shall offer the applicant an opportunity to be heard by the Board of Adjustment. The Board may, after this process, revoke or extend the approved exception.

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

1. Appeals of Staff Interpretations and Decisions

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by a decision of the Zoning Administrator or official in enforcement of this Ordinance. Such appeal shall be taken to the Board within a reasonable time, as prescribed by the Board's Rules of Procedure. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

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

The Board shall hold one (1) public hearing and shall give a reasonable time for the hearing on the appeal. Notice of time and place of such hearing shall be published not less than seven (7) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in the City of Montezuma. Property owners within two hundred (200) feet of the property for which the appeal is being requested shall be notified as a courtesy as well. Before an application is filed with the Board of Adjustment, the applicant shall pay a non-refundable fee to the City of Montezuma to cover the publishing and administration costs of said request, per the adopted fee schedule.

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

2. Other Powers of the Board of Adjustment

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

- a. Interpretation of District Map: Where the application of the rules for interpretation of district boundaries leaves a reasonable doubt to the boundary between two (2) Zoning Districts the Board of Adjustment after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purposes of this Ordinance.

15.8 Appeals of Board of Adjustment Decisions

Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of said decision, in the manner provided by the laws of the state and particularly by the Code of Iowa.

15.9 Zoning Commission

1. Creation: the Zoning Commission of the City of Montezuma, as established under the applicable provisions of the Code of Iowa, is the Zoning Commission referred to in this Ordinance.
2. Membership: The Zoning Commission shall consist of three (3) members, who are residents, to be appointed for a term of five (5) years except when the Commission shall first be created then one (1) member shall be appointed for a term of five (5) years, one (1) for a term of four (4) years, and one (1) for a term of three (3) years. Said Zoning Commission shall consist of persons who are qualified by knowledge or experience to act in matters pertaining to the development of a city planning and who shall not hold any elective office in the municipal government or be a member of the Board of Adjustment or City staff. Members shall be appointed by the Mayor, subject to the approval of the City Council.

Vacancies shall be filled by appointments for unexpired terms only. All members of the Commission shall serve without compensation except for actual expenses, which shall be subject to the approval of the City Council.

Immediately following their appointment, the members of the Zoning Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with City Ordinances and state laws. The Commission shall keep written records of its proceedings which shall be filed with the Zoning Administrator and City Clerk and open at all times to public inspection.

3. Powers and Duties: The Zoning Commission shall hold the following powers, discharge the following duties, and make recommendations to the City Council under this Ordinance. Included are the following responsibilities:
 - a. Review and make recommendations regarding the adoption, or amendment of, the Montezuma Comprehensive Plan;
 - b. Review and make recommendations regarding the adoption, or amendment of, this Ordinance. This includes all amendments to the written, map, and application components of the Ordinance, as well as any other duties or responsibilities assigned to the Commission within this Ordinance;
 - c. Conduct the necessary public hearings, as prescribed under the Montezuma Comprehensive Plan, this Ordinance, or the Iowa Code;
 - d. Review, adopt, and amend the Commission's Administrative Rules or Rules of Procedure, which govern the actions of the Commission;
 - e. Rely on the City Council to provide sufficient staffing in order to ensure that the business of the Commission is addressed in a timely fashion; and
 - f. Review any other land use change or issue, which at the direction of the City Council, are sent to the Commission for consideration and recommendation.
 - g. Amendments made to the Montezuma Comprehensive Plan and to this Ordinance shall, when directed by the City Council or an applicant, be considered by the Zoning Commission within thirty (30) days of their receipt.

15.10 Zoning Administrator

1. Designation of Zoning Administrator: The Zoning Administrator shall be designated by the Mayor and subject to the approval of the City Council.
2. Powers and Duties of the Zoning Administrator: The Zoning Administrator shall enforce this Ordinance and in addition shall:
 - a. Issue all building permits and collect any fees.
 - b. Process and review all applications for variances, special exceptions, and interpretation for referral to the

Board of Adjustment.

- c. Respond to complaints of alleged violations to the Ordinance. If after response by the Zoning Administrator the complaint remains unresolved, the issue shall be referred by the Administrator to the Mayor and City Council for resolution.
- d. Provide applications and forms and maintain public information relative to all matters arising out of this Ordinance.
- e. Process and review all applications for rezoning prior to consideration by the Zoning Commission.
- f. Review site plans for conformance with this Ordinance.
- g. Attend meetings of the Zoning Commission and the Board of Adjustment, as well as carry out duties that may be requested by both bodies.

15.11 Amendments to this Ordinance

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

In case the Zoning Commission does not approve the change, or in the case of a protest filed with the City Council against such change signed by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change or of those immediately adjacent to, not to exceed two hundred (200) feet, such amendments shall not be passed except by the favorable vote of three-fourths ($\frac{3}{4}$) of all members of the City Council. As part of an amendment to this Ordinance changing land from one (1) zoning district to another zoning district, or as part of approving a site development plan, the City Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this Section or any adjournment of that hearing. The conditions must be reasonable and imposed to satisfy public needs that are directly caused by the requested change.

2. Ordinance Amendment Application: (Text or Map/Rezoing Amendments): An application for rezoning shall contain the following items:
 - a. The legal description and local address, if applicable, of the property to be rezoned.
 - b. The present zoning classification and the zoning classification requested for the property.
 - c. The existing use and proposed use of the property.
 - d. The names and addresses of the owners of all property within two hundred (200) feet of the property for which the change is requested.
 - e. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
 - f. A plat or sketch showing the locations, dimensions, and use of the applicant's property and all property within two hundred (200) feet thereof, including streets, alleys, railroads, and other physical features.
 - g. The property owner's signature.
3. Fees: Before any action is taken upon an application as provided in this section, the applicant shall pay the Zoning Administrator a non-refundable fee. The applicant shall pay this fee to the credit of the general revenue fund of the City. Failure to approve the change, by either the Zoning Commission or City Council, will not be construed as any reason for refunding the fee to the applicant.

Chapter 16

BUILDINGS CONSTRUCTION, CERTIFICATES, FEES

16.1 Building Construction

No building or structure shall hereafter be erected, constructed, reconstructed, enlarged, moved, or converted unless a separate permit for each building or structure has first been obtained from the Zoning Administrator. Said permit and the application for the permit shall contain a plot plan showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building or structure to be erected or affected, the name and address of the owner or owners of the involved lot, and such other information as may be necessary to provide for the enforcement of this Ordinance. The application and permit shall be on forms prepared by the Zoning Administrator and approved by the Council. No permit shall be issued for any construction not in compliance with this Chapter. Any construction started without a permit shall be stopped immediately, and shall be subject to the remedies of Chapter 16.

16.2 Commencement and Completion of Construction

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

16.3 Structure Standards

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

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

16.4 Applications and Non-Refundable Fees

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

1. Zoning Map Amendments (Rezoning Requests) or Ordinance Text Amendments - \$250 + fees for publications and mailings.
2. Variances - \$50.
3. Special Exceptions - \$50.
4. Appeals of Staff Interpretations and Decisions - \$50
5. Building permits - \$100 for commercial activities; and \$50 for residential activities, except \$10 for accessory uses that are 200 square feet or less.

Chapter 17
VIOLATIONS AND LEGAL REMEDIES PROVISIONS

17.1 Notice to Violators

If the Zoning Administrator finds that any provision of this Ordinance is being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance or by the City Code to insure compliance with or to prevent violation of its provisions.

17.2 Responsibility

The owners, or tenant, of any building, structure, land or part thereof and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation of this chapter may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

17.3 City Remedies

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

Chapter 18
ORDINANCE REPEALER, SEVERABILITY CLAUSE, AND EFFECTIVE DATE

18.1 Repealer

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

18.2 Severability Clause

If any section or part thereof of this Ordinance shall be held to be unconstitutional by a court of competent jurisdiction, the remainder of the provisions herein shall be deemed to continue in full force and effect.

18.3 Effective Date

This Ordinance repeals Chapter 155 of the 2011 Montezuma Code of Ordinance, and any amendments thereto. This Ordinance is enacted in lieu thereof and shall be known as the Montezuma Zoning Ordinance which shall be integrated into the City Code of Ordinances. This is an ordinance creating zoning regulations for the purpose of protecting health, welfare, and public safety within the City of Montezuma, Iowa. This Ordinance shall become effective upon publication.

A recommendation for adoption was made by the Montezuma Zoning Commission on xx, 20xx, after a public hearing was held on October 1, 2013.

Passed and approved by the City Council on the following dates:

Public Hearing: xx, 20xx

First Reading: xx, 20xx

Second Reading: xx, 20xx

Third and Final Reading: xx, 20xx (rules were suspended)

Ordinance Number xx, "The City of Montezuma, Iowa Zoning Ordinance", as adopted, shall be in full force and effect upon publication.

Adopted by the City Council of Montezuma, Iowa.

Mayor

Date

Attest:

City Clerk

Date