

## ARTICLE IV. SUPPLEMENTARY REGULATIONS

### Sec. 110-221. Accessory buildings.

Accessory buildings as regulated in this article are permitted in any district. No detached accessory building hereafter constructed shall occupy a required front yard or be located within ten feet of any dwelling existing or under construction on the building site, except that for a detached garage the minimum distance shall be five feet. No single accessory building, in a residence district, shall occupy more than 30 percent, nor shall all such buildings collectively occupy more than 40 percent of the required yard spaces in the rear half of the lot. No accessory building shall be located closer than five feet to any lot line; in the case of a reversed corner lot, no accessory building shall project closer to the street side yard than the front yard abutting. On an external lot an accessory building shall not project closer than 15 feet to the street side lot line except that if the building is a required parking garage, and has access to the side street, such setback shall be a minimum of 20 feet.

(Code 1977, § 42.600)

### Sec. 110-222. Accessory uses.

An accessory use as regulated in this article, is permitted in any district where the principal use to which it is accessory is permitted.

(Code 1977, § 42.605)

### Sec. 110-223. Advertising signs and billboards.

(a) No billboards or advertising signs shall be permitted in the residence districts, except as provided in section 110-113(4).

(b) Advertising signs will be permitted in business and industrial districts when utilized to advertise the business on the lot or parcel upon which the sign is located, subject to the following requirements:

(1) Business districts:

- a. No sign may exceed 100 square feet in size.
- b. The sign must be attached to a building and may not project from any building more than three feet, nor be higher than ten feet above roof top, except filling stations may have one sign not attached to a building.
- c. All portions of the sign and supporting structure must be a minimum of 12 feet above the street elevation.
- d. All signs must be kept properly maintained, painted and supported.

(2) Industrial districts:

- a. No sign may exceed 300 square feet in size.
- b. All signs must be set back a minimum of ten feet from the street right-of-way.
- c. All signs must be kept properly maintained, painted and supported.

(Code 1977, § 42.610)

**Sec. 110-224. Sign permit.**

(a) *Application.* Persons wishing to erect a sign as provided in section 110-223 shall file an application for a permit together with plans and data showing his ideas and intentions as well as specifications and location of the proposed sign.

(b) *Filing of application; review.* Such application shall be filed with the city clerk who shall immediately refer such application to the building inspector for review.

(c) *Approval or denial.* After review by the building inspector to determine compliance with this chapter, the permit shall be approved or denied. If denied, the reason therefor shall be stated and the applicant notified of the reason for such denial.

(d) *Exemption.* This section shall not apply to signs which were in place at the date of the passage of the ordinance from which this chapter is derived.

(Ord. No. 443, §§ 1--4(42.611), 3-26-90)

**Sec. 110-225. Building site requirements.**

(a) *Exceptions.* Even though the width of the area is less than the minimum required by this chapter for the district, any of the following specified lots or parcels of land may be used as a building site for dwelling purposes (except in an industrial district), if all other requirements are met; provided, however, that no more than one dwelling unit shall be placed upon any such lot or parcel:

(1) Any lot shown on a subdivision recorded prior to the effective date of the ordinance from which this chapter is derived.

(2) Any parcel of land purchased prior to the effective date of the ordinance from which this chapter is derived by the present owner or by a person from whom the present owner acquired it through testamentary disposition or intestate succession, where no adjacent land is owned by the same person.

(3) Any lot or parcel of land where the deficiency is due exclusively to the condemnation of a portion thereof for a public purpose or the sale thereof to any agency or political subdivision of the city, state or federal government.

(b) *Irregular lots.* If all other regulations for the district are met, the width of the rear half of any building site may be less than the required minimum. Where the side lot lines are not parallel, the minimum width requirement may be applied to the average lot width if the width, when measured at the front lot line is at least 35 feet and when measured 25 feet back of the front lot line is at least 50 feet.

(Code 1977, §§ 42.620, 42.625)

**Sec. 110-226. Conditional uses.**

The planning commission shall approve a conditional use, if permitted in the district, only if the following requirements have been met:

(1) The location of the proposed use is compatible to other land uses in the general neighborhood and does not place an undue burden on existing transportation and service facilities in the vicinity.

(2) The planning commission may also determine that the proposed use is such that it

is necessary to require greater standards than listed in the district, in order to correlate the proposed use to other property and uses in the vicinity.

(3) The site will be served by streets of capacity sufficient to carry the traffic generated by the proposed use.

(4) The proposed use, if it complies with all conditions upon which the approval is made contingent, will not adversely affect the property in the vicinity.

(5) The planning commission may provide that approval be contingent upon acceptance and observance of specified conditions including, but not limited to:

- a. Conformity to plans and drawings submitted with the application;
- b. Special yards, open space, buffer strips, walls, fences, hedges and landscaping;
- c. Performance standards relative to emission of noise, vibrations or other potentially dangerous or objectionable elements;
- d. Limits on time of day for conduct of specified activities;
- e. A period in which the approval shall be exercised, or otherwise shall lapse; and
- f. Guarantees as to compliance with the terms of approval.

(6) The procedures for public hearing, notice and filing fee of an application for a conditional use shall be the same as required for amendments, etc., in section 110-45, except that the filing date must be 25 days prior to any regular planning commission meeting, and the approval of the city planning commission, after public hearing, shall be final and become effective in 15 days, unless an appeal is made to the legislative body within 15 days of the approval by the planning commission.

(Code 1977, § 42.630)

### **Sec. 110-227. Conversions of existing structures.**

The zoning official may permit the conversion of an existing dwelling in an R-2 two-family district to provide units for not more than two families, and in an R-3 multiple-family district to provide dwelling units for not more than four families, provided all of the following conditions shall be required:

- (1) The principal portion of the dwelling to be converted shall have been completed previous to January 1, 1930.
- (2) The dwelling shall be located on a lot having an area of not less than 7,000 square feet, and the principal building on the lot shall have a ground area of not less than 1,200 square feet, exclusive of open porches, and shall occupy not more than one-fourth of the ground area of such lot.
- (3) The remodeled dwelling shall provide a lot not less than 2,500 square feet per family.
- (4) No exterior remodeling shall be done, and no extensions made except if approved by the board of zoning adjustments through application (see section 110-47).
- (5) Fire escapes and outside stairways shall conform to section 110-229(9).
- (6) No dwelling shall be converted unless in connection therewith it is placed in a reasonable state of repair.
- (7) Garage or off-street parking facilities shall be provided at the rate of one vehicle for

each family unit.

(Code 1977, § 42.635)

### **Sec. 110-228. Height limitations; exceptions.**

(a) In a residence district a permitted building, other than a dwelling or accessory building, may be built to a height of 40 feet and to a greater height if the minimum dimensions of the rear yard and each of the side yards exceed the requirement in the district by one foot for each one foot of additional height.

(b) The height limitations of this chapter shall not apply to church spires, belfries, cupolas, penthouses and domes, not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulk heads, other similar features and necessary mechanical appurtenances usually carried above the roof level.

(c) The provisions of this chapter shall not apply to prevent the erection, above the building height limit, of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five feet.

(Code 1977, § 42.640)

### **Sec. 110-229. Lot coverage; exceptions.**

In calculating the percentage of lot coverage, or required yards, for the purpose of applying the regulations of this chapter, the features of a structure as hereafter set forth shall not be included as coverage, nor be considered an infringement into the required yards:

- (1) Unenclosed steps, stairways, landings and stoops, not extending above the ground floor level;
- (2) Unenclosed surfaced walks and driveways;
- (3) Fence or trestles not exceeding 5 1/2 feet;
- (4) Retaining walls not more than 18 inches higher than the grade of the ground retained;
- (5) Flue or fireplace chimney attached to the main building;
- (6) Bay windows extending not more than 18 inches from the main building;
- (7) Cornices, canopies and eaves not extending more than three feet;
- (8) An open fire escape may not project into a required side yard more than half the width of such yard; and
- (9) Fire escapes, solid floor balconies and enclosed outside stairways may project to within 12 feet of the rear lot line.

(Code 1977, § 42.645)

### **Sec. 110-230. Mobile home; mobile home park; mobile home community.**

(a) Every mobile home shall be located in a mobile home park or mobile home community.

(b) Existing mobile homes, not within a mobile home park or mobile home community, may remain. However, upon removal of the mobile home existing on the site, at the date of the

passage of the ordinance from which this chapter is derived, no mobile home, including the one removed, may again use the parcel for the parking of a mobile home, either temporary or permanent.

(c) A mobile home park or mobile home community may be located in any district as provided by this chapter and is subject to the following conditions: Each boundary of any mobile home park must be at least 50 feet from any permanent residential building located outside the mobile home park. All sanitary systems must be approved in writing by the county health officer.

(d) The mobile home park or mobile home community shall conform to the following requirements:

(1) The mobile home park or mobile home community shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.

(2) Mobile home spaces shall be provided consisting of a minimum of 2,000 square feet for each space and which shall be clearly defined and marked.

(3) Mobile homes shall be so harbored on each space so that there shall be at least 15 feet clearance between mobile homes; provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may be less than 15 feet, but not less than ten feet. No mobile home shall be located closer than 15 feet from any building within the mobile home park.

(4) All mobile home spaces shall abut upon a driveway of not less than 20 feet in width, which shall have unobstructed access to a public street or highway, and the sole vehicular access shall not be by an alley, and all dead-end driveways shall include adequate vehicular turning space or cul-de-sac.

(5) Off-driveway parking sites shall be maintained at a minimum ratio of one car space for each mobile home space.

(6) Outdoor laundry drying space of adequate area and suitable location shall be provided.

(7) Where the mobile home park is located more than 400 feet from a public park or recreational area, one or more playgrounds shall be provided which are:

a. Easily accessible from the mobile homes without encountering traffic hazards; and

b. Adequate for the expected need of at least 2,500 square feet per playground, or at least 25 square feet per mobile home space.

(8) All roadways within the mobile home park shall be all-weather surfaced, maintained and adequately lighted.

(9) All electric distribution systems, plumbing systems and telephone service systems to each mobile home space, except outlets and risers, shall be underground. Each mobile home space shall be provided with a 115-volt, single phase service with a minimum 60-ampere individual service outlet.

(10) All mobile home parks shall be connected to the city sanitary sewer system and satisfactory connections made available to each mobile home space.

(e) Mobile home spaces: If independent mobile home spaces only are provided, no service building shall be required. Any mobile home park providing for dependent mobile homes shall have one or more service buildings. Such service buildings shall:

(1) Be located 15 feet or more from any mobile home space;

(2) Be adequately lighted;

- (3) Have the interior finished with moisture-resistant material to permit frequent washing and cleaning;
- (4) Provide at least one lavatory, water closet and shower for each sex, one laundry tray, one slopwater drain and hot and cold water;
- (5) Have adequate heating facilities for the building and equipment which will furnish an ample supply of heated water during time of peak demands; and
- (6) Have all rooms well ventilated, with all openings effectively screened.

(Code 1977, § 42.650)

### **Sec. 110-231. Travel and camper trailers and travel and camper trailer parks.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Camper trailer* means any vehicle or portable structure capable of being towed by a private vehicle and intended for recreational purposes or for temporary living quarters.

*Camper trailer park* means any plot of ground of two acres or more in size and containing camper trailer spaces, regardless of whether or not a charge is made for the occupation of such space, where private owners of any camper trailer who occupies such trailer uses a camper trailer space.

*Camper trailer space* means a plot of ground designed for the accommodation of one camper trailer within a camper trailer park.

(b) *Application requirements.* Applications for camper trailer parks shall show:

- (1) Existing conditions: Legal description of proposed property.
- (2) Proposed development plans: A drawing at a scale of not less than one inch to 50 feet showing:
  - a. Accurate dimensions of the proposed camper trailer park;
  - b. All roads and approaches and the method of ingress and egress from public streets;
  - c. Locations and dimensions of all spaces with setback line indicated;
  - d. Locations and dimensions of all existing and proposed buildings and structures;
  - e. Location of all interior streets, parking areas and private lighting systems;
  - f. Grading and stormwater management plan;
  - g. Location and general layout of permanent open space; and
  - h. General plan and method of sewage disposal, water supply and fire protection.

(c) *Camper trailer park requirements.* Camper trailer parks shall be designed, constructed and maintained in accordance with the following requirements:

- (1) Construction permits shall be required in conformance with the building code and public works manual.
- (2) The minimum camper trailer park shall have an area of at least two acres.

- (3) Land that the board of aldermen, with the recommendation of the building official, finds to be detrimental to the public interest, if developed, because of exposure to 100-year floods, standing water because of excessive or rapid runoff, or other problems shall not be developed as a camper trailer park until such objectionable features are corrected.
  - (4) Camper trailer spaces shall have a minimum width of 12 feet.
  - (5) There shall be along all exterior property lines a buffer zone of at least ten feet in width, which buffer zone shall be free of camper trailers, buildings and structures, and which shall be landscaped.
  - (6) Each camper trailer space shall have direct access to a hard-surfaced drive. The minimum width of one-way interior drives serving enclaves of camper trailer spaces and permitting no parking shall be ten feet. The minimum width of two-way interior drives permitting no parking shall be 18 feet. The minimum width of interior two-way drives permitting parking shall be 28 feet. All interior drives and public streets shall be designed and paved according to city specifications for residential streets and maintained in good condition. Private streetlights shall be approved by the board of aldermen.
  - (7) Each camper trailer space shall be hard-surfaced.
  - (8) All camper trailer spaces shall be equipped with one electrical outlet per space.
  - (9) Camper trailers without sanitary facilities shall not be located farther than 200 feet from a service building containing sanitary facilities and an adequate supply of potable water. Service buildings shall provide separate toilet facilities for each sex and shall be constructed in accordance with the building code of the city.
- (d) *Park maintenance.* The grounds of a mobile camper trailer park and all buildings and structures shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or create a nuisance. All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped.
- (e) *Temporary use of camper travel trailers.* Temporary use of travel trailers and campers as living quarters for those persons temporarily deprived of the use of their permanent living quarters by fire, flood, tornado, windstorm or other catastrophe may be authorized, subject to the following terms, conditions and limitations:
- (1) Such use of such travel trailer or camper shall be limited to the time required for repairs of such permanent living quarters, provided that such period shall not exceed six months.
  - (2) Such travel trailer or camper shall be located during the period of such temporary use on the same lot as the damaged permanent quarters.
  - (3) Such permanent living quarters damaged by such catastrophe shall have been occupied as the permanent residence by the persons requesting temporary use of a travel trailer or camper as living quarters at the time of such catastrophe.
  - (4) Persons so deprived of the use of their permanent living quarters and wishing to make use of a travel trailer or camper as temporary living quarters shall make written application to the building official. Such application shall set forth the circumstances which necessitated such application.
  - (5) The building official may authorize the use of such temporary living quarters for a period not to exceed 30 days. When it is evident that the time required to effect repairs on the permanent living quarters involved will exceed 30 days, the building official shall refer the application to the board of aldermen, at a regularly scheduled board of

aldermen meeting, within the 30-day period, for their consideration and action.

(Ord. No. 508, § 2(42.651), 7-24-95; Ord. No. 513, § 1, 10-23-95; Ord. No. 514, § 1, 11-14-95)

### **Sec. 110-232. Nonconforming uses continued.**

Any use lawfully occupying a building or land at the effective date of the ordinance from which this chapter is derived, or of subsequent amendments hereto, that does not conform to the regulations for the district in which it is located, shall be deemed to be a nonconforming use and may be continued.

(Code 1977, § 42.655)

### **Sec. 110-233. Nonconforming buildings continued.**

Any building lawfully existing or in the process of construction, at the effective date of this ordinance, or of subsequent amendments hereto, that is wholly or partially used or designed for use contrary to the regulations for the district in which it is located, shall be deemed to be a nonconforming building and may be so used or continued in use.

(Code 1977, § 42.660)

### **Sec. 110-234. Nonconforming building maintenance; alterations; enlargements; restoration.**

(a) Maintenance and minor repairs necessary to keep a nonconforming building in sound condition, as may be required by law, shall be permitted.

(b) In no case shall a nonconforming building be structurally altered unless the alteration will have the effect of, or actually result in, eliminating the nonconforming use.

(c) A nonconforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use. No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.

(d) When a nonconforming building is damaged by fire, explosion, act of God or the public enemy, to the extent of more than 50 percent of its structural value, it shall not be restored except in conformity with the district in which it is located.

(Code 1977, § 42.665)

### **Sec. 110-235. Changes to nonconforming uses.**

(a) *Changes.* No nonconforming use may be enlarged or extended in such a way as to occupy any required open space, on any land beyond the boundaries of the lot or parcel of land as it existed at the effective date of the ordinance from which this chapter is derived, or to displace any conforming use in the same building or on the same parcel. Within the limitations of this section, a nonconforming use may be changed to a use of the same or of a more restricted character, but if changed to a use of a higher character, the use may not thereafter be changed to any less restricted use.

(b) *Abandonment.* If a nonconforming use of any building or premises is discontinued, or its normal operations stopped, for a continuous period of six months, use of such building or premises shall thereafter conform to the use regulations in the district in which the building or

premises is located.

(c) *Elimination.* Nothing contained in this section shall forego the existing powers of the governing body of the city, in the gradual elimination of nonconforming uses and buildings; provided, however, that reasonable period for amortization of particular uses and buildings shall be required as determined by the governing body.

(Code 1977, §§ 42.670--42.680)

### **Sec. 110-236. Parking requirements.**

Parking requirements of this section are effective upon the erection or enlargement of a structure, or the use thereof changed to any permitted use or conditional use within a district. Each required off-street automobile storage space shall be hard-surfaced and have free access to a public right-of-way, provided that no required off-street automobile storage space shall be located within a required front yard in any district.

TABLE INSET:

Use		Off-Street Spaces Required
(1)	Assembly, public places	One for every three permanent seats or for every 200 square feet of gross floor area, whichever is greater.
(2)	Dwelling	One per family.
(3)	Churches	One for every three seats in the main worship area.
(4)	Elementary school	One per classroom, plus an off-street passenger loading area.
(5)	High schools	Three per classroom.
(6)	Hospitals and clinics	One for each staff doctor; plus one for each four regular employees; plus one for each 1,000 square feet of gross floor area.
(7)	Public utilities and service facilities	One for each 500 square feet gross floor area; or two for each three employees, whichever is greater.
(8)	Dormitories and clubs	