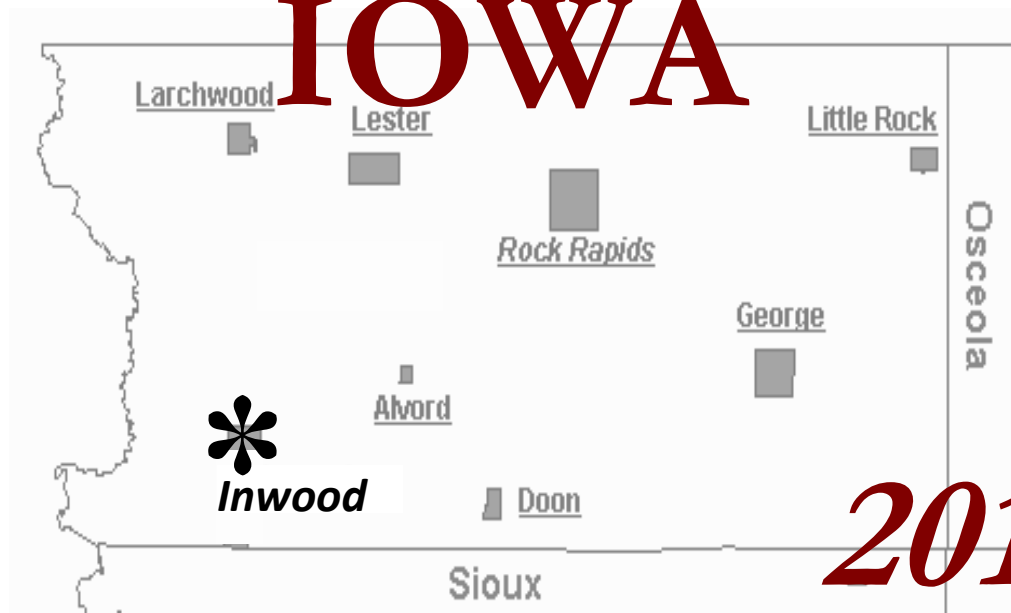


City of **INWOOD** **IOWA**



2016 **ZONING** **REGULATIONS** **ORDINANCE**



Prepared with Planning Assistance from
**Northwest Iowa Planning &
Development Commission**
Spencer, Iowa

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City of INWOOD ZONING ORDINANCE

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ORDINANCE NO. _____

REPLACES ORDINANCE NO. 152
1983 INWOOD ZONING ORDINANCE
AND AMENDMENTS THERETO

**ZONING ORDINANCE OF
THE CITY OF INWOOD, IOWA**

AN ORDINANCE to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and other purposes; to regulate and restrict the height of buildings and structures, the number and size of buildings and other structures; to establish the size of yards and other open spaces; to establish minimum lot areas; to regulate the density of population and the percentage of lot that may be occupied; to require off-street parking; to regulate the location, size, and number of signs; to divide the city into districts for such purposes; to provide for the administration and enforcement of its provisions; to confirm the Board of Adjustment; and to prescribe penalties for the violation of its provisions, all in accordance with Chapter 414, Code of Iowa; and to be known and cited as "The Zoning Ordinance of the City of Inwood, Iowa".

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

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

ARTICLE 1: BASIC PROVISIONS

Article 1: Basic Provisions

- Section 1.1. Short Title
- Section 1.2. Jurisdiction
- Section 1.3. Interpretation of Regulations
- Section 1.4. Validity and Severability
- Section 1.5. Repeal and Savings Clause
- Section 1.6. Purpose

Section 1.1. SHORT TITLE.

This ordinance shall be known and may be cited and referenced as the “Inwood, Iowa Zoning Ordinance”, to the same effect as if the full title were stated.

Section 1.2. JURISDICTION.

In accordance with the provisions of Chapter 414, Code of Iowa and amendatory acts thereto, this ordinance is adopted by the City of Inwood, Iowa governing the zoning of all lands within the corporate limits of the city.

Section 1.3. INTERPRETATION OF REGULATIONS.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law, other rules, regulations, or ordinances, the provisions of this ordinance shall govern. This ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this ordinance shall govern.

Section 1.4. VALIDITY AND SEVERABILITY.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such ruling shall not affect the validity of the ordinance as a whole or any part thereof, not specifically included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

Section 1.5. REPEAL AND SAVINGS CLAUSE.

Effective on the effective date of this ordinance, the previous zoning ordinance (Ordinance 152; the 1983 Inwood Zoning Ordinance) and amendments thereto are hereby repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof, and such ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

Section 1.6. PURPOSE.

The various zoning districts, created by this ordinance and the various articles and sections of this ordinance, are adopted for the purpose among others of:

1. Carry out the intent and spirit of the Inwood Comprehensive Plan;
2. Promoting the public health, safety, morals, comfort, general welfare, and preserving the natural resources, 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 and are compatible;
4. Encouraging classification of land use and distribution of land development within the city that will facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;
5. Helping to insure all residential, commercial, and industrial structures as well as other types of structures will be accessible to firefighting and other emergency equipment;
6. Promoting the development of residential neighborhoods in which each dwelling is assured the provision of light, air, and open spaces;
7. Prohibit the formation or expression of nonconforming uses of land, buildings, and structures which adversely affect the character and value of desirable development in each district;
8. Help to prevent and minimize the effect of nuisance producing activities;
9. Conserving the taxable value of the land and buildings throughout the city;
10. Defining the powers and duties of the city government, Board of Adjustment and the zoning administrator.

ARTICLE 2: DEFINITIONS

Article 2: Definitions

Section 2.1. General Zoning Definitions

Section 2.2. Specific Land Use Definitions

Section 2.1. GENERAL ZONING DEFINITIONS:

For purposes of interpreting this ordinance certain words, terms and expressions are hereby defined.

- Words used in the present tense shall include the future;
 - Singular shall include the plural and the plural includes the singular;
 - The word “may” is discretionary and the word “shall” is always mandatory;
 - The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
 - The words “used” or “occupied” include the words intended, designed or arranged to be used or occupied;
 - The word “includes” means including but is not limited to.
1. **ACCESSORY USE (OR STRUCTURE):** A structure or use on the same zoning lot with and of a nature customarily incidental and subordinate to and serves the principal building, structure or use; is subordinate in area, extent, or purpose to the principal building or use served; and contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use.
 2. **ADDITION:** Any construction which increases the site coverage, height, length, width, gross floor area or cubic content of a structure or building.
 3. **ALLEY:** A public or private thoroughfare which affords only a secondary means of access to abutting property.
 4. **ALTERATION (STRUCTURAL):** Any change in the supporting members of a building, such as bearing walls, partitions, columns, beams or girders. The enlargement of the size or height of a building shall be construed to be a structural alteration.
 5. **APARTMENT:** A single room or set of rooms occupied as a dwelling which is part of a multi-family structure, containing separate cooking and housekeeping facilities for each dwelling.
 6. **ATTACHED:** Having one or more walls, foundation or roofline in common with a principal building, or joined to a principal building by a covered porch, breezeway or passageway, the roof of which is a part or extension of a principal building.
 7. **BASEMENT:** That portion of a building that is either partly or completely below grade. (*Building Officials and Code Administrators (BOCA) Basic/National Building Code*) Basements which are finished living space or utilized for bedroom space shall be counted for purposes of density and parking requirements for the overall property.
 8. **BILLBOARD:** Billboards shall include all structures, regardless of the material used in the construction of the same that are erected, maintained or used for public display of posters, painted signs, or wall signs, whether the structure be place on the wall or painted itself,

pictures or other pictorial reading material which advertise a business or attraction which is not carried on, manufactured, grown or sold on the premises where said signs or billboards are located.

9. **BLOCK:** That property abutting on one side of a street, and lying within the two nearest intercepting or intersecting streets or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.
10. **BUILDABLE AREA (OR BUILDING ENVELOPE):** That portion of a zoning lot or parcel remaining for allowable buildings after required yard setbacks has been provided.
11. **BUILDING:** A structure completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete perimeter of the structure, which is permanently affixed to a lot or lots, and used or intended for shelter, support, or enclosure of persons, animals or property of any kind. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building.
12. **BUILDING HEIGHT:** The vertical distance measured in a straight line from the curb level to the highest point of the roof. Where a building is on a corner lot or situated on ground above the curb level or where no curb grade is established, such height shall be measured from the main entrance elevation (typically the side of the building that is addressed).
13. **BUILDING, PRINCIPAL:** The building in which the primary use of the lot or parcel, on which it is located, is conducted.
14. **BUILDING WALL:** The wall of the principal building forming a part of the main structure. The foundation walls of porches, decks, steps, walks, and retaining walls or similar structures are not considered building walls under the provisions of this ordinance.
15. **BUSINESS (or COMMERCIAL):** The engaging in the purchase, sale or exchange of goods or services, or the operation of offices for profit or recreational amusement enterprises
16. **CARPORT:** Space for the parking, housing or storage of vehicles of which is enclosed on not more than two sides by affixed or semi-permanent walls. Those structures identified as hoop buildings, portable or foldable buildings, tent buildings or fully enclosed steel buildings shall not be considered a carport for purposes of this ordinance. Carports attached to the principal building are considered a part of the principal building. Freestanding carports are considered an accessory building.
17. **CITY:** The City of Inwood, Iowa.
18. **COMMISSION (OR PLANNING COMMISSION):** The Inwood Planning and Zoning Commission.
19. **COMPREHENSIVE PLAN:** The statement of policy by the Inwood City Council relative to the desirable physical pattern of future community development. The plan consists of a series maps, charts, and written material representing in summary form the soundest conception to the community as to how it should grow in order to bring about the very best community living conditions.
20. **COUNCIL:** The Inwood City Council.

21. DECK: An unenclosed non-roofed structure adjoined to the principal building. Decks higher than twelve (12) inches above the average grade of the ground shall be subject to required yard setbacks.
22. DETACHED: Fully separated from any other building. Not attached.
23. DISTRICT (OR ZONING DISTRICT): Any part or parts, zone or geographic within the incorporated City of Inwood, Iowa, within which zoning regulations apply.
24. DRIVEWAY: A surfaced area providing vehicular access between a street and an off-street parking area or parking structure (i.e. garage or carport).
25. DWELLING: Any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer, or factory-built home which is not located within a manufactured home subdivision or mobile home park. However, a dwelling shall include any factory-built home constructed to comply with the Iowa State Building Code for modular factory built structures.
26. DWELLING, SINGLE-FAMILY: A detached residence that is arranged, designed for or occupied by only one (1) family; having no party wall in common with an adjacent building.
27. DWELLING, TWO-FAMILY: A detached residence that is arranged, designed for, or occupied by two (2) families with separate housekeeping and cooking facilities for each.
28. DWELLING, MULTI-FAMILY: A residence or dwelling used by, designed for, or occupied by three (3) or more families with separate housekeeping and cooking facilities for each.
29. DWELLING UNIT: A room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one (1) family for residential purposes and containing cooking facilities.
30. EASEMENT: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.
31. ENCROACHMENT: Any obstruction of, or an illegal or unauthorized intrusion in a delineated floodway, right-of-way or adjacent lands.
32. ENGINEER, CITY: A duly qualified and licensed individual or firm designated by the Inwood City Council.
33. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by developers, public utilities or governmental agencies of underground or overhead gas, electrical, telecommunications, water or wastewater transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in conjunction with and necessary for the furnishing of adequate services by such public or private utilities, governmental agencies and/or for the public health, safety or general welfare, but not including buildings or special exception uses as established by this ordinance.
34. FAÇADE: The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

35. **FACTORY BUILT-STRUCTURE:** Is any structure, building, component, assembly or system which is of closed construction and which is made or assembled in manufacturing facilities, on or off the building site, for installation or assembly and installation, on the building site. Factory-built structures may also mean, at the option of the manufacturer, any structure or building of open construction, made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site. Factory-built structure also means “factory-built unit”.

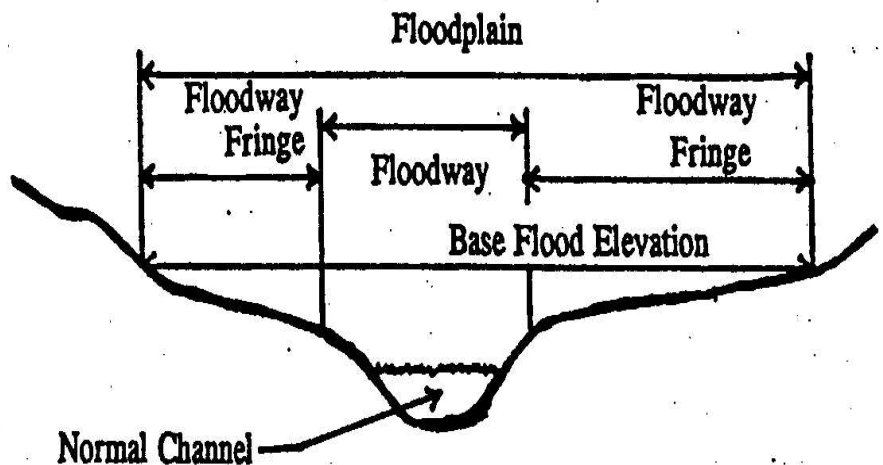
36. **FAMILY:** A person living alone, or group of persons related by blood, marriage, adoption, guardianship, or otherwise duly authorized custodial relationship as verified by official public records such as drivers licenses, birth or marriage certificates living together as a single dwelling unit and sharing common living, sleeping, cooking, and eating facilities; or a group of not more than five (5) unrelated persons living together by joint agreement or occupying a single dwelling unit on a nonprofit cost sharing basis.

37. **FENCE:** Any artificially constructed barrier of approved fencing material or combination of materials erected to enclose or screen areas of land.

38. **FLOOD:** The temporary overflowing of water onto land, usually void of surface water.

39. **FLOOD HAZARD AREA:** Any area on the edge of a natural water channel and is subject to flooding.

40. **FLOODPLAIN:** The channel and relatively flat area adjoining the channel of a natural stream or river, which has historically been or may have the potential to be covered by flood waters. (see figure at right)



41. **FLOODWAY:** The channel of a river or stream, and those portions of the floodplains adjoining the channels, which carry and discharge flood waters or flood flow so the water does not elevate beyond a designated height. (see figure at right)

42. **FLOOD FRINGE:** Those portions of the floodplain, other than the floodway, which can be filled, leveled, or otherwise obstructed without causing substantially higher flood levels or flow velocities. (see figure above)

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

44. **FRONTAGE:** All the property on one side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, than all of the property abutting one side between an intersecting street and the dead-end of

the street. The front of a double fronted lot shall face the street upon which the lot will be addressed.

- 45. **GARAGE:** A building or a portion thereof in which one or more motor vehicles are housed or stored by the occupants of the premises or the leasing of space as provided herein, but in which no business service or industry connected with the motor vehicles is carried on other than leasing of space.
- 46. **GRADE:** The lowest horizontal elevation of a finished surface of the ground, paving, or sidewalk at a point where the height is to be measured.
- 47. **HOME OCCUPATION:** An accessory business, occupation or profession conducted entirely within a dwelling unit or associated accessory buildings by the inhabitants thereof; and complies with the provisions of Section 13.8 of this ordinance.
- 48. **HOUSE TRAILER:** See Mobile Home.
- 49. **HOUSEHOLD:** A family living together in a dwelling unit with common access to all living and eating areas and all facilities within the dwelling unit.
- 50. **HOUSING UNIT:** See Dwelling Unit.
- 51. **INCIDENTAL:** Subordinate and minor in significance and bearing a reasonable relationship with the primary use.
- 52. **INDUSTRY:** Those fields of economic activity including forestry, fishing, hunting, mining, construction, manufacturing, transportation, communication, electric, gas, and sanitary services, distribution, assembly, packaging and wholesale trade activities.
- 53. **INSTITUTION:** A building or premises occupied by a nonprofit corporation or establishment for public use.
- 54. **JUNK (OR SALVAGE):** All old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
- 55. **JUNK VEHICLE OR JUNK MACHINERY:** Any vehicle, other machines or portions thereof not in running condition and/or not licensed for the current year as provided by law, or any other non-operating vehicle or machinery situated in a front yard of any lot or property and located in open view to the public for a period of more than sixty (60) days which, because of its defective or obsolete condition, or rotted, rusted or loose parts or in any other way constitutes a threat to the public health, welfare or safety. A mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.
- 56. **JUNKYARD (or SALVAGE YARD):** Any open area of any lot or parcel where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including scrap metals or scrap materials, or the abandonment or dismantling of machinery, motor vehicles, or other vehicles, or parts thereof. A solid waste transfer station is not considered a junk yard or salvage yard for purposes of this ordinance.

57. **KENNEL, PRIVATE:** Any building or land designed or arranged for the care of no more than a combined total of four (4) domesticated non-hoofed animals belonging to the owner of the principal structure, kept for purposes of show, hunting, or pets.

58. **LAND USE:** A description of how land is occupied or utilized.

59. **LANDSCAPED:** An area devoted to or developed predominantly with plant materials or natural features including lawn, gardens, trees, shrubs, and other plant materials; and also including accessory outdoor landscape elements such as pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block or similar material (excluding driveways, parking, or storage areas), provided that the use of brick, stone or other inorganic materials shall not predominate over the use of natural materials.

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

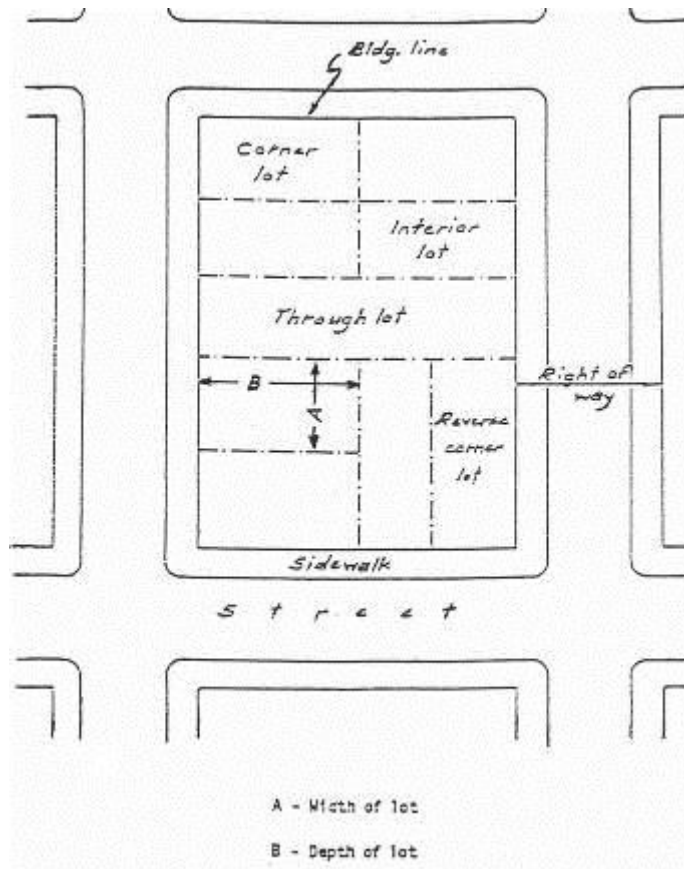
61. **LOT:** A parcel of land under single ownership as established by plat, subdivision, or as otherwise permitted by law, which may be owned, used, developed, or built upon, having its frontage upon one (1) or more dedicated streets or an officially approved public place.

62. **LOT AREA:** The net horizontal area bounded by front, side and rear lot lines, excluding any public right-of-way.

63. **LOT, CORNER:** A lot fronting on two (2) intersecting streets.

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

65. **LOT, THROUGH:** An interior lot having frontage on two (2) parallel or approximately parallel streets. Also known as a double frontage lot.



66. **LOT (or BUILDING) COVERAGE:**

The area of a lot covered by buildings or roofed areas, excluding incidental projecting eaves and gutters, balconies, and similar features; and also excluding ground level paving or decks below twelve inches in height, landscaping, and open recreational facilities.

67. **LOT OF RECORD:** A lot of which is part of a legal subdivision of the City of Inwood, Iowa, the plat of which has been recorded in the office of the Lyon County Recorder; or a lot or parcel of land, the deed or valid contract of sale of which was recorded in the office of the Lyon County Recorder prior to the effective date of this ordinance.

68. **LOT DEPTH:** The distance between the front lot line and rear lot line. In the case of a lot of irregular shape, the mean depth shall be the lot depth.
69. **LOT WIDTH:** The distance measured perpendicular between the side lot lines. In the case of an irregular lot shape, the mean width shall be the lot width.
70. **LOT LINES:** The property lines bounding a lot.

71. **LOT LINE, FRONT:** In the case of an interior lot abutting on only one street, the front lot line is the street line (the right-of-way line) of such lot. On corner lots the front lot line is considered the line adjacent to the street upon which the lot has its least dimension. In the case of any other lot, it may be such street line as elected by the owner to be the front line for purposes of this ordinance. In the case of lots bordering on a lake, river, or other permanent body of water, the established water or shore line may be designated as the front of such lots.

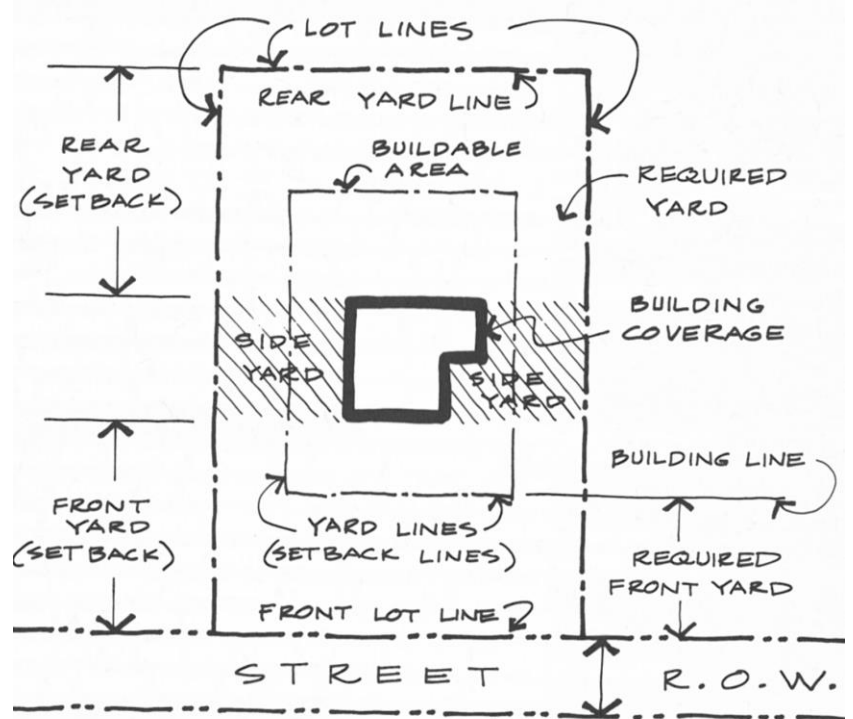


Image Source: *The New Illustrated Book of Development Definitions*, Harvey S. Moskowitz & Carl G. Lindbloom, 1993

72. **LOT LINE, REAR:** That lot line which is opposite and most distant from the front lot line.
73. **LOT LINE, SIDE:** Any lot lines not considered a front lot line or a rear lot line.
74. **MANUFACTURED HOME:** A factory-built structure which is manufactured or built under authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development certifying that it is in compliance with the Federal Manufactured Housing Construction Act of 1974. (*Code of Iowa, Sec. 435.1*)
75. **MANUFACTURED HOME SUBDIVISION:** A subdivision designed according to the Inwood Subdivision Regulations, and is designed only for the location of manufactured homes on lots owned by the manufactured home owner.
76. **MOBILE OR MANUFACTURED HOUSING CONVERTED TO REAL ESTATE:** A mobile or manufactured home which is located outside a mobile home park or manufactured home subdivisions and shall be converted to real estate by being placed on a permanent

foundation; and shall be assessed for real estate taxes except in the following cases:
(*Code of Iowa, Sec. 435.26 & 435.35*)

- a. Retailer's Stock: Mobile homes or manufactured housing on private property as part of a retailer's or manufacturer's stock not used as a place of human habitation.
- b. Existing Homes: A taxable mobile home or manufactured housing which is located outside of a manufactured housing community or mobile home park prior to the effective date of this ordinance shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement until the home is relocated.

77. **MOBILE HOME:** Any vehicle without motive power used or so manufactured or constructed as to permit it being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976.

(*Code of Iowa, Sec. 435.1*). All mobile homes shall be located within a mobile home park.

78. **MOBILE HOME PARK:** Any site, lot, field or tract of land upon which two (2) or more mobile homes are parked and operated as a for-profit enterprise with water, sewer, or septic, and electrical services available. (*Code of Iowa, Sec. 435.1*)

79. **MODULAR HOME:** A factory-built structure which is manufactured or constructed to be used as a place of human habitation, and is constructed to comply with the Iowa State Building Code for modular factory-built structures, as adopted pursuant to Section 103A.7 *Code of Iowa*, and must display the seal issued by the state building code commissioner. If a modular home is placed in a manufactured housing community or mobile home park, the home is subject to the annual tax as required by Section 435.22 *Code of Iowa*. If a modular home is placed outside a manufactured housing community or mobile home park, the home shall be considered real property and assessed and taxed as real estate. (*Code of Iowa, Sec. 435.1*)

80. **NONCONFORMING STRUCTURE (OR BUILDING):** A structure or building in size, dimensions, or location of which was lawful prior to the adoption or amendment to the zoning ordinance, but which fails to conform to present requirements of the zoning district.

81. **NONCONFORMING USE:** A use which lawfully occupied a building or land at the time this ordinance or amendments thereto became effective and which does not conform to the current use regulations of the district in which it is located.

82. **OFF-STREET PARKING:** A facility, land or property not located on any public or private road, street or other thoroughfare providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit.

83. **OPEN SPACE:** Any parcel or area of land essentially unimproved and set aside, designated or reserved for the use or enjoyment of the owners, occupants, neighbors or the general public. Such open space is not occupied by structures or impervious surfaces.

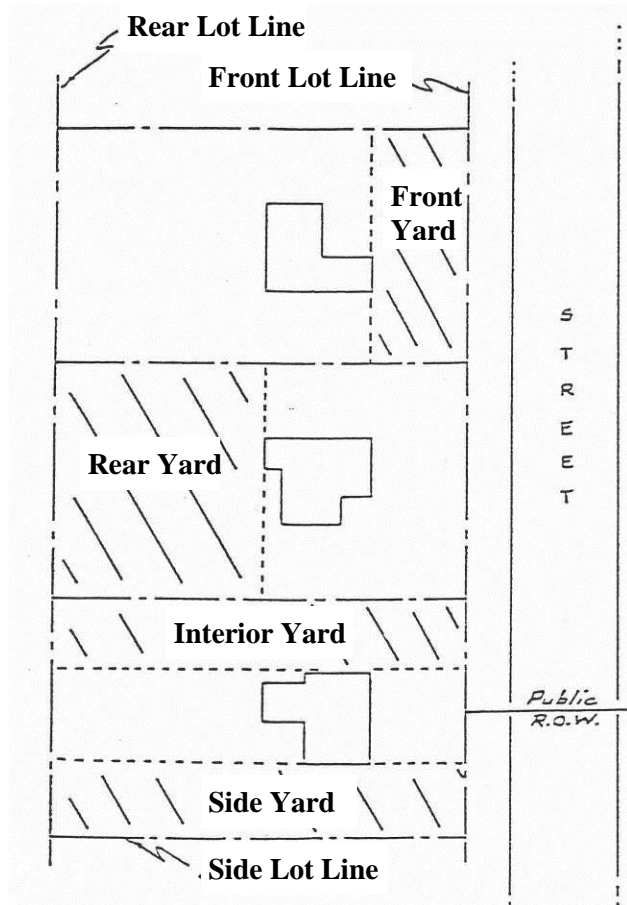
84. **PARKING LOT:** A parcel of land, typically improved, comprised of unenclosed parking spaces devoted to the temporary storage of motor vehicles.
85. **PARKING SPACE:** An area, enclosed or unenclosed, having dimensions of not less than one hundred eighty square feet (180 sq. ft.), typically measuring 9' x 20' plus necessary maneuvering space for the parking of a motor vehicle, and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles. Space required for maneuvering incidental to parking shall not encroach upon any public right of way. Driveways for one and two family structures may be considered as parking spaces.
86. **PERMANENT FOUNDATION** (for manufactured housing or mobile homes): A mobile or manufactured home located outside of a manufactured home subdivision or mobile home park shall be placed on a permanent frost-free foundation which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundations systems of surrounding residential structures. (*Code of Iowa, Sec. 414.28*)
87. **PLANNED UNIT DEVELOPMENT (PUD):** An area of minimum contiguous size specified in this ordinance developed according to plan as a single entity and containing one or more structures or land uses with appurtenant or adjacent common areas.
88. **PORCH, OPEN:** A roofed structure, open on two (2) or more sides, projecting from the front, side or rear wall of the building.
89. **PRINCIPAL USE:** See Use, Principal.
90. **PROHIBITED USE:** Any use not permitted by right or by conditional use in a zoning district.
91. **PROPERTY:** A lot, parcel, or tract of land together with the buildings and structures located thereon.
92. **PUBLIC NOTICE:** The publication of the time and place of any public hearing for zoning purposes being not less than seven (7) days or not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the city.
93. **RESIDENTIAL PURPOSES:** The intent to use and/or the use of a room or group of rooms for the sleeping, living and housekeeping activities for the same person or the same group of persons on a permanent or semi-permanent bases of an intended tenure of one month or more.
94. **RECREATIONAL VEHICLE:** A vehicle or structure so designed and constructed in such a manner as will permit occupancy thereof as sleeping quarters for one or more persons, or for sporting or recreational purposes. A recreational vehicle is so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power, except a device used exclusively upon stationary rails or tracks. Such a vehicle shall be customarily or ordinarily used for, but not limited to, vacationing, recreational purposes, pick-up campers, camping, motor coaches, trucks or buses.

95. **RECREATIONAL VEHICLE PARK:** Any area providing spaces for two (2) or more travel trailers, motor homes, camping trailers or tent sites for temporary occupancy for revenue purposes.
96. **ROAD OR STREET LINE:** The dividing line between a lot, tract, or parcel of land and the right-of-way line of a contiguous road, street, or alley.
97. **ROADSIDE STAND:** A temporary structure, unenclosed, and so designed and constructed so the structure is easily portable or can be readily moved, and which is adjacent to a road and used for the sale of farm products produced or grown on the premises.
98. **SALVAGE YARD:** See Junkyard.
99. **SETBACK:** The minimum required distance between any lot line and the supporting walls or structures of any building or deck more than 12" above grade. When two or more lots under single ownership are used for purposes of one zoning lot, the exterior property lines so grouped shall be used in determining setbacks.
100. **SETBACK LINE:** A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and defining that minimum distance between the building and property line which buildings and structures may not be placed.
101. **SIGN:** Any words, numbers, figures, devices, designs, or trademarks by which anything is made known, other than billboards, such as are used to show an individual, firm, professional business, and are visible from the exterior of the structure.
102. **SITE DEVELOPMENT REGULATIONS:** The combinations of controls that establish the maximum size of a building and its location on the lot. Components of bulk regulations include: size and height of building; location of exterior walls at all levels with respect to lot lines, streets, or other buildings; building coverage; gross floor area of building in relation to the lot area; open space; and amount of lot area provided per dwelling unit.
103. **SITE PLAN:** A plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and uses, and the principal site development features including parking, access, and landscaping and screening, proposed for a specific parcel of land.
104. **SPOT ZONING:** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan.
105. **STORY:** That portion of a building, included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
106. **STREET:** A thoroughfare which affords the primary means of access to abutting property.
107. **STREET, PUBLIC:** A publicly owned and maintained thoroughfare.
108. **STRUCTURE:** A combination of materials to form anything which is built, constructed, moved, located or erected with a fixed location on the ground, or attached to something

having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, decks, poster panels, and carports.

109. **SUBSTANDARD LOT (OR NONCONFORMING LOT):** A lot of record that does not comply with currently applicable minimum area, width, or depth requirements for the zoning district in which it is located, but which complied or was conforming with applicable requirements when it was placed on record prior to the enactment of this zoning ordinance.
110. **TEMPORARY STRUCTURE:** A structure without any foundation or footings and that is removed when the designated time period, activity, or use has ceased.
111. **USE:** The conduct of an activity or the performance of a function or operation, on a site or in a building or facility.
- a. Principal Use: Any use of which is the primary function of the lot or building, as distinguished from an accessory use.
 - b. Permitted Use: Any use permitted as a matter of right or under a special exception when conducted in accord with the regulations established by this ordinance; of which fulfills the primary function of a household, establishment, institution, or other entity.
 - c. Special Exception Use: A use allowable solely on a discretionary and conditional basis subject to a special use permit, and all other regulations established by this ordinance.
 - d. Accessory Use: A use or activity located on the same lot and of a nature customarily incidental and subordinate to the principal use or building on the same site.
112. **UTILITY, PUBLIC:** A utility owned and operated by the City of Inwood, Iowa.
113. **VACANCY:** Any unoccupied land, structure, or part thereof available or suitable for occupancy.
114. **VARIANCE:** A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions and peculiarity of the property and not the result of the actions of the applicant, a literal enforcement of the zoning ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area and size of structure, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in adjoining zoning districts.
115. **YARD:** An open space on the same lot adjoining a lot line, containing buildings, structures, landscaping and other such uses and facilities as may be permitted in this ordinance. In measuring a yard for the purpose of determining the depth of a front yard or rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used. A yard shall be measured exclusive of any public right-of-way.

- a. **Front Yard:** An area of yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, exclusive of the usual steps and eaves. In the case of corner lots, the front yard shall be considered as the yard adjacent to the street upon which the lot has its least dimension.
- b. **Interior Yard:** Any area of yard, not adjacent to a street, which is determined on the basis of an interior lot line.
- c. **Rear Yard:** An area of yard extending across the full width of a lot and measured between the rear lot line and the building or any other projections other than uncovered steps, unenclosed balconies, or eaves. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.
- d. **Side Yard:** An area of yard extending the depth of a lot from the front yard to the rear yard and measured between the side lot lines and the nearest principal building, exclusive of the usual steps and eaves. In the case of a corner lot, the street side yard shall extend from the front yard to the rear lot line.



116. **ZONING:** The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.
117. **ZONING ADMINISTRATOR:** The individual appointed by the City Council of Inwood, Iowa to administer and enforce compliance with the provisions of this ordinance and to issue zoning permits.
118. **ZONING/BUILDING PERMIT:** A permit issued and enforced by the zoning administrator as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building; acknowledging the proposed use, building, or structure complies with the provisions of the zoning ordinance, special exception or authorized variance.
119. **ZONING MAP:** A map, adopted by the governing body, delineating the boundaries of identified districts referencing the distinction and separation of zoned land uses which, along with the zoning text, comprises the zoning ordinance.

Section 2.2. SPECIFIC LAND USE DEFINITIONS.

The purpose of land use definitions is to provide a consistent set of terms encompassing and defining those uses permitted by right or by conditional use in each the zoning districts; and to provide a procedure for determination of the applicable land use of any activity not clearly defined in any of the following land use definitions. In event of any question as to the appropriate land use definition of any existing or proposed use or activity, the zoning administrator shall have the authority to determine the land use, subject to the right of appeal pursuant to Section 18.9. In making such determinations, the zoning administrator shall consider the characteristics of the land use in question, and consider any functional, product, service, or physical requirements common with or similar to land uses cited as examples in this section.

2.2.1. AGRICULTURAL AND CONSERVATION LAND USE DEFINITIONS:

Agricultural land uses include the on-site production of crops by usual agricultural methods.

1. *Agriculture*: Includes all activities related to crop production, dairying, pasturage, horticulture, floriculture, and viticulture.
2. *Agricultural Animal Husbandry*: The raising of cattle, swine, poultry, horses, sheep, goats or other similar animals for reproductive stock or for slaughter in which such uses are conducted in either confined animal feeding operations or open yards.
3. *Agricultural Sales and Services*: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores, and tree service firms.
4. *Crop Production*: The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including incidental packing and processing.
5. *Critical Area*: A natural feature in need of preservation from encroaching land uses. Such areas may include, but not limited to sensitive or prime agricultural soils as defined by the Natural Resource Conservation Service, areas of excessive slope, natural marshes, woodlands, and floodplains as defined by FEMA.
6. *Farm*: An area that is used for the growing of the usual agricultural products. This definition shall include the production of animal products such as eggs or dairy products, on an agricultural or commercial basis. Such farm may include a dwelling and accessory buildings or structures necessary to the operation of the farm.
7. *Farmstead*: That area of the farm which includes the farm dwelling and other accessory buildings and structures in close proximity to the farm dwelling.
8. *Floodplain*: The channel and relatively flat area adjoining the channel of a natural stream or river that has historically been or may have the potential to be covered by flood waters.
9. *Game Refuge/Preserve*: Areas designated for the protection and sustaining of wildlife habitat; in which human activities are very limited and the natural environment is protected.
10. *Horticulture*: The growing of horticultural and floricultural specialties, such as flowers,

shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales.

11. *Stables*: Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include but not limited to horse ranches, boarding stables or public stables.
12. *Support Housing*: The occupancy of any living accommodations by one (1) agricultural employee and their family, without regard to duration, which occurs exclusively in association with agricultural labor, on the same property as the support housing.
13. *Undeveloped or Unimproved Land*: Land in its natural state before development.
14. *Water Control Structures, Irrigation or Retention Basins*: Those man-made structures which are intended to direct and/or control the water flow, drainage and percolation rate to aid in the prevention of flooding or to direct water away from tillable agricultural land.

2.2.2. RESIDENTIAL LAND USE DEFINITIONS:

Residential land uses include the occupancy of living accommodations on primarily nontransient basis or institutional living arrangements, but excluding those providing forced residence such as prisons or any detention facility.

1. *Condominium Residential*: The use of a site for three (3) or more multiple family dwelling units intended for separate ownership, together with common area serving all dwelling units; whereas the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.
2. *Family Home (as per Chapter 414.22 Iowa Code)*: A community based residential home which is licensed as a residential care facility under Chapter 135C of the *Iowa Code* or as a child foster care facility under Chapter 237 of the *Iowa Code* to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.
3. *Mobile Home or Manufactured Housing*: The residential occupancy of mobile homes or manufactured housing by families on a weekly or longer basis. Uses only include mobile home parks and manufactured housing subdivisions.
4. *Multiple Family Residential*: The use of a site for three (3) or more dwelling units within one or more buildings.
5. *Personal Recreation Facilities*: (as an accessory use to residential uses) Recreational uses and facilities provided as an accessory use on the same lot as the principal use and intended to be used primarily by the occupants of the principal use and their guests. Such facilities may include but not limited to swimming pools, tennis courts, etc.
6. *Relocated Residential*: An existing residential structure, intended for human occupancy, which has been moved into the community from a location outside of Inwood, or an existing residential structure which has been relocated from another location from within

Inwood to a new residential site. A relocated residential structure does not include the moving of a new manufactured, modular or mobile home into the city. Relocated residential properties shall submit a route plan, photographs of the building to be moved, and obtain a building permit prior to moving such building or structure into Inwood.

7. *Relocated Accessory Building or Structure*: An existing accessory building or structure, not intended for human occupancy, which has been moved into the community from a location outside of Inwood; or an existing accessory building or structure that has been relocated from another location within Inwood to a new site. A relocated accessory building or structure does not include the moving of a new construction accessory building from a retail store to a permanent location. Relocated accessory buildings or structures shall submit a route plan, photographs of the building to be moved and obtain a building permit prior to moving such structure. Accessory buildings or structures may include, but not limited to, existing detached garages, garden sheds, outbuildings, storage buildings, greenhouses or any other building or structure detached from and customarily incidental and subordinate to the principal use on property.
8. *Residential Healthcare Facilities*: Any residential care services, intermediate care facility or skilled nursing home.
 - a) *Residential Care Services*: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or extended care.
 - b) *Assisted Living Facility*: Residences for primarily senior or retired persons that provide dwellings, housekeeping services, meals, personal care, and supervision of self-administered medication. Assisted living facilities are sometimes combined with other housing such as congregate housing, senior housing, or residential care services.
 - c) *Skilled Nursing Facility or Convalescent Home*: Any institution or facility providing care for a period exceeding twenty-four hours for residency or nursing services, the need for which is certified by a physician to three (3) or more individuals, who by reason of illness, disease, or physical or mental illness require continuous care and medical services.
9. *Single Family Residential*: The use of a site for only one (1) single family dwelling unit.
10. *Townhouse Residential*: The use of a site for three (3) or more dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site.
11. *Two Family Residential (duplex)*: The use of a site for two (2) dwelling units on a single lot or parcel.

2.2.3. COMMERCIAL LAND USE DEFINITIONS:

Commercial use types include the sale, rental, service, and distribution of goods; and the provision of services other than those classified as industrial or civic uses.

1. *Administrative and Business Offices*: Office of private firms or organizations, which are primarily used for executive, management, or administrative services. Typical uses

include but not limited to administrative offices, estate, insurance, property management, investment, personnel, travel, secretarial services, telemarketing, photocopy and reproduction, and offices of public utilities or associations.

2. *Automotive Rentals*: Rental of automobiles, noncommercial trucks, trailers, and recreational vehicles. Typical uses include but not limited to auto rental agencies, trailer rental agencies, and taxicab parking and dispatching.
3. *Automotive Repair Services*: Repair of automobiles, noncommercial truck, motorcycles, motor homes, and recreational vehicles; including the sale, installation, and servicing of equipment and parts.
4. *Automotive Sales*: Sales or rental of automobiles, noncommercial truck, motorcycles, motor homes, and recreational vehicles; including incidental storage, maintenance, and servicing. Typical uses include but not limited to new and used car dealerships, motorcycle dealerships, vehicle trailer and recreational vehicle dealerships.
5. *Automotive Washing*: Washing and cleaning of automobiles, related light equipment, and trucks. Typical uses include but not limited to car washes or truck washes. Does not include large truck cleanouts or wash outs.
6. *Building Maintenance Services*: Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include but not limited to janitorial, landscape maintenance, or window cleaning services.
7. *Business Support Services*: Establishments or business primarily engaged in the sale, rental or repair of equipment and supplies used by office or professional establishments to the firms themselves rather than to individuals, but exclude automotive, construction and farm equipment. Typical uses include but not limited to office equipment supply firms, small business machine repair shops or hotel equipment and supply firms.
8. *Business or Trade School*: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
9. *Cocktail Lounge*: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on premises, including taverns, bars, cocktail lounges, and similar uses.
10. *Commercial Off-Street Parking*: Parking of motor vehicles on a temporary basis within privately owned off-street parking facility, other than accessory to a principal use. Uses include commercial parking lots or parking garages.
11. *Commercial Recreation*: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:
 - a. *Indoor Sports and Recreation*: Uses conducted within an enclosed building. Typical uses include but not limited to bowling alleys, ice and roller skating rinks, arcades.
 - b. *Outdoor Sports and Recreation*: Uses conducted in open or partially enclosed or screened facilities. Typical uses include but not limited to golf courses, swimming pools, tennis courts, and racquetball courts.

- c. *Indoor Entertainment*: Predominantly spectator uses conducted within an enclosed building. Typical uses include but not limited to motion picture theaters or dance halls.
 - d. *Outdoor Entertainment*: Predominantly spectator uses conducted in open facilities. Typical uses include but not limited to racing facilities, go-kart track, driving range, and miniature golf course.
12. *Communications Services*: Establishments primarily engaged in the provision of broadcasting and information relay services but exclude those classified as Major Utility Facilities. Typical uses include but not limited to radio, television, cellular and other similar antennas, towers, or structures; and fiber optic lines and transmission facilities.
13. *Condominium Storage Unit*: A building or series of buildings in which storage units or floor area is owned independently; but the property is owned by all of the owners on a proportional basis or single ownership. These storage units are designed for indoor storage of RVs, boats, watercrafts, snowmobiles, motorcycles, automobiles, antiques, toys, trailers, record storage or other similar uses. Condominium storage must be designed in a way that each unit maintains a separate entrance.
14. *Construction Sales and Services*: Establishments or places of business engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale of materials used in construction of building or other structures other than retail sale of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Services use types. Typical uses include but not limited to building materials stores, tool and equipment rental or sales, or contractors.
15. *Consumer Repair Services*: Establishments primarily engaged in repair services to individuals or households rather than firms, but excluding automotive and equipment uses. Typical uses include but not limited to appliance repair, watch/jewelry repair, or musical instrument repair.
16. *Convenience Store*: An establishment engaged in the retail sale of food and household products, including gasoline. The servicing or storage of vehicles shall be prohibited.
17. *Convenience Storage*: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include but not limited to mini-warehousing.
18. *Equipment Repair Services*: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include but not limited to truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling or salvage.
19. *Equipment Sales*: Sale or rental of trucks, tractors, construction equipment, agricultural implements and similar heavy equipment; including storage, maintenance and servicing. Typical uses include but not limited to heavy truck or construction equipment dealerships.

20. *Financial Services*: Establishments primarily engaged in the provision of financial and banking services. Typical uses include but not limited to banks, savings and loan institutions, loan and lending activities, and similar services.
21. *Food Sales*: Establishment or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include but not limited to grocery stores, delicatessens, meat markets, retail bakeries, and candy shops.
22. *Funeral Services*: Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include but not limited to funeral homes, crematoriums or mortuaries.
23. *General Retail Sales*: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this section inclusive. Typical uses include but not limited to department stores, apparel stores, furniture stores; or establishments providing cleaning and maintenance products, drugs, cards, stationery, notions, books, tobacco products, cosmetics, specialty items, flowers, plants, hobby materials, toys and handcrafted items, apparel, jewelry, fabrics, cameras, photography services, electronic equipment, sporting equipment, kitchen supplies, home furnishings, appliances, art supplies, art and antiques, paint and wallpaper, carpeting and floor covering, decorating services, office supplies, bicycles or automotive parts.
24. *Golf Course*: Land area and buildings containing golf course, club house, restaurant and lounge, swimming pool and tennis courts.
25. *Hospital Services*: A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient and emergency treatment, diagnostic services, research, administration, and services to patients, employees or visitors.
26. *Kennel, Commercial*: A commercial establishment in which more than four (4) dogs, cats or non-hoofed domesticated animals at least six months of age are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation. Typical uses include but not limited to boarding kennels, pet motels, or dog training centers.
27. *Laundry Sales*: Establishments primarily engaged in the provision of laundering and dry cleaning other than those classified as Personal Services. Typical uses include but not limited to bulk laundry and cleaning facilities, diaper services, or linen supply services.
28. *Liquor Sales*: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include but not limited to liquor stores, bottle shops, or any licensed sales for off-site consumption.
29. *Medical Clinics/Offices*: A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners licensed for practice by the State of Iowa.
30. *Personal Improvement Services*: Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services. Typical uses include but not limited to photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

31. *Personal Services*: Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include but not limited to beauty and barbershops, seamstress, tailor, shoe repair shops, and self-service laundromat or apparel cleaning services.
32. *Pet Services*: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as domesticated household pets. Typical uses include but not limited to pet stores, animal bathing facilities, or pet grooming shops.
33. *Professional Office*: Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, medicine, engineering or other occupation customarily considered as a profession.
34. *Restaurant (Convenience)*: A use engaged in the retail sale of food and beverages, excluding alcoholic beverages, for on premise consumption. Typical uses include but not limited to soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.
35. *Restaurant (General)*: A use engaged in the preparation and retail sales of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty percent (50%) of the gross income. A general restaurant may include live entertainment. Typical uses include but not limited to restaurants, lounges, bar & grills, and other similar establishments.
36. *Service Station*: The provision of automotive fuels, oils, lubricants, parts and other items customarily associated with the sale of such products, but only intended for incidental repair services to motor vehicles.
37. *Transportation Services*: A facility for the loading and unloading of goods and/or freight, as well as the interchange of passengers and baggage between modes of transportation; including but not limited to bus or train terminals, rail stations, airport terminals, transit facilities, and other shipping/receiving facilities.
38. *Vehicle Storage*: Long term storage of operating or non-operating vehicles. Typical uses include but not limited to storage of private parking tow-a-ways or impound yards, but exclude dismantling or salvage.
39. *Veterinary Services*: Veterinary services for animals. Typical uses include but not limited to pet clinics, dog and cat hospitals, and veterinary hospitals.
40. *Visitor Habitation*: Establishments primarily engaged in the provision of lodging on a temporary basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:
 - a. *Campground*: Facilities or an area providing spaces for two (2) or more travel trailers, recreational vehicles, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public. Typical uses include but not limited to campgrounds or recreational vehicle parks.
 - b. *Hotel-Motel*: A building or group of buildings, attached, semi-detached or detached, containing guest rooms which provide lodging for compensation to the public. Other

such accessory uses associated with a hotel-motel may include a swimming pool, restaurant, cocktail lounge, meeting/conference rooms, management office and quarters for the use of operating personnel.

- c. *Bed & Breakfast Inn*: A private, owner-occupied housing unit, or portion thereof where short term lodging and meals are provided for up to five (5) guests for rent to the public. Meals may be provided to guests taking lodging in the facility. Individual units designed as rentals shall contain no cooking facilities.
 - d. *Boarding or Lodging House*: A building, other than a hotel or motel, where for compensation and by arrangement, meals and lodging are provided for more than three (3) persons not defined as a family.
41. *Wind Energy Device*: Any device such as a wind charger, wind turbine, windmill, wind generator or other such wind energy conversion system which converts wind energy to a form of useable energy.

2.2.4. INDUSTRIAL LAND USE DEFINITIONS:

Industrial use types include the on-site extraction or production of goods by methods not agricultural, and storage and distribution of products.

- 1. *Biotechnology Production and/or Manufacturing*: Facilities, warehouses, and production or assembly plants engaged in the production, manufacturing, packaging, and distribution of products generally associated with the fields of animal or human biotechnology.
- 2. *Custom Manufacturing*: Establishments engaged in the on-site production of goods by hand manufacturing which involves the use of hand tools or mechanical equipment and the incidental direct sale of only those goods produced on-site. Typical uses include but not limited to ceramic studios, candle making, glass blowing or custom jewelry.
- 3. *Fertilizer or Chemical Storage or Processing*: Uses which promote the sale, storage, transfer or processing of agricultural, industrial or other chemicals.
- 4. *Fuel Storage*: The storage of any fuel source in above or below ground tanks for purposes of distribution, storage or for sale. Such uses may include, but are not limited to gasoline storage facilities, bulk storage, propane storage or natural gas storage sites.
- 5. *Heavy Industry*: A use engaged in the processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials; or manufacturing which involve hazardous or commonly recognized offensive conditions.
- 6. *Light Industry*: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
- 7. *Railroad Facilities*: Including but not limited to rail yards, equipment servicing facilities, loading and unloading facilities and rail terminal facilities.

8. *Renewable Energy/Renewable Resources Industries*: Those industries/businesses engaged in the use of products that are sustainable in the environment or in harnessing renewable resources for energy purposes. Typical uses include but are not limited to biofuels, biomass, wind energy, solar energy, hydro power, and geothermal.
9. *Research and Production Services*: Establishments primarily engaged in research of an industrial or scientific nature, including animal or human products testing. Typical uses include but not limited to animal or human research labs, research and development firms or animal/human pharmaceutical research labs.
10. *Resource Extraction*: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are, but not limited to quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
11. *Sanitary Landfill*: An area of land designated for disposal of garbage, refuse, waste, rubbish, and solid or semisolid materials of which are buried between layers of earth.
12. *Scrap and Salvage Services*: Businesses primarily engaged in storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse. Typical uses include but not limited to scarp or storage yards, junkyards or salvage yards.
13. *Stockyards*: Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include but not limited to animal stockyards, animal sales or crop or animal auction yards.
14. *Warehousing and Distribution*: Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are warehousing use types:
 - a. *Limited Warehousing and Distribution*: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include but not limited to wholesale distributors, storage warehouses or moving and storage firms.
 - b. *General Warehousing and Distribution*: Open-air storage, distribution and handling of materials and equipment. Typical uses include but not limited to grain elevators or open storage yards.

2.2.5. PUBLIC AND CIVIC LAND USE DEFINITIONS:

Public and civic land uses include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses strongly vested with public or social importance.

1. *Aviation Facilities*: Landing fields, aircraft parking and service facilities, and related facilities for the operation, service, fueling, repair, storage, charter, or rental of aircraft.
2. *Cemetery*: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbiums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
3. *Club or Lodge*: A use providing meeting, recreational, or social facilities for private or non-profit associations, primarily for use by members and guests.

4. *Cultural Services*: A library, museum, art gallery, or other nonprofit use offering display, preservation or exhibition of historical objects or the fine arts and sciences.
5. *Daycare Center*: A facility, or use of a building or portion thereof, for daytime care of seven (7) or more individuals, or as indicated by the State of Iowa. This term may include day care centers for children or adults and similar uses.
6. *Detention Facilities*: A publicly operated use providing housing and care for individuals confined by law.
7. *Government/Public Services*: Offices, administrative, clerical, governmental, or public services that deal directly with the citizen. Typical uses include but not limited to federal, state, county, and city offices, postal facilities, or other public or non-profit organizations directly benefiting the general public.
8. *Local Utility Services*: Essential services which are necessary to support principal development and involve only minor structures such as lines and poles.
9. *Major Utility Facilities*: Communication towers, antennas, generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants and similar facilities of public use, and firms having potentially significant impact upon surrounding uses.
10. *Park and Recreation Services*: Publicly or privately owned and operated parks, playgrounds, open spaces, and swimming pools.
11. *Pre-Kindergarten, Preschool, or Nursery School*: An establishment enrolling children where tuition or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as an educational facility for children typically under the age of five (5).
12. *Educational Facilities*: A public, private, or parochial school offering instruction at the elementary, junior and senior high school or collegiate levels.
13. *Public Assembly*: Publicly owned or operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.
14. *Religious Assembly*: A building wherein people regularly assemble for religious worship, which is maintained and controlled by a religious body organized to sustain public worship together with all accessory buildings and uses.
15. *Safety Services*: Facilities for public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
16. *Treatment Services*: A use providing counseling, guidance, recuperative, vocational, or similar services to persons requiring rehabilitation assistance as a result of mental illness alcoholism, detention, drug addiction, or similar condition on a residential or daily basis.

ARTICLE 3: ZONING DISTRICTS ESTABLISHED

Article 3: Zoning Districts Established

- Section 3.1. Zoning Districts
- Section 3.2. Boundaries and Official Map
- Section 3.3. Interpretations of Districts Boundaries
- Section 3.4. Road or Public Right-of-Way Vacation
- Section 3.5. Annexed Territory

Section 3.1. ZONING DISTRICTS.

The City Council shall cause to be prepared and approved, an official zoning districts map showing the various districts, which may be changed or corrected from time to time as recommended by the Planning Commission and enacted by the City Council. For the purpose and intent of this ordinance the city is hereby divided into zoning districts or zones as follows:

AG	Agricultural District
CN	Conservation District
R-1	Single Family Residential District
R-2	Multiple Family Residential District
MH	Mobile & Manufactured Housing District
C-1	Downtown Commercial District
C-2	Highway Commercial District
GI	General Industrial District

Section 3.2. BOUNDARIES AND OFFICIAL MAP.

The boundaries of these districts are indicated and established as the official zoning map of Inwood, Iowa, which, with all notations, designations, references, and other matters shown thereon, shall be as much a part of this ordinance as if fully described and set forth herein. Amendments, supplements, or changes of the boundaries of districts as shown on the official zoning map shall be made by an ordinance amending zoning ordinance. The amending ordinance shall refer to the official zoning map and shall set out the identification of the area affected by legal description and identify the zoning district as the same exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the city clerk. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend it. The official zoning map, together with amending ordinances, shall be the final authority as to current zoning status of land and water areas, buildings, and other structures in the City of Inwood.

The official zoning map shall be on file and available for public review in the Inwood city office. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of use or the nature or number of changes and additions, the city council may, by resolution, adopt a new official zoning map which shall supersede the prior zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior zoning map, but no such correction shall have the effect of amending the original official zoning ordinance or any subsequent amendment thereof.

Section 3.3. INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to boundaries of districts as shown on the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys or other public right-of-ways shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;
4. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed as following such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. 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, or in other circumstances not covered by subsections 1 through 6 above the Board of Adjustment shall interpret the district boundaries.

Section 3.4. ROAD OR PUBLIC RIGHT-OF-WAY VACATION.

Whenever any road, street, alley or other public right-of-way is vacated by the official action of the city council, the zoning district(s) adjoining each side of such road or public right-of-way shall automatically extend to the center of such vacation and all area included in such vacation shall henceforth be subject to all appropriate regulations of the extended district.

Section 3.5. ANNEXED TERRITORY.

All territory which may hereafter be annexed into the City of Inwood shall, by default, be immediately zoned (AG) agricultural district. If the existing or proposed land use of the property is such that it necessitates a zoning change, the Planning and Zoning Commission shall make a recommendation of a change of zoning classification to the city council.

ARTICLE 4: (AG) AGRICULTURE DISTRICT

Article 4: Agriculture District

- Section 4.1. Intent
- Section 4.2. Principal Permitted Uses
- Section 4.3. Conditional Uses
- Section 4.4. Accessory Uses and Structures
- Section 4.5. Site Development Regulations
- Section 4.6. Off-Street Parking
- Section 4.7. Sign Regulations
- Section 4.8. Zoning Permit Required

Section 4.1. INTENT.

The intent of the agricultural district is to preserve land best suited for agriculture (especially prime agricultural soils) from the encroachment of incompatible uses and to preserve, in agricultural use, land suited to eventual development in other uses pending proper timing for economical and practical provisions of streets, utilities and other community facilities which may be provided or programmed as to ensure the orderly and beneficial conversion of these lands to nonagricultural use.

Section 4.2. PRINCIPAL PERMITTED USES.

Within the (AG) agricultural district, unless otherwise provided, only the following uses and structures shall be permitted by right.

Agriculture/Conservation Uses	Residential Uses	Civic Uses
Agriculture Crop production Critical Area Farm Farmstead Horticulture Support Housing Undeveloped or Unimproved Land Water Control/Irrigation/Retention	Single Family Residential - Only when it is the owner or renter of a farm or associated with agricultural purposes.	Cemetery Local Utility Services Government/Public Services

Section 4.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (AG) agricultural district subject to provisions of Articles XX and XXI of this ordinance and with specific conditions and requirements as approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Agriculture/Conservation Uses	Residential Uses	Civic Uses
Agricultural Animal Husbandry Agricultural Sales and Services Stables	Relocated Residential - Only when it is the owner or renter of a farm or associated with agricultural purposes.	Aviation Facilities Major Utility Facilities Park and Recreation Services Religious Assembly
Commercial Uses		Industrial Uses
Commercial Recreation a. Outdoor Sports and Recreation b. Outdoor Entertainment Kennel, Commercial Wind Energy Device		Fertilizer or Chemical Storage and Processing Fuel Storage Resource Extraction Sanitary Landfill

Special exception industrial uses and major utility facilities shall be conducted in a manner and method approved by the Iowa State Health Department and the Iowa Department of Natural Resources, Environmental Quality Division.

Section 4.4. ACCESSORY USES AND STRUCTURE

Accessory uses shall not be the principal structure on any lot, and are to remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garage or carport
3. Barns and other agricultural related buildings
4. Private parking lots
5. Radio, television, satellite dish, and other similar receiving antennas (*for personal use*)
6. Personal utility sheds, garden buildings or greenhouses not used for commercial purposes
7. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction, and in compliance with Section 13.4.
8. Roadside stands for the sale of agricultural produce or products grown on the premises
9. Kennel, private
10. Home occupations in compliance with Section 13.7.
11. Accessory uses, buildings and structures normally incidental and subordinate to the principal use or building and in compliance with Section 13.2.

Section 4.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and special exception uses and structures in the (AG) agricultural district, and subject to the supplemental district regulations.

Lot Area -	1 acre - minimum lot area
Lot Width -	300 feet - minimum lot width
Front Yard -	50 feet - minimum required setback
Side Yard -	25 feet - minimum required setback
Rear Yard -	50 feet - minimum required setback
Street Side Yard -	50 feet - minimum required setback
Maximum Height -	35 feet height for dwellings and non-agricultural buildings and structures, except for height exemptions in accordance with Section 12.10. No limitation, for agricultural buildings provided that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any public airport.
Residential Density -	Not more than one (1) principal residential dwelling unit per lot, and not more than one (1) agricultural support housing per lot.

No minimum requirements for local utility facilities and essential services, except that buildings other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All dwelling units must be constructed in compliance with the minimum requirements for residential structures outlined in Section 13.9.

Section 4.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (AG) agricultural district in accordance with the provisions of Article XV of this ordinance.

Section 4.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (AG) agricultural district in accordance with the provisions of Article XVI of the ordinance.

Section 4.8. ZONING PERMIT REQUIRED.

Zoning permits are required in accordance with the provisions of Section 18.3 of this ordinance.

ARTICLE 5: (CN) CONSERVATION DISTRICT

Article 5: Conservation District

- Section 5.1. Intent
- Section 5.2. Principal Permitted Uses
- Section 5.3. Conditional Uses
- Section 5.4. Accessory Uses and Structures
- Section 5.5. Additional Development Regulations
- Section 5.6. Site Development Regulations
- Section 5.7. Zoning Permits Required

Section 5.1. INTENT.

The intent of the conservation district is to provide for water quality and conservation, protection of wildlife habitat, protect erosion control, and protect natural drainage ways and to generally provide for ecologically sound land use of environmentally sensitive or critical areas. The conservation district is also intended to preserve those areas otherwise best suited as open space buffers between land uses and not suitable for structural developments. This district should also prevent, in those areas which are generally subject to periodic or potential flooding, such development as would result in a hazard to health and safety, or otherwise incompatible to the surrounding environment. Any development within designated floodplains shall only be allowed in compliance with the Inwood City Code.

Section 5.2. PRINCIPAL PERMITTED USES.

Within the (CN) conservation district, unless otherwise provided, only the following uses and structures shall be permitted by right.

Agriculture/Conservation Uses	Civic Uses
Agriculture Critical area Crop Production Farm Farmstead Floodplain Game Refuge/Preserve Horticulture Undeveloped or Unimproved Land Water Control Structures, Irrigation or Retention Basins	Local Utility Services Park and Recreation Services

Section 5.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (CN) conservation district subject to provisions of Articles XX and XXI of this ordinance and with specific conditions and requirements as approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Agriculture Uses	Commercial Uses	Civic Uses
	Communication Services Wind Energy Device	Government/Public Services Major Utility Facilities

Section 5.4. ACCESSORY USES AND STRUCTURES.

Accessory uses shall not be the principal structure on any lot, and are to remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses and structures shall be permitted.

1. Essential services
2. Agricultural or recreational buildings or structures which will not adversely affect the area and the value would not be impaired by being flooded, exclusive of dwelling units.
3. Parking lots.
4. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction, and in compliance with Section 13.4.
5. Accessory uses, buildings and structures normally incidental and subordinate to the principal use or building and in compliance with Section 13.2.

Section 5.5. ADDITIONAL DEVELOPMENT REGULATIONS.

Along critical portions of water courses, wetlands, water settling basins and water detention ponds certain minimum requirements shall be established within the (CN) conservation district. These minimum requirements include no development allowed within the designated floodway of any water course or within the 100 year floodplain as identified by the Federal Emergency Management Agency (FEMA) on the city's floodplain map. However, these provisions are exclusive of bridges, elevated roadways, open space parks and flood control levees. Furthermore, land zoned within the conservation district shall not be used to meet side or rear yard requirements of other zoning districts herein. The conservation district shall include all flood hazard areas designated by FEMA. All development within the (CN) conservation district shall be in compliance with the city's municipal code and shall:

1. Be consistent with the need to minimize flood damage;
2. Use construction methods and practices that will minimize flood damage;
3. Use construction materials and utility equipment that are resistant to flood damage;
4. Obtain all other necessary permits from federal, state and local government agencies including approval when required from the Iowa Department of Natural Resources.
5. Any new construction taking place within any designated State Flood Hazard Area (SFHA) shall be constructed in accordance with Title 44, Code of Federal Regulations identified in Section 60.3(b) of the NFIP regulations.

Section 5.6. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and special exception uses and structures in the (CN) conservation district, and subject to the supplemental district regulations.

Lot Area -	1 acre - minimum lot area Unless the district follows a floodway, floodplain, river or other natural corridor, then no minimum lot area is required.
Lot Width -	No minimum lot width
Front Yard -	50 feet - minimum required setback
Side Yard -	25 feet - minimum required setback
Rear Yard -	50 feet - minimum required setback
Street Side Yard -	50 feet - minimum required setback
Maximum Height -	35 feet height for buildings and structures, except for height exceptions in accordance with Section 12.10. No height limitations on agricultural buildings.
Building Coverage -	10 percent of the lot area – maximum coverage
Impervious Coverage -	25 percent of the lot area – maximum coverage
Green Open Space -	75 percent of the lot area – minimum coverage

No minimum requirements for local utility facilities and essential services.

Section 5.7. ZONING PERMIT REQUIRED.

Zoning permits are required in accordance with the provisions of Section 18.3 of this ordinance.

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

Section 6: Single Family Residential District

- Section 6.1. Intent
- Section 6.2. Principal Permitted Uses
- Section 6.3. Special Exception Uses
- Section 6.4. Permitted Accessory Uses and Structures
- Section 6.5. Site Development Regulations
- Section 6.6. Off Street Parking
- Section 6.7. Sign Regulations
- Section 6.8. Zoning/Building Permits Required

Section 6.1. INTENT.

The intent of the single family residential district is to promote and encourage suitable environments for low density residential development with a limited number of opportunities for public, civic or recreational facilities.

Section 6.2. PRINCIPAL PERMITTED USES.

Within the (R-1) single family residential district, unless otherwise provided, only the following uses and structures shall be permitted by right.

Residential Uses	Civic Uses	Agriculture/Conservation Uses
Single Family Residential Two Family Residential Family Home	Government/Public Services Local Utility Services Religious Assembly Park and Recreation Services	Crop production Horticulture Critical Area Undeveloped/Unimproved Land Water Control Structures, Irrigation, or Retention Basins

Section 6.3. CONDITIONAL USES:

The following uses and structures may be permitted in the (R-1) single family residential district subject conditions and requirements from the Board of Adjustment as provided for by Articles XX and XXI of this ordinance intending to make them compatible with adjacent uses.

Residential Uses	Civic Uses	Commercial Uses
Relocated Residential Relocated Accessory Building Residential Healthcare Facilities - Residential Care Services - Assisted Living Facility - Skilled Nursing Facility	Daycare Center Educational Facilities Pre-Kindergarten, Preschool or Nursery School Safety Services	Bed & Breakfast Inn Golf Course Funeral Services Wind Energy Device

Section 6.4. ACCESSORY USES AND STRUCTURES.

Accessory uses are not intended to be the principal structure on any lot, and remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports.
3. Personal recreational facilities for use by residents
4. Patios, cabanas, porches, gazebos, and incidental or portable household storage buildings
5. Personal greenhouses, not operated for commercial purposes
6. Radio, television, satellite dish, solar collector and other similar devices for residential use
7. Home occupations, in compliance with Section 13.7.
8. Private kennel
9. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction and in compliance with Section 13.4.
10. Other accessory uses of land and structures determined by the zoning administrator to be normally incidental and subordinate to the principal use or building, and in compliance with Section 13.2.

Section 6.5. SITE DEVELOPMENT REGULATIONS.

Each development in the (R-1) single family residential district shall be subject to the following minimum regulations, and subject to supplemental district regulations.

Minimum Lot Area -	single family dwelling	8,000 sq.ft.
	two family dwelling	12,000 sq.ft.
	non-residential uses	15,000 sq.ft.
Minimum Lot Width -	80 feet, except at entry points off cul-de-sacs	
Residential Density -	Not more than one (1) dwelling unit per lot, except for two-family residential.	
Front Yard -	25 feet - minimum required setback	
Side Yard -	8 feet - minimum required setback	
Rear Yard -	25 feet - minimum required setback	
Street Side Yard -	25 feet – minimum required setback	
Maximum Height -	35 feet, except for height exemptions in accordance with Section 12.10.	
Common Wall -	When a two-family dwelling can be divided by a common party wall, the front, rear, and side yard requirements shall apply to the total building unit and not be required for each individual housing unit.	

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the minimum requirements for residential structures outlined in Section 13.9. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa

Section 6.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (R-1) single family residential district in accordance with the provisions of Article XV of this ordinance.

Section 6.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (R-1) single family residential district in accordance with the provisions of Article XVI of this ordinance.

Section 6.8. ZONING PERMIT REQUIRED.

Zoning permits are required in accordance with the provisions of Section 18.3 of this ordinance.

ARTICLE 7: (R-2) MULTIPLE FAMILY RESIDENTIAL DISTRICT

Section 7: Multiple Family Residential District

- Section 7.1. Intent
- Section 7.2. Principal Permitted Uses
- Section 7.3. Conditional Uses
- Section 7.4. Accessory Uses and Structures
- Section 7.5. Site Development Regulations
- Section 7.6. Design Standards for Multiple Family Residential
- Section 7.7. Off-Street Parking
- Section 7.8. Sign Regulations
- Section 7.9. Zoning Permit Required

Section 7.1. INTENT.

The intent of the (R-2) multiple family residential district is to provide for various types of residential dwellings and development at a higher density than the single family residential district. This district also allows for the provision of certain civic and commercial uses that are compatible in character and density with and complement the multiple family residential environment.

Section 7.2. PRINCIPAL PERMITTED USES.

Within the (R-2) multiple family residential district, unless otherwise provided, only the following uses and structures shall be permitted by right.

Residential Uses	Civic Uses	Commercial Uses
Condominium Residential Family Home Multiple Family Residential Residential Healthcare Facilities <ul style="list-style-type: none"> - Residential Care Services - Assisted Living Facility - Skilled Nursing Facility Single Family Residential Townhouse Residential Two Family Residential	Governmental/Public Services Local Utility Services Park and Recreation Services Religious Assembly	Bed & Breakfast Inn

Section 7.3. CONDITIONAL USES.

The following uses may be permitted in the (R-2) multiple family residential district subject to conditions and requirements from the Board of Adjustment as provided for by Articles XX and XXI of this ordinance intending to make them compatible with adjacent uses.

Residential Uses	Civic Uses	Commercial Uses
Group Residential Relocated Residential Relocated Accessory Building	Cultural Services Daycare Center Pre-Kindergarten, Preschool or Nursery School Educational Facilities Safety Services	Communication Services Funeral Services Wind Energy Device

Section 7.4. ACCESSORY USES AND STRUCTURES.

Accessory uses shall not be the principal structure on any lot, and are to remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports
3. Private parking lots
4. Personal recreational facilities for use by residents
5. Patios, cabanas, porches, gazebos, and incidental or portable household storage buildings
6. Personal greenhouses, not operated for commercial purposes
7. Radio, television, satellite dish, solar collector and other similar devices for residential use
8. Home occupations in compliance with Section 13.7.
9. Private kennel
10. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction and in compliance with Section 13.4.
11. Other accessory uses of land and structures determined by the zoning administrator to be normally incidental and subordinate to the principal use or building and in compliance with Section 13.2.

Section 7.5. SITE DEVELOPMENT REGULATIONS.

Each development in the (R-2) multiple family residential district shall be subject to the following minimum regulations, and subject to the supplemental district regulations.

Minimum Lot Area -	20,000 sq.ft. + 2,000 sq.ft. for additional dwelling units in excess of two (2)
Minimum Lot Width -	200 feet, except at entry points off cul-de-sacs
Front Yard -	25 feet - minimum required setback
Side Yard -	10 feet - minimum required setback for single story buildings

	20 feet - minimum required setback for multiple story buildings
Rear Yard -	35 feet - minimum required setback
Street Side Yard -	25 feet – minimum required setback
Maximum Height -	35 feet, except for height exemptions in accordance with Section 12.10.

No minimum requirements for local utility facilities and essential services, except that buildings constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the minimum requirements for residential structures outlined in Section 13.9. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with Section 135D.26 of the Code of Iowa.

Section 7.6. DESIGN STANDARDS FOR MULTIPLE FAMILY RESIDENTIAL.

Design standards for multiple family residential developments within the R-2 district shall be subject to the following requirements:

1. The following requirements shall apply to group housing projects when two or more garden apartment buildings or mixture of housing types are located on the same lot.
2. The minimum horizontal distance between buildings (That is, front to front, rear to rear, or front to rear, as the case may be) shall be fifty feet (50') or buildings one story in height, and shall be increased by no less than five feet (5') for each additional story in height. The minimum distance between buildings may be decreased by as much as ten feet (10') toward one end if it is increased by an equal distance at the other or if the buildings are staggered in location so as to allow ample sunlight at ground level.
3. The horizontal distance between ends of buildings shall be no less than twenty-five feet (25'). Where the end of one building is opposite the face or rear of another building the minimum horizontal distance between them shall be increased by no less than five feet (5') for each additional story in height of each building.
4. The horizontal distance between corners of adjacent buildings that do not face one another or overlap in any way shall be no less than thirty feet (30').
5. Courts completely enclosed by building walls shall not be permitted, provided that screens or fences not exceeding eight feet (8') in height shall not be deemed enclosing features.
6. Distance between wings of a building forming an open court shall not be less than the projection of such wings or less than the height of the highest wall of such wings, whichever is the greater. The depth of an open court formed by walls on three sides shall be not greater than one and one half (1½) times the width of such court.

7. No building shall be closer than twenty-five (25) feet to any street or private access drive; neither shall any main entrance to a dwelling unit be closer than fifteen (15) feet to any street, private access road, driveway or parking area.
8. Private access drives shall meet the following minimum requirements for safety and convenience:
 - a. All private drives and parking areas shall be paved. There shall be two (2) parking spaces provided for each dwelling unit.
 - b. No cul-de-sac shall be more than three hundred (300) feet in length. Minimum paved turning diameter of seventy-five (75) feet shall be provided at the terminus of each cul-de-sac.
 - c. No dwelling unit in a development shall be located farther than one hundred twenty-five (125) feet from a street or private access drive.
9. Consistent modifications of the foregoing requirements may be made by the Board of Adjustment in order to accommodate site plans which these provisions do not apply; provided that such modifications shall not be less restrictive than those specified herein.
10. Two-family dwellings. 550 square feet of floor area at ground level per family for single story dwellings, and three hundred (300) square feet of floor area at ground level per family for dwellings over one story in height provided that the total area shall not be less than five hundred fifty (550) square feet per family.

Section 7.7. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (R-2) multiple family residential district in accordance with the provisions of Article XV of this ordinance.

Section 7.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (R-2) multiple family residential district in accordance with the provisions of Article XVI of the ordinance.

Section 7.9. ZONING PERMIT REQUIRED.

Zoning permits are required in accordance with the provisions of Section 18.3 of this ordinance.

ARTICLE 8: (MH) MOBILE & MANUFACTURED HOUSING DISTRICT

Section 8: Mobile & Manufactured Housing District

- Section 8.1. Intent
- Section 8.2. Principal Permitted Uses
- Section 8.3. Conditional Uses
- Section 8.4. Accessory Uses and Structures
- Section 8.5. Site Development Regulations
- Section 8.6. Mobile & Manufactured Housing Park Requirements
- Section 8.7. Zoning Permit Required

Section 8.1. INTENT.

The intent of the mobile/manufactured housing district is to regulate the location and placement of mobile or manufactured homes not converted to real estate within the city to within designated mobile home parks or manufactured housing subdivisions. Furthermore, the intent of this article is to provide for residential areas now developed as mobile or manufactured housing parks which by reason of their design and location are compatible with surrounding residential uses and areas of the city where similar development seems likely to occur.

Section 8.2. PRINCIPAL PERMITTED USES.

Within the (MH) mobile/manufactured housing district, unless otherwise provided, only the following uses and structures shall be permitted by right.

Residential Uses	Civic Uses
Mobile Home or Manufactured Housing - <i>Located only in an approved mobile or manufactured housing park.</i>	Government/Public Services Local Utility Services Park and Recreation Services

Section 8.3. SPECIAL EXCEPTION USES.

The following uses may be permitted in the (MH) mobile/manufactured housing district subject to conditions and requirements from the Board of Adjustment as provided for by Articles XX and XXI of this ordinance intending to make them compatible with adjacent uses.

Residential Uses	Civic Uses	Commercial Uses
Relocated Residential Relocated Accessory Building Single Family Residential	Daycare Center Educational Facilities Pre-Kindergarten, Preschool or Nursery School Religious Assembly	Communication Services Wind Energy Device

Section 8.4. ACCESSORY USES AND STRUCTURES.

Accessory uses are not intended to be the principal structure on any lot, and are to remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports
3. Private parking lots
4. Personal recreational facilities for use by residents
5. Patios, cabanas, porches, gazebos, and incidental or portable household storage buildings
6. Personal greenhouses, not operated for commercial purposes
7. Radio, television, satellite dish, solar collector and other similar devices for residential use
8. Home occupations in compliance with Section 13.7.
9. Private kennel
10. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction and in compliance with Section 13.4.
11. Other accessory uses of land and structures determined by the zoning administrator to be normally incidental and subordinate to the principal use or building and in compliance with Section 13.2.

Section 8.5. SITE DEVELOPMENT REGULATIONS.

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the (MH) mobile/manufactured housing district, and subject to modifications contained in the supplemental district regulations.

Mobile or Manufactured Home Lot Requirements:

Minimum Lot Area -	5,400 sq.ft.
Minimum Lot Width -	50 feet
Front Yard -	15 feet - minimum required front yard
Side Yard -	15 feet - minimum required side yard, unless the side yard borders the perimeter of the park in which case no side yard is required
Rear Yard -	15 feet - minimum required rear yard, unless the rear yard borders the perimeter of the park in which case no rear yard is required
Street Side Yard -	15 feet - minimum required setback
Maximum Height -	20 feet, except for height exemptions in accordance with Section 12.10.
Residential Density -	Not more than one (1) dwelling unit per mobile home lot

For the purpose of this section, yard width shall be determined by measurement for the mobile home face (side) to the site boundary. The front yard is that yard which runs from the hitch end to the nearest site line. The rear is at the opposite end of the mobile home and side yards are at right angles to the front and rear ends.

Mobile or Manufactured Park Requirements:

Three (3) or more mobile or manufactured housing units not converted to real estate located adjacent to each other shall constitute a mobile home park or manufacture housing subdivision and shall be subject to the following requirements.

Park Area- Three (3) acres – minimum park area

Park Width- 300 feet - minimum park width

From all mobile home or manufacture housing pads, the following minimum distances shall be maintained:

Park Boundary- 50 feet – setback from the outside boundary of any park which is not a public street

Public Street- 100 feet – setback from right-of-ways of any public street or highway

Service Buildings- 50 feet – setback from any public service buildings within such park

Private Drive- 15 feet – setback from any collector or private drive within any park

Common Walkways- 8 feet – setback from any common or public walkway

Maximum Height- 20 feet unless otherwise provided

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements. Furthermore, mobile home lots and parks shall be developed in conformance with the following mobile/manufactured housing park requirements outlined in Section 8.6 below.

Section 8.6. MOBILE OR MANUFACTURED HOUSING PARK REQUIREMENTS.

All mobile home parks or manufactured housing subdivisions shall be developed subject to the following requirements. No mobile or manufactured home not converted to real estate shall be connected to water, sewer, or electrical services unless the mobile home complies with the standards, and requirements of the National Fire Protection Association (NFPA), the City of Inwood, and state and local health departments. Compliance with these standards shall be determined by the zoning administrator.

1. *Development Plan:* No mobile or manufactured home shall be located in any mobile home park or manufactured housing subdivision, until a development plan is officially approved by the zoning administrator, and the required licensing provisions of the Code of Iowa are complied with. The following information shall be shown on the development plan or submitted in writing within:

a. The name of the proposed mobile or manufactured home park and its location;

- b. Names, addresses, and telephone numbers of the developer or owner;
 - c. A map of the entire area scheduled for development, if the proposed development is a portion of a larger holding for subsequent development;
 - d. Location map showing the proposed development in relation to surrounding properties;
 - e. Present land use and existing zoning of the proposed development and the adjacent tracts;
 - f. Interior streets, streets, street names, right-of-way and roadway widths;
 - g. All lot lines and open spaces with dimensions shown;
 - h. Topographic contours shall be shown on the plan at five (5) foot intervals where the slope is less than 10% and two (2) foot intervals where the slope is 10% or greater;
 - i. Location, dimensions, capacity, and design for a storm shelter, if such is proposed.
 - j. Delineation of all improvements required in this section.
2. *Maintenance of Streets and Infrastructure:* If said mobile or manufactured home park development plan contains no dedication to the city of streets or utilities, or should it be contemplated that the facilities of the city shall not be used for maintenance of streets, sidewalks, and water and sewer lines, garbage collection, or other related functions, then the owner of such mobile or manufactured home park shall be required to provide these services to residents within the park in a timely and manner.
3. *Permitted accessory uses and requirements thereof:*
- a. Accessory buildings or structures under park management shall be used only for park residents' use only. No accessory building or structure shall exceed twenty-five feet (25') in height and shall meet the site development regulations and other applicable ordinances;
 - b. Accessory structures may be no closer than 5 feet to any lot line;
 - c. A mobile or manufactured home may be displayed and offered for sale, provided that the mobile home is situated on a permanent pad within the mobile home park or manufactured housing subdivision;
 - d. One (1) identification sign shall be approved in conjunction with the development plan. In no case shall such sign be no larger than sixty (60) square feet in surface area and shall not have any moving parts or stand higher than ten feet (10') from the ground to top of the sign. Such sign shall not be closer than thirty feet (30') to any public right-of-way.
 - e. No more than one (1) entry and/or one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval. In no case shall the sign be larger than four (4) square feet, have no moving parts, or stand higher than five feet (5') from the ground to the top of the sign
4. *Design Standards Requirements:*
- a. The boundaries of each mobile or manufactured home lot shall be clearly marked on the ground by permanent markers driven into the ground with the top of said markers flush with the finish grade.
 - b. Each mobile home shall be anchored to the ground as provided in 661 IAC Chapter 16.626(103A).

- c. Each mobile or manufactured home site shall be provided with a stand consistent with customary industry standards. Alternative pad and support mechanisms may be approved by the Planning Commission upon request if accompanied by sketches or other documentation.
- d. Storage of goods and articles underneath any mobile or manufactured home is prohibited;
- e. Exposed ground surfaces in a mobile or manufactured home park shall be covered with stone screening or other vegetative cover capable of preventing soil erosion and objectionable dust.
- f. A greenbelt buffer of trees and shrubs, not less than twenty-five feet (25') in width shall be located and maintained along all boundaries of such mobile or manufactured home park, except at established entrances and exits serving such park.
- g. Each mobile or manufactured home site shall have front, side and rear yards, and a double front yard setback will be required on corner lots;
- h. Open patios shall be disregarded in determining yard widths. Enclosed all weather patios and carports shall be included in determining yard widths;
- i. If a temporary foundation or permanent pier or post foundation is provided, uniform skirting of each mobile home base shall be required, within thirty (30) days after initial placement. Such skirting shall be of noncorrosive metal or aluminum or material of equal strength and attached to the mobile home so as to prevent entry of rodents and insects;
- j. All mobile homes within such parks shall be suitably connected to common sewer and water services provided at each mobile homes site. Mobile or manufactured homes shall not be connected to water, sewer, or electrical services unless the housing unit complies with the local, county and state standards and requirements. Compliance shall be determined by the zoning administrator.
- k. Any common fuel oil and or gas storage shall be centrally located in accordance with applicable Federal, State & local regulations.
- l. One (1) parking space shall be provided for each mobile or manufactured home site. There shall be additional parking for storage of recreational type vehicles and visitor parking.
- m. A recreation space of at least three hundred (300) square feet of land per mobile home site in the park shall be developed and maintained by the management. Streets, sidewalks, parking areas, and accessory buildings are not to be included as recreation space in computing the necessary area.
- n. All parks shall be furnished with lighting units spaced and equipped with approved fixtures, placed at mounting heights that will provide the following average maintained levels of illumination for safe movement of pedestrians and vehicles at night.
- o. Adequate provisions shall be made to handle surface and storm drainage water as determined by the city's engineer.
- p. All street widths in mobile/manufactured home parks, whether private streets or dedicated to the city shall comply with the city's subdivision regulations in regards to street standards, paving and street widths.

- q. A written emergency plan submitted to the city and posted on site to advise all of the park residents of safety measures.
- r. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, tub or shower, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external systems.
- s. All garbage and trash containers shall be placed in a conveniently located, similarly designed, enclosed structure. Individual incinerators shall be prohibited.
- t. All roads, driveways, motor vehicle parking spaces shall be paved and constructed to minimum local design standards as determined by the city engineer for public streets. All roads and driveways shall have curb and gutters, adequate lighting and drainage for safety and ease of movement for pedestrians and vehicles.
- u. Park owners and management are required to maintain the physical and natural facilities and features of the park in a neat, orderly, and safe manner.
- v. The zoning administrator is granted the power and authority to enter upon the premises of any such park at any time for the purpose of determining and/or enforcing any provision of the ordinance to the conduct and operation of a mobile home park.

All mobile home parks shall conform to the above requirements in addition to all current city specifications and standards.

Section 8.7. ZONING PERMIT REQUIRED.

Zoning permits are required in accordance with the provisions of Section 18.3 of this ordinance.

ARTICLE 9: (C-1) DOWNTOWN COMMERCIAL DISTRICT

Section 9: Downtown Commercial District

- Section 9.1. Intent
- Section 9.2. Principal Permitted Uses
- Section 9.3. Conditional Uses
- Section 9.4. Accessory Uses and Structures
- Section 9.5. Site Development Regulations
- Section 9.6. Additional Regulations
- Section 9.7. Off-Street Parking
- Section 9.8. Sign Regulations
- Section 9.9. Zoning Permit Required

Section 9.1. INTENT.

The intent of the downtown commercial district is to establish a district consisting of a variety of retail stores and related activities and services to serve the general shopping needs of the community and to permit those uses that will strengthen the center of trade, commerce, services, governmental and cultural activities in downtown Inwood.

Section 9.2. PRINCIPAL PERMITTED USES.

Within the (C-1) downtown commercial district, unless otherwise provided, only the following principal uses and structures shall be permitted by right.

Commercial Uses		Civic Uses
Administrative/Business Offices	Indoor Entertainment	Club or Lodge
Automotive Repair Services	Laundry Services	Cultural Services
Automotive Rentals	Medical Clinics/Offices	Daycare Center
Automotive washing	Personal Improvement Services	Detention Facilities
Building Maintenance Services	Personal Services	Government/Public Services
Business Support Services	Pet Services	Local Utility Services
Commercial Off-Street Parking	Professional Offices	Park and Recreation Services
Consumer Repair Services	Restaurant (Convenience)	Educational Facilities
Convenience Store	Restaurant (General)	Public Assembly
Financial Services	Retail Specialty Shop	Religious Assembly
Food Sales	Service Station	Safety Services
Funeral Services	Visitor Habitation	
General Retail Sales	- Hotel/Motel	Residential Uses
Hospital Services	- Bed & Breakfast Inn	
Indoor Sports & Recreation	- Boarding House	Relocated Accessory Building Single or Multiple Family Residential (only upper floors and/or adjacent to commercial uses)

Section 9.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (C-1) downtown commercial district subject conditions and requirements from the Board of Adjustment as provided for by Articles XX and XXI of this ordinance intending to make them compatible with adjacent uses.

Commercial Uses	Civic Uses	Industrial Uses
Cocktail Lounge Commercial Off-Street Parking Communication Services Condominium Storage Unit Construction Sales & Service Convenience Storage Equipment Repair Services Equipment Sales Liquor Sales Vehicle Storage Veterinary Services	Detention Facilities Major Utility Facilities Pre-Kindergarten, Preschool or Nursery School Treatment Services	Custom Manufacturing Limited Warehousing and Distribution

Section 9.4. ACCESSORY USES AND STRUCTURES.

Accessory uses are not intended be the principal structure on any lot, and are to remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports
3. Private parking lots
4. Stormwater retention ponds or other water control structures
5. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
 - a. Operated primarily for convenience of employees, clients or customers of the principal use.
 - b. Occupies less than 10 percent of the total floor area of the principal use.
 - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
6. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction and in compliance with Section 13.4.
7. Other accessory uses, buildings or structures as determined by the zoning administrator to be normally incidental and subordinate to the principal use or building, and in compliance with Section 13.2.

Section 9.5. SITE DEVELOPMENT REGULATIONS.

Each development in the (C-1) downtown commercial district shall be subject to the following minimum regulations, and subject to supplemental district regulations.

Minimum Lot Area -	No minimum required
Minimum Lot Width -	No minimum required
Front Yard -	No minimum required
Side Yard -	No minimum, except 10 feet minimum setback if a side yard abuts a lot used for residential purposes
Rear Yard -	No minimum, except 10 feet minimum setback if a rear yard is provided or abutting a residential district
Street Side Yard Setback -	No minimum required
Maximum Height -	35 feet, except for height exemptions in accordance with Section 12.10.

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Section 9.6. ADDITIONAL REGULATIONS.

1. All business establishments shall be retail or service establishments dealing directly with consumers;
2. All business, servicing or processing, except for off-street loading, shall be conducted within completely enclosed buildings;
3. The outdoor storage of goods or materials shall be prohibited;
4. Dwelling units shall not be located below the second floor nor contain less than 400 square feet of floor area.

Section 9.7. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (C-1) downtown commercial district in accordance with the provisions of Article XV of this ordinance.

Section 9.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (C-1) downtown commercial district in accordance with the provisions of Article XVI of this ordinance.

Section 9.9. ZONING PERMIT REQUIRED.

Zoning permits are required in accordance with the provisions of Section 18.3 of this ordinance.

ARTICLE 10: (C-2) HIGHWAY COMMERCIAL DISTRICT

Section 10: Highway Commercial District

- Section 10.1. Intent
- Section 10.2. Principal Permitted Uses
- Section 10.3. Conditional Uses
- Section 10.4. Accessory Uses and Structures
- Section 10.5. Site Development Regulations
- Section 10.6. Off-Street Parking
- Section 10.7. Sign Regulations
- Section 10.8. Zoning Permit Required

Section 10.1. INTENT.

The intent of the highway commercial district is to establish the location of areas predominately for service, retail, and other non-residential uses which because of certain locational requirements and operational characteristics are appropriately located in close proximity to a major traffic way. Site development regulations are intended to ensure larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares.

Section 10.2. PRINCIPAL PERMITTED USES.

Within the (C-2) highway commercial district, unless otherwise provided, only the following uses and structures shall be permitted by right.

Commercial Uses		
Administrative & Business Office	Convenience Storage	Personal Services
Agricultural Sales & Service	Financial Services	Pet Services
Automotive Rentals	Food Sales	Professional Offices
Automotive Repair Services	Funeral Services	Restaurant (Convenience)
Automotive Washing	General Retail Sales	Restaurant (General)
Building Maintenance Services	Golf Course	Retail Specialty Shop
Business Support Services	Hospital Services	Service Station
Business or Trade School	Indoor Sports & Recreation	Visitor Habitation
Commercial Off-Street Parking	Indoor Entertainment	- Campground
Condominium Storage Unit	Laundry Services	- Hotel/Motel
Consumer Repair Services	Medical Clinics/Offices	- Bed & Breakfast Inn
Convenience Store	Outdoor Sports & Recreation	- Boarding House
	Personal Improvement Services	

Civic Uses	Residential Uses	Agricultural Uses
Club or Lodge Cultural Services Government/Public Services Local Utility Services Park and Recreation Services Public Assembly Religious Assembly Safety Services	Residential Healthcare Facilities - Residential Care Services - Assisted Living Facility - Skilled Nursing Facility	Crop Production Horticulture

Section 10.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (C-2) highway commercial district subject to conditions and requirements from the Board of Adjustment as provided for by Articles XX and XXI of this ordinance intending to make them compatible with adjacent uses.

Commercial Uses	Civic Uses	Industrial Uses
Automotive Sales Cocktail Lounge Communication Services Construction Sales & Service Equipment Repair Services Equipment Sales Kennel, Commercial Liquor Sales Outdoor Entertainment Vehicle Storage Veterinary Services Wind Energy Device	Cemetery Daycare Center Detention Facilities Education Facilities Major Utility Facilities Pre-Kindergarten, Preschool or Nursery School Treatment Services	Custom Manufacturing Limited Warehousing and Distribution Railroad Facilities Research and Production Services

Section 10.4. ACCESSORY USES AND STRUCTURES.

Accessory uses are not intended be the principal structure on any lot, and are to remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses and structures shall be permitted.

1. Essential Services
2. Private garages or carports
3. Private parking lots
4. Stormwater retention ponds or other water control structures
5. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.

- d. Operated primarily for convenience of employees, clients or customers of the principal use.
 - e. Occupies less than 10 percent of the total floor area of the principal use.
 - f. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
- 6. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction and in compliance with Section 13.4.
 - 7. Other accessory uses, buildings or structures as determined by the zoning administrator to be normally incidental and subordinate to the principal use or building, and in compliance with Section 13.2.

Section 10.5. SITE DEVELOPMENT REGULATIONS.

Each development in the (C-2) highway commercial district shall be subject to the following minimum regulations, and subject to supplemental district regulations.

Minimum Lot Area -	10,000 square feet
Minimum Lot Width -	100 feet
Front Yard -	40 feet - minimum required setback
Side Yard -	20 feet – minimum required setback Unless, if adjacent to a residential district the side yard shall be 40 feet.
Rear Yard -	20 feet – minimum required setback Unless, if adjacent to a residential district the rear yard shall be 40 feet.
Street Side Yard Setback -	40 feet - minimum required setback
Maximum Height -	35 feet, except for height exemptions in accordance with Section 12.10.

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Section 10.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (C-2) highway commercial district in accordance with the provisions of Article XV of this ordinance.

Section 10.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (C-2) highway commercial district in accordance with the provisions of Article XVI of the ordinance.

Section 10.8. ZONING PERMIT REQUIRED.

Zoning permits are required in accordance with the provisions of Section 18.3 of this ordinance.

ARTICLE 11: (GI) GENERAL INDUSTRIAL DISTRICT

Article 11: General Industrial District

- Section 11.1. Intent
- Section 11.2. Principal Permitted Uses
- Section 11.3. Special Exception Uses
- Section 11.4. Permitted Accessory Uses and Structures
- Section 11.5. Site Development Regulations
- Section 11.6. Off-Street Parking
- Section 11.7. Sign Regulations
- Section 11.8. Zoning/Building Permits Required

Section 11.1. INTENT.

The intent of the general industrial district is to provide for a variety of industrial uses that have high standards of performance and can locate near certain residential and business uses. The district regulations are designed to permit certain manufacturing or industrial operations which on the basis of physical and operational characteristics, will not be detrimental to the surrounding area or community by reasons of noise, dust, smoke, odor, traffic or other similar factors. In the best interest of the city, certain industrial uses in this district shall be subject to conditional approval to insure that proper safeguards are taken to protect the interests of neighboring properties. No residential uses are permitted in this district.

Section 11.2. PRINCIPAL PERMITTED USES.

Within the (GI) general industrial district, unless otherwise provided, only the following uses and structures shall be permitted by right, except those which by reason of odor, dust, fumes, smoke, noise or obnoxious characteristics would be injurious to the public health, safety, and general welfare of the community.

Commercial Uses	Industrial Uses
Administrative and Business Offices Agricultural Sales and Services Automotive Repair or Rental Services Automotive Washing Communication Services Convenience Storage Convenience Store Equipment Sales Equipment Repair Services Kennel, Commercial Maintenance and Service Facilities Professional Office Service Station Vehicle Storage Yards Veterinary Services	Biotechnology Production and/or Manufacturing Custom Manufacturing Light Industry Railroad Facilities Research and Production Services Limited Warehousing and Distribution General Warehousing and Distribution
	Civic Uses
	Club or Lodge Government/Public Services Local Utility Services Maintenance and Service Facilities Park and Recreation Services Safety Services

Section 11.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (GI) general industrial district subject to conditions and requirements from the Board of Adjustment as provided for by Articles XX and XXI of this ordinance intending to make them compatible with adjacent uses.

Industrial Uses	Civic Uses
Fertilizer or Chemical Storage or Processing Fuel Storage Heavy Industry Renewable Energy/Renewable Resources Industry Resource Extraction Sanitary Landfill Scrap and Salvage Service Stockyards	Major Utility Services
	Commercial Uses
	Adult Entertainment Uses <i>(only in conformance with the requirements of Section 13.10)</i> Wind Energy Device

Limited commercial/retail uses may be permitted by special exception use within the (GI) general industrial district when intended to serve the needs of a business' tenants/employees only. Such special exception commercial/retail uses would include: eatery, café, health club, convenience store, bakery shop, gift shop, post office substation, photo studio, barbershop/stylist, or other appropriate use as determined by the Board of Adjustment.

Section 11.4. ACCESSORY USES AND STRUCTURES.

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Private garages or carports
3. Private parking lots
4. Stormwater retention ponds or other water control structures
5. Any commercial or industrial use type that is not a permitted use in the same district, and complies with all the following criteria:
 - a. Operated primarily for convenience of employees, clients or customers of the principal use.
 - b. Any accessory building may not be larger than twenty-five percent (25%) of the principal building's square feet.
 - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
6. Temporary buildings for uses incidental to construction, in which the buildings shall be removed upon completion or abandonment of the work and in compliance with Section 13.4.
7. Other accessory uses, buildings or structures as determined by the zoning administrator to be normally incidental and subordinate to the principal use or building, and in compliance with Section 13.2.

Section 11.5. SITE DEVELOPMENT REGULATIONS.

Each development in the (GI) general industrial district shall be subject to the following minimum regulations, and subject to supplemental district regulations.

Minimum Lot Area -	20,000 square feet
Minimum Lot Width -	100 feet
Front Yard -	50 feet - minimum required setback
Side Yard -	20 feet – minimum required setback Unless, if adjacent to a residential district the side yard shall be 50 feet.
Rear Yard -	35 feet – minimum required setback Unless, if adjacent to a residential district the rear yard shall be 50 feet.
Street Side Yard Setback -	50 feet - minimum required setback
Maximum Height -	50 feet, except for height exemptions in accordance with Section 12.10.
Buffer Requirements - (Green Belt Buffer)	As prescribed in Article 13.5.

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Section 11.6. OFF STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (GI) general industrial district in accordance with the provisions of Article XV of this ordinance.

Section 11.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (GI) general industrial district in accordance with the provisions of Article XVI of this ordinance.

Section 11.8. ZONING PERMIT REQUIRED.

Zoning permits are required in accordance with the provisions of Section 18.3 of this ordinance.

INWOOD, IOWA - QUICK REFERENCE GUIDE ZONING DISTRICT SITE DEVELOPMENT REGULATIONS

Zoning District	Maximum Height	Minimum Lot Area	Minimum Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Required Street Side Yard
AG Agriculture	35 ft. (none for ag uses)	1 acre	300 ft.	50 ft.	25 ft.	50 ft.	50 ft.
CN Conservation	35 ft. (none for ag uses)	1 acre (unless it follows a floodway)	None	50 ft.	25 ft.	50 ft.	50 ft.
R-1 Single Family Residential	35 ft.	8,000 SF 12,000 TF 15,000 NR	80 ft.	25 ft.	8 ft.	25 ft.	25 ft.
R-2 Multiple Family Residential	35 ft.	20,000 sq.ft. + 2,000 for each MF	200 ft.	25 ft.	10 ft.-1 story 20 ft. -multi story	35 ft.	25 ft.
MH Mobile or Manufactured Residential	20 ft.	5,400 sq.ft Mobile home site	50 ft.	15 ft.	15 ft.	15 ft.	15 ft.
C-1 Downtown Commercial	35 ft.	None	None	None	None 10 ft. if next to res.	None 10 ft. if next to res.	None
C-2 Highway Commercial	35 ft.	10,000 sq.ft.	100 ft.	40 ft.	20 ft. 40 ft. if next to res.	20 ft. 40 ft. if next to res.	40 ft.
GI General Industrial	50 ft.	20,000 sq.ft.	100 ft.	50 ft.	20 ft. 50 ft. if next to res.	35 ft. 50 ft. if next to res.	50 ft.

Note: SF = Single Family Residential; TF = Two Family Residential; MF = Multiple Family; NR = Non-Residential

ARTICLE 12: SUPPLEMENTAL DISTRICT REGULATIONS

Article 12: Supplemental District Regulations

- Section 12.1. Lot of Record
- Section 12.2. One Principal Residential Dwelling per Lot
- Section 12.3. Multiple Principal Structures per Lot
- Section 12.4. Yard Regulations
- Section 12.5. Steps, Decks and Patios
- Section 12.6. Fences and Hedges
- Section 12.7. Buildings to Have Access
- Section 12.8. Use of Public Right-of-Way
- Section 12.9. Yard Setback Continuity
- Section 12.10. Height Exceptions

Section 12.1. LOT OF RECORD.

Any lot of record at the time of passage of this ordinance having less area or width than herein required may be used for a single family dwelling where such uses are permitted as provided in this ordinance, subject to the provisions of Article XVII. Only one principal building shall be permitted on one lot of record. Any lot of record at the time of passage of this ordinance shall maintain the required front, side, and rear yards on each side of the principal building or structure. Where two (2) or more contiguous substandard or nonconforming recorded lots are held in common ownership, they shall be combined into one (1) zoning lot and shall thereafter be maintained in common ownership and shall be so joined and developed for the purpose of forming an effective and conforming zoning lot.

Section 12.2. ONE PRINCIPAL RESIDENTIAL DWELLING PER LOT.

Every building hereafter erected, structurally altered or moved shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building and permitted accessory buildings or structures on one lot except for a planned unit development or unless otherwise provided in this ordinance.

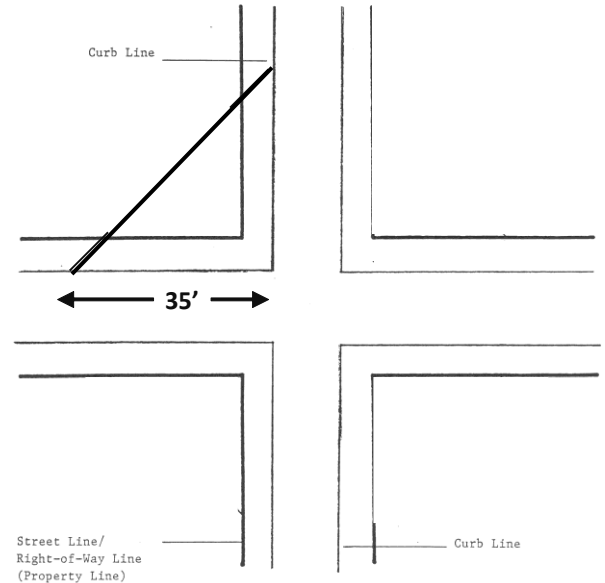
Section 12.3. MULTIPLE PRINCIPAL STRUCTURES PER LOT.

More than one principal structure not intended to be a single family residential structure may be erected on a lot, except within the R-1 and R-3 districts. With that stated, no principal building shall be located closer than twenty-five feet (25') in relation to another principal building on the same lot, so as to cause danger from fire. Furthermore, all principal buildings on the lot shall be served by access suitable for police, fire, and emergency vehicles. All principal buildings on the same lot shall contain required off street parking and provided with access to each building.

Section 12.4. YARD REGULATIONS.

1. *Projecting Overhang or Structure.* The ordinary horizontal projections from buildings including eaves, sills, fascia, cornices, or other similar architectural features, except for gutters, may not project or extend more than three (3) feet into a required yard. This provision does not include uncovered patios or other concrete slab structures.
2. *Shared Yard Space.* No yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building.

3. *Yard Encroachments.* Air conditioning compressor(s), L.P. tanks, heat pumps, or other such similar devices may not encroach into the required side yard. Carports, bay windows, cantilevered projections, chimneys and structures may not project into any required yard. Typical utility boxes and other essential services are permitted within the required side yard.
4. *Through Lots.* Buildings on through lots, extending from street to street, shall provide the required front yard on both streets.
5. *Corner Lots.* Each yard abutting a public street on a corner lot shall be the same as the required front yard on such street. No accessory building shall project beyond the required front yard of either street.
6. *Line of Site Visibility (at Intersections).* On a corner lot in any district, except within the (C-1) downtown commercial district, no fence, wall, hedge, tree or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the ground shall be erected, placed or maintained within a triangular area formed by connecting two points in a straight line. Each point is thirty five (35) feet from the corner of the intersecting streets. (See diagram)



Section 12.5. STEPS, DECKS AND PATIOS.

Steps providing access to the ground level of any dwelling may encroach no more than three feet (3') into any required side yard, except that in no instance shall steps be permitted to encroach closer than five feet (5') to any side lot line. Steps may encroach no more than five feet (5') into any required front or rear yard.

Deck floors higher than twelve inches (12") above the average grade of the ground shall conform to required yard setbacks. Gazebos, porches, pergolas and other similar shade structures shall also conform to required yard setbacks. An open unenclosed deck may project into a front yard for a distance not exceeding ten feet (10'). No covered patios, or other similar covered structures including pergolas may project into the required front yard or street side yard of a corner lot.

Uncovered patios or other concrete slab structures constructed on the ground, or less than twelve inches (12") above the average grade of the ground, shall be allowed within the required front, side, or rear yards. Concrete slab structure built on the ground or uncovered patios may be built up to the side or rear lot lines. However, uncovered patios or other concrete slab structures within front yards of residential use properties shall not extend more than ten feet (10') beyond only one side of a driveway intended to be used for auxiliary parking. This provision shall not exclude sidewalks within the front yard.

Section 12.6. FENCES AND HEDGES.

1. Fences in residential districts shall not be constructed more than fifty percent (50%) solid or exceed four feet (4') in height in any front yard. Hedges in residential districts shall not exceed four feet (4') in height in any front yard. Please reference Section 12.4.6 when considering fences or hedges in front or side yards.

2. Except as provided above, solid or privacy fences up to seven feet (7') in height may be erected in any side or rear yards. Fences in excess of seven feet (7') may be allowed by special exception by the Board of Adjustment. When constructing wood fences or fences that have a distinct decorative side and inside, the finished or decorative side of the fence shall always be facing outward from the yard in which it is erected.
3. Fences are permitted to be built up to the property line. Perennial plantings shall not be planted closer than two feet (2') to any property line.
4. Fences shall not be constructed from barbed wire; electrical fencing; corrugated tin, metal or fiberglass; or non-treated wood products. Fences are encouraged to be constructed from chain link, treated wood products, non-decomposing wood products (i.e. pressure-treated, cedar, redwood, etc.), molded plastic, or wrought iron. The Planning Commission may approve other fencing materials as presented. Fences should be constructed in an orderly and neat manner and compliment the natural landscape of the property.
5. All swimming pools shall be within an area or yard space that is fenced in conformance with the height requirements of this section, or a fence height specified by the property owner's insurance company. The lawful use of a swimming pool existing prior to the effective date of this ordinance may be continued, provided that twelve (12) months after the effective date of this ordinance all nonconforming swimming pools shall be fenced in conformance with the height requirements of this section, or a fence height specified by the property owner's insurance company.
6. All fences shall be subject to a completed and approved building permit.

Section 12.7. BUILDINGS TO HAVE ACCESS.

Every building or principal use hereafter erected or structurally altered, shall be on a lot or parcel having frontage on a public street of not less than fifty feet (50'), except in the instance of cul-de-sacs; or shall be on a lot or parcel having deeded access to a public street or road.

Section 12.8. USE OF PUBLIC RIGHT-OF-WAYS.

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

Section 12.9. YARD SETBACK CONTINUITY.

Where thirty (30) percent or more of the block front is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent corners of the building on either side thereof. Where there is a building on only one side, then no part of a new building shall project beyond a line projected from the corresponding corner of the nearest building. Except no building shall be required to provide a front yard greater than forty feet (40'). In the case where the block is improved with buildings accounting for less than thirty percent (30%) of the total number of lots, then the required minimum yard setbacks of the zoning district shall be observed.

Section 12.10. HEIGHT EXCEPTIONS.

Maximum height regulations shall not apply to television and radio towers, wind energy devices, wind towers, meteorological towers, cellular or other communications towers, ham radio or other

personal communications towers used for entertainment purposes, receiving antennas, church spires, belfries, monuments, farm buildings, penthouses and domes not used for human occupancy, tanks, water and fire towers, water tanks, stage towers or scenery lofts, cooling towers, grain elevators, silos, utility poles, essential services, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatuses. These structures or accessories may be erected to a greater height provided all towers or structures exceeding height requirements shall conform where applicable to the requirements of the Federal Communications Commission, the Federal Aviation Administration and other public authorities having jurisdiction. No tower or structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of the flying public.

Public or government buildings, hospitals or schools when permitted in any district may be erected to a greater height than otherwise permitted in the district if the building is set back from each property line at least one foot (1') in addition to the minimum yard requirements for each two feet (2') of additional building height above the maximum height permitted in the district.

ARTICLE 13: ADDITIONAL USE REGULATIONS

Article 13: Additional Use Regulations

- Section 13.1. Basements as Dwellings
- Section 13.2. Accessory Buildings
- Section 13.3. Portable Accessory Buildings and Storage Structures
- Section 13.4. Temporary Uses and Structures
- Section 13.5. Greenbelt Buffer
- Section 13.6. Service Station/Gas Station/Convenience Stores
- Section 13.7. Home Occupations
- Section 13.8. Recreational Vehicles
- Section 13.9. Residential Dwelling Standards
- Section 13.10. Adult Entertainment Regulations
- Section 13.11. Wind Energy Regulations
- Section 13.12. Minor Modification to District Regulations

Section 13.1. BASEMENTS AS DWELLINGS.

No basement structure shall be used for human occupancy unless a completed story is situated immediately above the basement structure and that the story is used as a dwelling.

Section 13.2. ACCESSORY BUILDINGS.

The purpose of these provisions is to establish the relationship among principal and accessory buildings and to establish provisions governing the use and placement of accessory buildings. Principal uses specified as permitted uses or conditional uses for a district shall be deemed to include accessory buildings and uses identified by these regulations and such other accessory uses that are necessary and customarily associated with and are appropriate, incidental, and subordinate to such principal or conditional uses. Accessory buildings and uses in all zoning districts shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations. Accessory buildings and uses customarily incidental to that of the principal building may be erected, placed, constructed, moved or established as permitted; provided they comply with the following limitations:

1. Accessory buildings or structures that are structurally part of or attached to the principal building by roof or wall elements shall conform to the site development regulations of the principal building.
2. Accessory buildings are not permitted within the front yard in any zoning district.
3. No detached accessory building on a corner lot may be placed in any rear or side yard nearer to a public street right-of-way than the principal building on the same lot.
4. Accessory buildings shall not be located nearer to a side lot line than the permitted distance for the principal building on the same lot, unless such accessory building shall be completely to the rear of all portions of the principal building, in which case it may be located no nearer than five feet (5') to any property line.
5. Accessory buildings, including garages, shall be constructed of similar (or similar in appearance) building materials used for the principal structure on the lot. This provision shall exclude prefabricated garden sheds, deck boxes and other ancillary yard buildings which are made of a composite plastic, resin, steel, aluminum, wood or other prefabricated materials.

6. Accessory buildings shall not be erected within ten feet (10') of any principal (main) buildings.
7. When such accessory building is a garage that directly faces an alley, it shall be located a minimum of twenty five feet (25') from the center of the alley to allow for adequate access.
8. Accessory buildings shall not exceed a height of twenty-five feet (25'). Accessory buildings shall not exceed the height of the principal building on the lot.
9. Accessory buildings shall not be used for residential dwelling purposes.
10. Accessory buildings or structures shall not be constructed upon a lot until the construction of the principal (main) building has been commenced.
11. Accessory buildings in all residential zoned districts shall be limited to a maximum of two (2) total buildings, including a garage, of which all total accessory buildings shall not occupy more than thirty percent (30%) of the rear yard area. In the event of a small lot or parcel in which the 30 percent rule would be a hardship to constructing an accessory building, this regulation shall not prohibit the construction of at least one garage not to exceed six hundred (600) sq. ft. and at least one storage building not to exceed one hundred twenty (120) sq. ft.

Section 13.3. PORTABLE ACCESSORY BUILDINGS AND STORAGE STRUCTURES.

1. "Storage Structure" shall mean one of the following definitions:

Membrane storage structure: A temporary structure consisting of a frame covered with a plastic, fabric, canvas, aluminum or other non-permanent material, which is used to provide temporary storage for vehicles, boats, recreational vehicles or other personal property. The term also applies to structures commonly known as hoop buildings or tent garages; but shall not apply to carports or greenhouses permanently or physically attached to the ground or other structures or temporary tents and canopies used for special events such as weddings or graduations.

On-demand or on-site storage structure: Any portable or permanent storage container, storage pod, storage unit, receptacle or other portable structure that is used for the storage of personal or commercial property, which is located outside an enclosed building. The term does not include normal sheds, garages, outbuildings or membrane storage structures.

2. The term "storage structure" shall not apply to a truck trailer or semi-trailer while it is actively being used for the transportation of materials, inventory or equipment and is temporarily located adjacent to a loading dock. A storage structure may be used as a construction site trailer but only during construction on the site.
3. *All residential zoning districts.*
Temporary membrane storage structures are not permitted on any residential properties. A permanent membrane storage structure with a hard roof (such as a carport structure) may be permitted on any property if the structure is permanently attached to the ground, concrete driveway or hard surface, or permanently attached to a principal or accessory structure. A temporary portable on-demand or on-site storage structure may be kept within the yard areas on any residential property for a maximum of 30 days in a calendar year for purposes of packing, shipping or moving materials from a permanent structure.

4. *All other zoning districts.*

A permanent or temporary storage structure for other than residential purposes is permitted but shall be located on the property within the permitted rear or side yard areas so as not to obstruct any drive access or block required off-street parking spaces. Where a business or industry is located on a through lot or corner lot, any on-site storage structure must be screened appropriately from adjoining properties or streets. Membrane storage structures may be permitted for temporary storage or seasonal promotion or sale of products.

Section 13.4. TEMPORARY USES AND STRUCTURES.

Provisions authorizing temporary uses are intended to permit occasional, temporary uses when consistent with the purposes of these zoning regulations and compatible with other nearby uses.

1. *Temporary Use Types:* The following types of temporary uses may be authorized by the zoning administrator, subject to specific limitations herein and such additional conditions as may be established by the zoning administrator.

- a. Contractor's office, storage yard, and equipment parking on site of an active construction project may be permitted in any district during the period that the construction work is in progress; but such temporary building(s) shall be removed within thirty (30) days after completion or abandonment of construction.
- b. Religious, patriotic, or other assemblies, displays, exhibits, art and craft shows.
- c. Outdoor sales, swap meets, flea markets, parking lot sales, or similar activities when operated not more than 3 days in the same week or more than 7 days in the same month.
- d. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities not closer than 200 feet to any existing dwelling.
- e. Christmas tree sales lots
- f. Temporary signs relating to temporary uses.
- g. Temporary residential occupancy on the site of an active construction project.
- h. Temporary use of trailer units or similar portable structures for nonresidential uses, and limited to a maximum period of 6 months per calendar year.
- i. Additional similar uses determined to be temporary by the zoning administrator.

2. *Required Conditions of Temporary Use:* Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of temporary use upon completion or removal of the use. The zoning administrator may establish additional conditions as deemed necessary to ensure land use compatibility and to minimize potential negative impacts on nearby uses, including but not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup.

3. *Determination and Authorization:* The zoning administrator may authorize a temporary use only when, in their opinion, the temporary use shall not impair the normal, safe, and effective operation of a permanent use on the same site. Such temporary uses must be compatible with nearby uses in the general vicinity and will not create traffic hazards or otherwise interfere with the normal conduct of uses in the vicinity. Any temporary use authorized pursuant to these provisions shall not be exempt from compliance with other ordinances or laws of the city.

Section 13.5. GREENBELT BUFFER.

Prior to the commencement of construction of any building or structure in a commercial district or industrial district where the property on which such structure or building is to be erected or placed, abuts, adjoins or is adjacent to property located within a residential district, a greenbelt buffer shall be provided within six (6) months from the date of final inspection and shall thereafter be maintained, in accordance with the following specifications and requirements. The greenbelt buffer shall be at least twenty feet (20') wide as measured from the perpendicular to the adjoining residential district boundary line and shall be composed of the following materials or any combination thereof: evergreens, deciduous trees, shrubs and bushes; which shall be maintained no less than seven feet (7') high upon installation and of such density as to provide solid or opaque screening.

Section 13.6. SERVICE STATIONS/GAS STATIONS/CONVENIENCE STORES.

Gasoline service stations and convenience stores shall be subject to the following regulations:

1. *Location of Ingress and Egress.* No gasoline service station, convenience store or automobile repair shop shall have an entrance or exit for vehicles within one hundred-fifty feet (150') as measured along the public street from which there exists a school, public playground, church, chapel, convent, hospital, public library or the property line of any residentially zoned district. Such access shall not be closer to any intersection than forty feet (40').
2. *Location of Oil Drainage Pits and Hydraulic Lifts.* All oil drainage pits and hydraulic lifts shall be located within an enclosed structure.
3. *Gasoline Dispensing Pumps.* Gasoline service stations and convenience stores shall have their gasoline pumps, including other service facilities, set back at least twenty-five feet (25') from any public right-of-way. Gasoline dispensing pumps and associated canopies, covers or other structures shall not be considered as accessory structures.
4. *Gasoline Pump Canopies or Other Accessory Structures.* Common accessory structures including gasoline pump canopies, covers, or other ancillary devices may be permitted within the setback area, but in no case shall be located within or over any public right-of-way.

Section 13.7. HOME OCCUPATIONS.

Home occupations as an accessory to residential uses shall be subject to the following limitations.

1. All home occupations must be clearly incidental and conducted as a secondary use to the use of the dwelling unit.
2. Is customarily carried on in a dwelling unit. Home occupations shall be conducted entirely within a dwelling unit that is the bona fide residence of the practitioner(s), or entirely within an attached or detached garage.
3. Home occupations must be carried on by a member of the family residing in the dwelling unit and does not employ more than one (1) person outside the immediate family or living outside the residence.
4. The residential character of the dwelling shall be maintained. The exterior shall not be structurally altered so as to create the appearance of a commercial business.

5. Does not occupy more than thirty percent (30%) of the main floor area of the dwelling unit.
6. The home occupation shall not generate customer related vehicular traffic substantially in excess of the normal anticipated residential neighborhood traffic.
7. Home occupations shall be permitted one (1) flush mounted, non-illuminated exterior sign not exceeding four (4) square feet and four feet (4') in height, along with one yard sign of the same size and height located within ten feet (10') of the business entrance.
8. The occupation shall not produce any offensive noise, vibration, smoke, dust, odor, heat, glare, fumes, or waste runoff outside the dwelling or on the property surrounding the dwelling.
9. The use must not infringe upon the right of neighbors to enjoy peaceful and healthy occupancy of their home for which purpose the residential district was created and primarily intended.
10. Daycare services, as a home occupation, are permitted according to state regulations.
11. Nothing herein shall be construed to allow the following businesses or occupations as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, junk yards, restaurants, rental outlets, or engine repair (including vehicles, motorcycles, boat motors or lawn mower repair).

Section 13.8. RECREATIONAL VEHICLES.

For the purposes of this section, the term "recreational vehicles" shall mean a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. Such vehicles include, but are not limited to, travel trailers, pickup campers, camping trailers, motor coach homes, and converted trucks and busses. Recreational vehicles shall also include campers, boats, personal watercraft, snowmobiles, trailers, and other recreational based vehicles.

1. Recreational vehicles are permitted within designated campgrounds, recreational vehicle parks, and other typical recreational areas.
2. Outside of the aforementioned areas, in residential districts recreational vehicles may be parked for seasonal use (short term use or less than 30 consecutive days) on a driveway within a front yard, but not upon the right-of-way, provided the view of the street is not obstructed as to vehicular ingress and egress. Recreational vehicles may be parked or stored (long term use or more than 30 consecutive days) within the side yard, rear yard or within an enclosed garage. Recreational vehicles parked or stored for long term use must be parked on a hard surfaced or otherwise appropriate parking area, but generally not consisting of grass, weed or dirt surfaces.
3. Recreational vehicles parked or stored on a premises or any lot shall not be used for permanent human occupancy. In residential zoning districts, recreational vehicles shall only allow human habitation for not more than fourteen (14) consecutive days in a calendar year.
4. Recreational vehicles shall not be used for business purposes in any zoning district.

Section 13.9. RESIDENTIAL DWELLING STANDARDS.

All structures intended for residential occupancy placed, moved in, erected, assembled or constructed in the City of Inwood after the effective date of this ordinance shall meet and comply with the following minimum requirements:

1. *Structure Size:* Each such structure shall have a main body with a minimum exterior dimension of at least twenty-four feet (24') measured from outside of the exterior walls, exclusive of attached garages, porches, or other attached accessory structures. A structure may include porches, sunrooms, garages and additions or lesser dimensions and area, so long as the main body meets the minimum requirements.
2. *Minimum Floor Area:* Each such structure shall have a minimum floor area of not less than eight hundred (800) square feet.
3. *Foundation:* All residential dwellings shall have a continuous and complete frost protected perimeter foundation, except that a perimeter foundation shall not be required for a mobile or manufactured home if a perimeter foundation is incompatible with the structural design of the building. For such a mobile or manufactured home, a permanent foundation may be a pier footing or post foundation system designed and constructed to be compatible with the structure and the conditions of the site. Foundation materials may be masonry, poured concrete, wood or metal and must extend below the normal frost line or be an approved frost-free permanent foundation. The structure must be permanently attached to the foundation.
4. *Emergency Escape and Rescue:* Basements with habitable space and each sleeping room shall have at least one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required according to state and federal code size requirements in each sleeping room, but shall not be required in adjoining areas of the basement.
5. *Roof Pitch:* All dwelling units shall have a minimum roof pitch of 4:12. This requirement shall not apply to mobile or manufactured housing if the structure complies with 42 U.S.C., Section 5403.
6. *Ceiling Height:* A minimum finished ceiling height shall be no less than seven and one-half feet (7½').
7. *Entrance and Exit Doors:* Not less than two (2) functional entrance and exit doors.
8. *Wheels, Axles or Towing Device:* No residential structure shall have attached wheels, axles, or a towing device.
9. *Exemption:* The provisions of this section shall not apply to mobile homes or manufactured housing placed in a mobile home park in compliance with the remaining regulations in this zoning ordinance.

Section 13.10. ADULT ENTERTAINMENT REGULATIONS.

The City of Inwood finds that adult entertainment establishments require special consideration in order to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of Inwood. Because of their very nature, these uses have a detrimental effect on both existing establishments around them and surrounding residential areas adjacent to them.

Adult entertainment establishments, due to their very nature, have serious objectionable operational characteristics, thereby contributing to blight and downgrading the quality of life in the adjacent areas. The concern over sexually-transmitted diseases is a legitimate health concern that demands reasonable regulation of adult entertainment establishments in order to protect the health and well-being of the community. The City of Inwood wants to prevent such adverse effects and thereby protect the health, safety, and welfare of its residents; protection from increased crime; preserve the quality of life; preserve property values and deter the spread of blight. It is not the intent of these regulations to suppress any free speech activities protected by the First Amendment, but to enact content neutral regulations that address the secondary effects of adult entertainment establishments and the problems associated with such establishments.

1. *Adult Entertainment Defined.* Adult entertainment establishments consisting of, including, or having the characteristics of any or all of the following.
 - a. *Adult Bookstore.* An establishment that has a facility or facilities, including but not limited to, booths, cubicles, rooms or stalls for the presentation of “adult entertainment”, including adult-oriented films, movies, or live performances for observation by patrons therein; or an establishment having a substantial or significant portion of its stock for sale, rent, trade, lease, inspection, or viewing of books, films, video cassettes, DVDs, magazines, publications, or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified anatomical areas or specified sexual activities as defined below.
 - b. *Adult Entertainment.* Any exhibition of any motion picture, live performance, display, or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas as defined below.
 - c. *Adult Entertainment Business:* Any establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below. It further means any premises that feature topless dancers, strippers, male or female impersonators, or other similar entertainers for observation by patrons. Adult entertainment establishments further mean those places to which are physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures or adult entertainment dancing.
 - d. *Adult Motion Picture Theatre.* An enclosed building used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined below for observation by patrons of the building.
 - e. *Operators.* Any person, partnership, or corporation operating, conducting, maintaining or owning any adult entertainment establishment.
 - f. *Specified Anatomical Areas.* Less than completely and opaquely covered female or male genitals or buttocks; and the fully exposed female breasts.
 - g. *Specified Sexual Activities:* Simulated or actual acts of:
 - (i) showing of specified anatomical areas in a state of sexual stimulation or arousal;

- (ii) actual or simulated acts of sexual intercourse, sodomy, sado-masochism; or
- (iii) fondling or erotic touching of specified anatomical areas.

2. *Locational Requirements and Restrictions.*

An adult entertainment establishment shall be permitted within City of Inwood only in the (GI) general industrial district upon receipt of a site plan prepared in accordance with Article 14 and a special exception use permit in accordance with the procedures set forth in Article 21; and only if it meets all of the location requirements set forth below. Distances provided hereafter shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed adult entertainment business is to be located, to the nearest point of the parcel of property or zoning district boundary line from which the proposed adult entertainment business is to be separated.

- Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of the borders of a residential district.
- Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of any church, synagogue, mosque, temple, or other place of religious worship.
- Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of any public or private school offering general education for students between the years of kindergarten and twelfth grade.
- Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of any public park or playground.
- Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of any daycare home or daycare business.

3. *Development Design Standards.*

It shall be unlawful for an owner of an adult entertainment establishment to allow merchandise or activities of the establishment to be visible from a point outside the establishment. Furthermore, adult entertainment establishments shall not allow the exterior to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representation of any manner depicting specified anatomical areas or specified sexual activities. In addition to the sign regulations identified elsewhere in these zoning regulations, the sign shall not contain any flashing lights or photographs, silhouettes, drawings, or pictorial representations of any manner, except for the name of the enterprise.

4. *Responsibilities of the Operator.*

Every act or omission by an employee constituting a violation of the provisions of these regulations shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

5. *Minors.*

It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of an adult entertainment establishment at any time that the establishment

is open for business. The operator is responsible for monitoring public entrances at all times during regular business hours.

Section 13.11. WIND ENERGY REGULATIONS.

1. *Purpose.* The purpose of this ordinance is to provide for the regulation of owners/developers engaged in the construction, erection, placement, location and maintenance of wind energy devices within the City of Inwood and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of wind energy devices.

2. *Jurisdiction.* This ordinance is adopted by the City Council governing all lands within the incorporated City of Inwood, Iowa.

3. *Definitions.*

- a. “*Administrator*” – The Inwood City Clerk or any person or firm appointed by the city council to oversee the permitting and compliance of wind energy regulations.
- b. “*Owner/Developer*” - The individual, firm, business or entity that intends to own and operate a wind energy device in accordance with this ordinance.
- c. “*Rotor diameter*” - The cross sectional dimension of the circle swept by the rotating blades.
- d. “*Total height*” - The vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
- e. “*Tower*” - Any monopole, freestanding, or guyed structure supporting a wind energy device.
- f. “*Wind Energy Device*” - Equipment that converts and stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, wire, inverter, batteries or other component used in the system. The term wind energy device often refers to and includes wind towers, wind turbines, wind generators, windmills or other wind energy conversion systems.
- g. “*Meteorological Tower (or Met Tower)*”- Any meteorological, measuring or surveying equipment erected on or attached to any tower, monopole, or guyed structure to verify the wind and weather resources found within a certain area. Meteorological towers are excluded from permitting on both temporary and permanent structures.

4. *Wind Energy Requirements.*

- a. Commercial Wind Energy. Commercial wind energy devices shall not be permitted within the city limits of Inwood. For purposes of this ordinance a commercial wind energy device shall mean any equipment which has a rated capacity of more than 100kw that converts and then stores or transfers energy from the wind into usable forms of energy, primarily for sale to a regulated or non-regulated utility for off-site use.
- b. Location and Height. Wind energy devices, wind energy towers or meteorological towers with a generating capacity of less than 100kw shall be less than 100 feet in total height and permitted in any zoning district except for the (C-1) downtown commercial district. No wind energy devices shall be permitted within the C-1 zoning district.

- c. Special Exception. All wind energy devices, wind energy towers or meteorological towers erected in any zoning district shall be granted as a special exception use and approved by the Board of Adjustment after a public hearing.
- d. Lot Size. Wind energy devices with a generating capacity of less than 100kw shall be located on a lot, parcel or tract of land no less than 0.5 acre in size.
- e. Setbacks. Any wind energy device, wind energy tower or meteorological tower located within any zoning district shall be set back a distance equal to one hundred ten percent (110%) of its total height from any street, right of way, overhead utility lines or adjoining property lines. The measurement from the wind energy device is to be taken from the nearest point to be measured to the center of the structure's base. A greater setback may be required to minimize shadow flicker, nuisance noise, and other possible documented effects to humans living adjacent to the property containing such wind energy device.
- f. Insurance. A person, developer or firm seeking a permit to erect a wind energy device shall provide evidence, in the form of a certificate of insurance satisfactory to the City of Inwood, showing general liability insurance coverage for the installation and operation of the system under a standard homeowner's or standard business owner's insurance policy, separate and distinct from any insurance requirements of a public utility.
- g. Public Lands or Waterways. It is required that the owner/developer have a preliminary review with the Iowa Department of Natural Resources (IDNR) and the Lyon County Conservation Board early in the planning stages of any wind energy project located in Inwood. This review will allow the IDNR and/or County Conservation Board to comment and offer suggestions regarding the siting of wind energy devices near wildlife habitats. The review will also allow IDNR staff or the County Conservation Board to identify sensitive environmental concerns near public lands or waters, and to work with the owners/developer(s) to voluntarily identify alternative siting options that minimize negative impacts to environmentally sensitive areas.
- h. Density or Spacing. No more than one (1) wind energy device shall be permitted per lot, parcel or tract of land under the same ownership within the City of Inwood.
- i. Access. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- j. Electrical Wires. All electrical wires associated with operation of an individual wind energy device shall be located underground.
- k. Lighting. Wind energy devices shall not be artificially lighted from the ground. The only lighting permitted is that which is required by the Federal Aviation Administration.
- l. Appearance, Color, and Finish. Wind energy devices shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved otherwise by the Board of Adjustment.
- m. Signs. All signs visible from any public roadway, street or highway other than the manufacturer's identification and appropriate warning signs shall be prohibited.

- n. Utility notification and interconnection. Wind energy devices that connect to an electric utility shall comply with all local, State of Iowa and Federal regulations regarding the connection of energy generation facilities.
- o. The Board of Adjustment may require additional information as requested and necessary to review applications on a case by case basis.

5. *Application and Permit.* An application for a wind energy device shall be initiated by a property owner or authorized agent by filing a zoning permit application with the City of Inwood. An abstractor's certificate is required; at the time the application is made, showing the names and last known addresses of the owners of all properties within 200 feet of the property where the proposed wind energy device is to be located. An application for wind energy device shall also be accompanied by a detailed site plan showing at a minimum the dimensions, arrangements, descriptive data, site layout and other information essential to an understanding of the use and construction of the proposed wind energy device.

6. *Review and Approval.* A permit shall not be granted by the city for a wind energy device unless and until the following procedures have been fulfilled:

- a. Within 30 after receiving the permit application for a wind energy device, the zoning administrator shall schedule a public hearing regarding the permit request. Notice shall be given to the public no less than 4 days and no more than 20 days prior to the public hearing by publication in the city's official newspaper.
- b. Prior to the public hearing, notice shall be given by ordinary mail to all property owners located within 200 feet of the wind energy device for which the permit is requested.
- c. All wind energy devices permits shall follow the city's special exception use process and shall receive approval from the Board of Adjustment. Approval of the permit for a wind energy device shall be valid for a period no longer than one (1) year from the date of such approval, unless construction has commenced or the Board of Adjustment specifically grants a longer period of time for the permit.
- d. The approval and issuance of a permit for the construction or installation of a wind energy device under this ordinance shall not relieve any permittee, applicant or owner from compliance with all legal requirements, nor relieve the permittee, applicant or owner of any liability for damage or loss resulting from the placement, construction or maintenance of such wind energy device. Inwood assumes no liability whatsoever by virtue of the issuance of a wind energy permit.

7. *Mitigation of Damages.* In the event there are any damages that occur during construction or maintenance of a wind energy device, the owner/developer(s) shall be fully responsible to mitigate and correct any damages to public or private property or infrastructure. Any electronic devices that exist in the vicinity of wind energy devices prior to the permit application of which are experiencing substantiated interference shall be remedied by the owner/developer(s) of such wind energy device creating such interference.

8. *Discontinuance or Abandonment.* A wind energy device that is documented to be out-of-service for a continuous 1 year period will be deemed to have been abandoned and discontinued for use.

At such time the wind energy device is determined to be abandoned the developer, lessee or owner shall remove the wind turbine at their own expense within 6 months of receipt of notice from the city. If such wind energy device fails to be removed, the zoning administrator may pursue legal action to have the wind turbine removed at the developers, lessees or owners expense and, if appropriate, such costs may be assessed against the property.

9. *Penalty.* It shall be unlawful for any person to construct, install, or operate a wind energy device or tower that is not in compliance with this ordinance. Any such wind energy device or tower installed prior to the adoption of this ordinance is exempt from these regulations. The zoning administrator or other representative of Inwood may enter any property for which such permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met. Any person who fails to comply with any provision of this ordinance shall be deemed a municipal infraction and punishable by civil penalty identified in Article 19 of this ordinance.

Section 13.12. MINOR MODIFICATION TO DISTRICT REGULATIONS.

1. *Purpose.* The zoning administrator or other authorized representative of the City of Inwood is responsible for reviewing applications and approving or denying minor modifications from the requirements of the zoning district regulations. The intent behind minor modifications is to allow minor area, lot, setback and height exceptions for principal and accessory buildings and structures in developed areas, but not in the instance of new construction.
2. *Minor Modification Limitations.* The following exceptions are permitted by the city without variance to this ordinance.
 - a. Reduction of minimum lot area requirements by no more than 10% of the required standard
 - b. Exceed the maximum lot coverage ratio, in residential districts, by 10%
 - c. Reduction of front, rear, side or corner yard setbacks to allow for construction of an addition in line with an existing portion of the building or structure
 - d. Reduction of required residential front, rear and side yard setbacks without limit as required to provide handicapped access ramps to a dwelling or building
 - e. Reduction of front, rear, and side yard setbacks without limit to allow reconstruction of a historically accurate structure
 - f. Construct an addition to a principal structure, in residential districts, that would cause existing detached accessory structures to become nonconforming
3. *Application.* The application for a minor modification shall be submitted on a form provided by the zoning administrator (the application form may be same as the city's variance application) and must contain sufficient site plans and other exhibits as appropriate to illustrate the request.
4. *Fee.* A fee, to be determined by resolution of city council, shall accompany the application.
5. *Review Criteria.* Before a minor modification can be granted, the zoning administrator shall establish that the following standards are satisfied.
 - a. Special circumstances or practical difficulties apply to the property such that the terms of the ordinance cannot be satisfied.

- b. The minor modification will not be detrimental to the public health, safety or general welfare of the community.
 - c. The minor modification will not have a substantial negative impact upon neighboring properties.
 - d. The minor modification does not authorize a use or activity not otherwise expressly authorized by the regulations within the zoning district in which the property is located.
 - e. The minor modification is in conformity with the intent and purpose of the zoning ordinance and the comprehensive plan of the community.
 - f. The minor modification is the minimum necessary to achieve the desired result.
 - g. The minor modification does not alter the applicant's obligation to comply with other applicable laws or regulations.
6. *Authorization.* The zoning administrator or other authorized representative of the city shall issue a decision to approve, approve with conditions, or deny the minor modification. The decision will include the findings upon which the approval or denial is based. The denial of a minor modification shall not prevent the applicant from seeking approval of a variance for the same project from the Board of Adjustment pursuant to Section 20 of this ordinance.

ARTICLE 14: SITE PLANS

Article 14: Site Plans

Section 14.1.	Intent
Section 14.2.	Scale
Section 14.3.	Legal Information
Section 14.4.	Site Plan

Section 14.1. INTENT.

Site plans are required for new construction of permitted or special exception buildings and structures in any district, and shall comply with and illustrate the following. Accessory uses, buildings and structures, decks and patios, interior remodeling projects, and those exterior projects that do not change the size, cubic content or building footprint are exempt from site plan requirements. Although site plans according to this article are not required for such accessory uses or other remodeling or interior projects, it does not imply that such uses are exempt from the zoning permit process and any site drawings or plans required of the zoning permit application.

Section 14.2. SCALE.

All site plans shall be drawn at a scale that is legible, but not smaller than 1" = 100' and easily defines all of the proposed improvements. The site plan shall be submitted with a zoning/building permit application on paper no less than 8½" x 11", but may be submitted on larger maps if necessary. If a site plan review is required, seven (7) copies of the site plan shall be submitted with the zoning/building permit application.

Section 14.3. LEGAL INFORMATION.

The site plan shall include the following legal information:

- a. Legal property owners name and description of property.
- b. Appellant's name, requested land use and zoning.
- c. If the appellant is other than the legal owner, the appellant's interest shall be indicated and the legal owners' authority to appeal shall be submitted in a certified legal form.

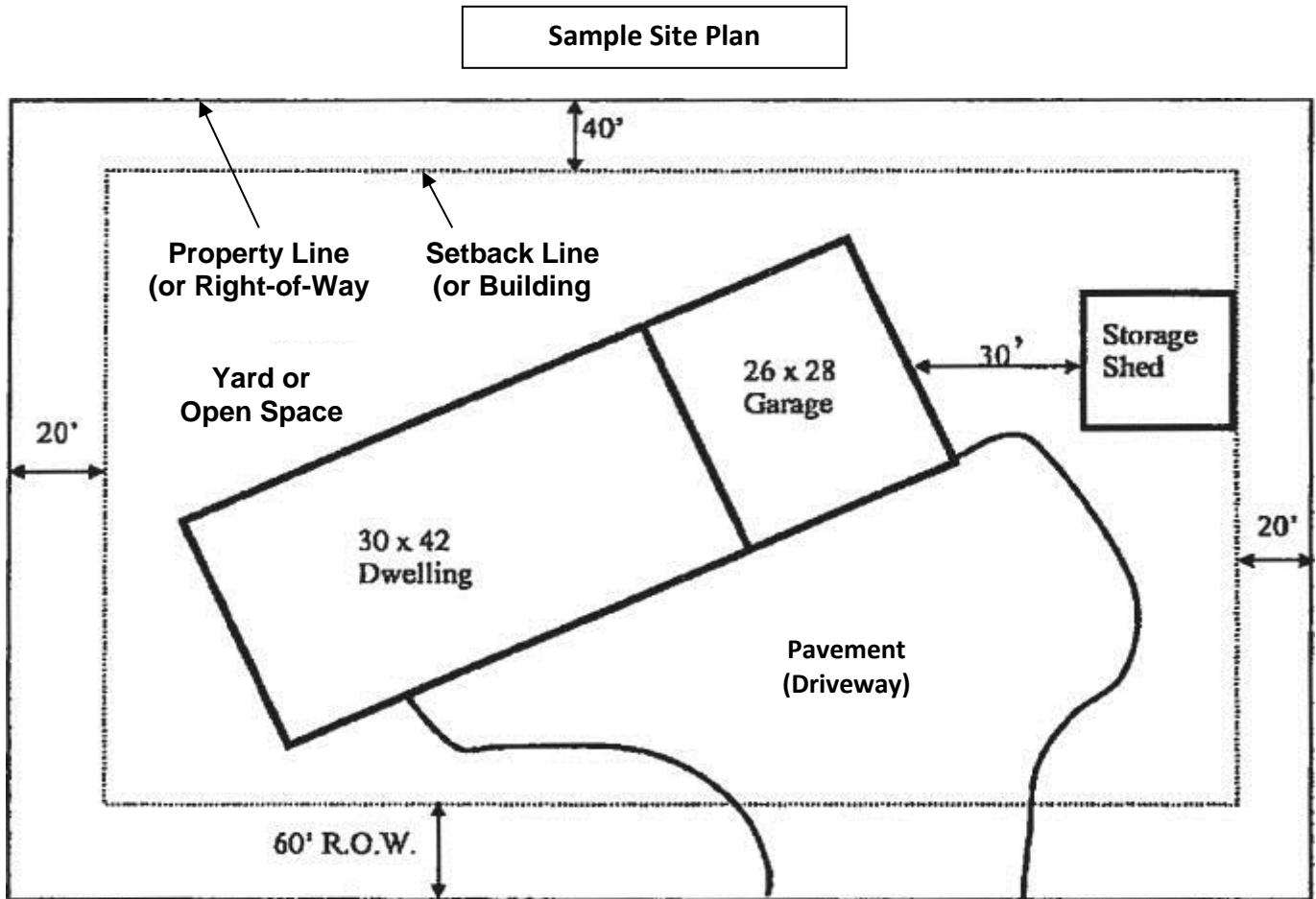
Section 14.4. SITE PLAN.

The site plan shall clearly illustrate the following information:

- a. Property boundary lines, dimensions and total area.
- b. If substantial topographic change is proposed, contour lines at intervals of not more than one foot (1') may be requested by the zoning administrator.
- c. The availability and location of existing utilities, if requested by the zoning administrator.
- d. The proposed location, size, shape and type of all buildings or structures.
- e. The total square feet of all proposed buildings, both individually and collectively.
- f. The number of dwelling units, bedrooms, offices, etc.
- g. Parking areas, number of parking spaces proposed, number of parking spaces required by this ordinance, type of surfacing to be used, etc.
- h. Walkways, driveways, outside lighting, walls, fences, signs, monuments, statues and other man-made features to be used in the landscape.

- i. Location and type of landscaping to be used for screening purposes shall be illustrated in elevation as well as in the plan, if requested by city staff.
- j. Walls, fences or other artificial screens to be used as buffers shall be shown in elevation as well as plan view with proposed height and structural material to be used, if requested by city staff.
- k. Traffic considerations, architectural themes, and any other considerations pertinent to the proposed use may be requested by the zoning administrator.

A preliminary site plan may be submitted for preliminary or tentative land use approval, providing, however, that a final site plan shall be submitted, reviewed and approved as being in compliance with the provisions of this ordinance. Such separate plans shall be in substantial agreement with one another as to both design and quantities. A survey of property may be ordered by the zoning administrator if the current lot lines are in question or in doubt of location. In the event of an ordered survey, all four or more lot pins that are required for a lot must be located by a certified land surveyor and clearly marked. No zoning permit will be issued until all required action has been taken.



ARTICLE 15: OFF STREET PARKING

Article 15: Off Street Parking

Section 15.1.	Intent
Section 15.2.	General Parking Area and Surface Requirements
Section 15.3.	Off Street Parking Requirements
Section 15.4.	Computation of Parking Spaces
Section 15.5.	Location and Type of Parking
Section 15.6.	Off Street Loading Requirements

Section 15.1. INTENT.

It is the intent of this article to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic. After the effective date of this ordinance, in all districts except the (C-1) downtown commercial district, there shall be provided at the time any new building or structure is erected off street parking in accordance with the requirements set forth herein. The requirements of this Article are minimum standards. Where review of the site plan and intended land use indicate the requirements are inadequate for a specific land use adaptation, greater requirements for off-street parking may be required by the city to preserve the intent of this ordinance.

Section 15.2. GENERAL PARKING AREA AND SURFACE REQUIREMENTS.

All off-street parking areas shall comply with the following minimum requirements.

1. All buildings and structures erected and all uses of lands in all districts established after the effective date of this ordinance shall provide parking as required under this section, unless a building permit has been issued two (2) months prior to the effective date of this ordinance.
2. The provisions of this section shall not apply to the (C-1) downtown commercial district.
3. A “parking space” shall be not less than 180 square feet (typically a 9’ x 20’ area).
4. Enclosed parking areas or garages shall qualify in meeting minimum parking requirements.
5. All off street parking spaces required by this regulation shall be located on the same lot of the use it serves or on land adjacent to or within three hundred feet (300’) of the principal use lot.
6. Owners of two (2) or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, easements, leases, or contract documents to establish such a joint area of use.
7. All yard area except the front yard for residential districts may be used for off street parking; except a driveway within a front yard may be used to satisfy off street parking requirements.
8. Willful failure to permanently maintain and provide parking spaces as required under this section shall be deemed in violation of this ordinance and subject to the penalty listed in Article 19.

Section 15.3. OFF STREET PARKING REQUIREMENTS.

At the time of construction, alteration, moving into, or enlargement of a structure or building, or change in the use of the land; off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows.

<u>Use</u>	<u>Minimum # or Parking Spaces</u>
1. Single Family Residential:	2 spaces
2. Duplex (Two-Family) Residential:	3 spaces
3. Multi-Family Residential: - <i>Includes Condominiums and Townhouses</i>	1.5 spaces per dwelling unit
4. Mobile/Manufactured Home Residential:	1 space per mobile/manufactured home 1 space per unit designated for guest parking
5. Residential Healthcare Facilities: - <i>Nursing Homes/Assisted Living</i>	1 space for each 8 patient beds plus 1 space for each 3 employees on the largest shift
6. Group Residential:	1 space for each 2 bedrooms.
7. Hotel/Motel/Bed & Breakfast:	1 space per guest room, plus 5 additional spaces
8. Resorts	1 space per rental unit, plus 5 additional spaces
9. Hospital/Healthcare facilities:	1 space for each 4 patient beds plus 1 space for each 2 employees
10. Public Assembly/Religious Assembly: - <i>Churches, Auditoriums, Theaters, Community Center, Public Bldg., etc.</i>	1 space for each 6 seats of seating capacity provided, or 1 space per 500 sq.ft. of gross floor area, whichever is more
11. General Retail Sales/ Professional Office:	1 space per 300 feet of gross floor area
12. Bowling Alleys:	5 spaces per alley
13. Restaurants:	1 space for each 4 seats, plus 1 space for each 2 employees
14. Cocktail Lounges/Taverns/Bars:	1 space for each 2 seats
15. Educational Facilities:	1 space per regular employee and 1 space for every 6 seats in the largest facility for public assembly.
16. Campgrounds, camp sites or RV parks	1 space per each camping or RV site
17. Industry/Manufacturing/Research:	1 space for every 2 employees on the largest shift.
18. Salvage yards/scrap yards/junk yards:	1 space per one hundred (100) sq. ft. of display or floor area.
19. All Other Uses:	All other buildings having a gross floor area of more than two thousand (2,000) square feet shall provide one (1) off-street parking space for each one thousand (1,000) square feet of floor space of the principal building.

Section 15.4. COMPUTATION OF PARKING SPACES.

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

Section 15.5. LOCATION AND TYPE OF PARKING.

All parking spaces required herein shall be located on the same lot as the building or use served. Except that where an increase in the number of spaces is required due to a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained no more than three hundred feet (300') from the use being served.

1. In any case where the required parking spaces are not located on the same lot with the building or use served a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned and filed with the application for a building permit.
2. Off street parking spaces may be located within the required front yard of any commercial, industrial or multiple family residential districts.
3. All required off-street parking areas of more than five (5) spaces shall be surfaced with portland cement, concrete, asphalt or equivalent hard surface approved by the Planning Commission. Parking areas shall be graded and drained to dispose of all surface water within the lot, and shall be arranged and marked to provide for orderly and safe ingress and egress.
4. Any lighting used to illuminate any off-street parking areas shall be arranged to reflect light away from adjacent lots and uses of land.
5. In cases when commercial or other non-residential parking lots adjoin a residential district, parking areas shall be at least five feet from the property line and effectively screened by the use of a fence, hedge, or other similar methods.

Section 15.6. OFF STREET LOADING REQUIREMENTS.

At the time of construction, alteration, or enlargement of a structure or buildings having a gross floor area of ten thousand (10,000) square feet or more, at least one (1) permanently maintained

off street loading area shall be provided and maintained for all uses as follows:

1. Each loading space shall be no less than ten feet (10') in width, forty feet (40') in length.
2. Such space may occupy all or any part of any required side yard or rear yard or open space, except where adjoining a residential district. If the loading space is adjacent to a residential district, it shall be set back at least ten feet (10') from said district and be effectively screened from view.
3. No truck or trailer, for purposes of loading, unloading or parking will be permitted to be located on any street or other public right-of-way, except for designated or approved delivery, parcel or moving vehicles intended for temporary parking and unloading. Furthermore, parking of vehicles or loading and unloading may be allowed on the public right-of-way or any street by the Board of Adjustment or city council during community events, celebrations, or other special events.

ARTICLE 16: SIGN REGULATIONS

Article 16: Sign Regulations

Section 16.1	Intent
Section 16.2	Definitions
Section 16.3	Sign Requirements
Section 16.4	Special Exceptions
Section 16.5	Additional Sign Regulations
Section 16.6	General Sign Provisions
Section 16.7	Unsafe and Unlawful Signs
Section 16.8	Removal of Signs
Section 16.9	Exempt Signs
Section 16.10	Nonconforming Signs
Section 16.11	Sign Permits

Section 16.1. INTENT.

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

Section 16.2. DEFINITIONS.

For use in this article, the following terms are defined. Where terms are not defined, they shall have their ordinarily accepted meanings within the context in which they are used. Words in the singular include the plural and the plural the singular.

1. *Abandoned Sign*: A sign which no longer correctly directs any person, advertises a bona fide business, owner, product, or activity conducted on the premises where such sign is displayed.
2. *Awning*: A device made of cloth, metal, or other material affixed to and projecting from a building in such a manner that the device is either permanently fixed or so erected as to allow it to be raised or retracted and return to a flat position against the building.
3. *Display Surface*: is the area made available by the sign structure for the purpose of displaying the advertising message.
4. *Erect*: To build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.
5. *Facing (or Surface)*: The surface of the sign upon; against or through which the message is displayed or illustrated on the sign.
6. *Incombustible Material*: Any material that will not ignite at or below a temperature of 1,200° F and will not continue to burn or glow at that temperature.
7. *Marquee*: is a permanent roofed structure attached to and supported by the building and projecting over public property.

8. *Person*: Any one being, firm, partnership, association, corporation, company or organization of any kind.
9. *Sign*: Includes every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign and temporary sign, and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.
 - a. *Address Sign*: A sign identifying street address only, whether written or numerical form.
 - b. *Animated Sign*: Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.
 - c. *Awning Sign*: A sign consisting of either an operating or permanently affixed awning containing letters, graphics, pictures, or images which portrays the business or advertising of the establishment in which it is attached. Awning signs shall not encroach more than four (4) feet out from a building, but shall meet all other size requirements addressed in this Article. Permanent awnings may be lighted (from the backside); however, awning signs shall not have any flashing, strobe, or otherwise intermittent light emitting from the sign.
 - d. *Billboard Sign*: A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. A billboard includes all structures, regardless of materials used in construction, that are erected, maintained or used for public display of posters, painted signs, or wall signs, whether the structure is placed on a wall or freestanding. Billboards include pictures or other pictorial materials which advertise a business or attraction which is not carried on, manufactured, or sold on the premises where said billboards are located.
 - e. *Campaign Sign*: A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted upon at a governmental election.
 - f. *Construction Sign*: A temporary sign placed at construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
 - g. *Directional Sign*: A sign erected on public or private property which bears the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.
 - h. *Flashing Sign*: Any illuminated sign that has artificial light or color which is not maintained at a constant intensity or color when such sign is in use. A sign providing public service information, such as time, weather, date, temperature or similar information, shall not be considered a flashing sign.
 - i. *Governmental Sign*: A sign which is erected by a governmental unit.
 - j. *Illuminated Sign*: Any sign which has character, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
 - k. *Information Sign*: Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.
 - l. *Joint Identification Sign*: A free-standing sign which identifies a subdivision, a multiple residential complex consisting of three (3) or more structures, a shopping center consisting

- of three (3) or more separate business concerns, an industrial area, an office complex consisting of three (3) or more structures or any combination of the above.
- m. *Non-Conforming Sign*: A sign which lawfully existed at the time of the passage of this ordinance or amendments thereto but which does not conform to the regulations of this ordinance.
 - n. *Pole Sign (or Free Standing Sign)*: Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
 - o. *Portable Sign*: Any sign not permanently attached to a building, structure, or the ground, capable of being moved at periodic intervals.
 - p. *Projecting Sign*: A sign, other than a wall sign, which projects more than twelve inches (12") perpendicular to the wall surface of a building or structure, and is supported by a wall of the building or structure.
 - q. *Real Estate Sign*: A business sign placed upon a property advertising that particular property for sale, for lease or for rent.
 - r. *Roof Sign*: Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
 - s. *Swinging Sign*: A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
 - t. *Temporary Sign*: Any sign which is erected or displayed for a specified period of time. The temporary use of portable or moveable signs, search lights, banners, pennants, and similar devices shall be allowed in excess of and in addition to the sign limitations of this article for continuous periods of ten (10) consecutive days. No business proprietor shall be allowed more than three such periods in any calendar year.
 - u. *Trailer Sign*: Any sign mounted on a vehicle normally licensed by the State of Iowa as a trailer and used for advertising or promotional purposes.
 - v. *Wall Sign*: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches for such building or structure. Wall signs are also known as "flush mounted signs".
10. *Sign Area*: That area within the marginal lines of the surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building; that area which is included in the smallest connecting geometric figures which can be made to circumscribe the message, figure or symbol displayed thereon. Only changeable copy areas of marquee or canopies shall be considered in determining the total sign area.
11. *Sign Structure*: The supports, uprights, bracing and framework for a sign including the sign area.
12. *Structural Trim*: The molding, battens, cappings, nailing strips, latticing and platforms that are attached to the sign structure.

Section 16.3. SIGN REQUIREMENTS.

Billboards and signs in conjunction with principal permitted uses are allowed subject to the following regulations:

1. **RESIDENTIAL DISTRICTS:** Signs pertaining to principal permitted uses are allowed in all residential districts subject to the following regulations.
 - a. Home occupation signs are permitted pursuant to Section 13.8 of this ordinance.
 - b. Signs, for non-residential uses located in residential areas, shall be limited to signs incorporated as a part of the building's façade or attached flush to the building. Non-residential use signs shall be no more than four (4) square feet on one (1) wall mounted sign not to exceed a height of six (6) feet from the ground to the top of the sign.
 - c. Permitted Signs:
 1. Address signs (not to exceed 1 square foot)
 2. Real Estate signs (not to exceed six square feet)
 3. Government signs
 4. Campaign signs (not to exceed six square feet)
 5. Joint Identification signs (not to exceed twelve square feet)
 6. Wall signs (not to exceed four square feet)
 7. Construction Signs (not to exceed 32 square feet)
 8. Portable signs
 - d. No intermittent flashing type signs are permitted.
2. **(C-1) DOWNTOWN COMMERCIAL DISTRICT:**

Signs and billboards in conjunction with principal permitted uses are allowed subject to the following regulations.

 - a. Only one (1) permanent type sign intended to be read from off the premises will be allowed per frontage for each principal use.
 - b. The total aggregate area of all signs shall not exceed 150 square feet.
 - c. The sign area shall be computed by taking the enclosed area of freestanding letter within the smallest rectangle needed to completely encompass each word or insignia. For signs other than freestanding letters, the sign area is computed by taking the total area of the facing or the total area within the outer edge of any existing border of the sign.
 - d. No signs shall be moving or audible. No intermittent flashing type signs are permitted, except those which are also public service informational type signs. Signs that are internally illuminated for purposes of a scrolling marquee for information or advertising purposes are permitted; as long as the message is not flashing.
 - e. The following sign types are permitted:
 1. Real Estate Signs (not to exceed 24 square feet)
 2. Government Signs
 3. Address Signs (not to exceed 1 square foot)
 4. Campaign Signs
 5. Informational Signs (not to exceed 2 square feet)
 6. Directional Signs

7. Joint Identification Signs
8. Wall Signs
9. Projecting Signs
10. Swinging Signs
11. Roof Signs
12. Awning Signs
13. Temporary Signs
14. Construction Signs (not to exceed 32 square feet)
15. Portable Signs (not to exceed 24 square feet, and as long as they do not impede the use of a public street or sidewalk)

3. ALL OTHER ZONING DISTRICTS:

Signs and billboards in conjunction with principal permitted uses are allowed subject to the following regulations.

- a. Only two (2) permanent type signs will be permitted per development, with no more than one to be placed on the principal structure and one independent or free-standing structure.
- b. The total aggregate area of all signs shall not exceed 150 square feet. Service stations, gas stations and convenience stores shall be limited to 200 square feet.
- c. The sign area shall be computed by taking the enclosed area of freestanding letter within the smallest rectangle needed to completely encompass each word or insignia. For signs other than freestanding letters, the sign area is computed by taking the total area of the facing or the total area within the outer edge of any existing border of the sign.
- d. No intermittent flashing type signs are permitted, except those which are also public service informational type signs.
- e. All signs and billboards must not impair sight distance or create a traffic hazard; and shall not encroach into the right-of-way of any state, federal, county, or local thoroughfare.
- f. Pole signs or free standing signs must be located no more than 150 feet from the principal use building.
- g. The following sign types are permitted:
 1. Real Estate Signs (not to exceed 24 square feet)
 2. Government Signs
 3. Address Signs (not to exceed 1 square foot)
 4. Campaign Signs
 5. Informational Signs (not to exceed 2 square feet)
 6. Directional Signs
 7. Joint Identification Signs
 8. Wall Signs
 9. Projecting Signs
 10. Swinging Signs
 11. Roof Signs
 12. Free Standing Signs
 13. Pole or Ground Signs
 14. Awning Signs
 15. Flashing Signs

16. Temporary Signs
17. Construction Signs (not to exceed 32 square feet)
18. Portable Signs (not to exceed 24 square feet, and as long as they do not impede the use of a public street or sidewalk)

Section 16.4. CONDITIONAL USE SIGNS.

Any sign type may be granted conditional use status after review by the Board of Adjustment and subject to any conditions deemed to be appropriate by the Board.

Section 16.5. ADDITIONAL SIGN REGULATIONS.

In all districts, signs and billboards shall adhere to pertinent state regulations and other local ordinances.

Section 16.6. GENERAL SIGN PROVISIONS.

The following signs are allowed with a permit and shall comply with all other applicable provisions of this ordinance.

1. *Ground Signs and/or Pole Signs:* All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure. All ground signs and the premises surrounding the sign structure shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free of obnoxious rubbish and weeds.
2. *Wall Signs:* No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends of the wall to which it is attached.
3. *Free Standing Signs:* Free standing signs will be permitted if they do not block the view of oncoming traffic, conform to the Iowa Department of Transportation regulations, and are not located within any public right-of-way.
4. *Signs not to Constitute Traffic Hazards:* No sign or advertising structure permitted by this ordinance shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any traffic sign, signal or device; or which makes use of the words, "STOP", "LOOK", "DRIVE-IN", "DANGER" or other words, phrases, symbols or characters in such manner as to interfere with, mislead or confuse traffic.
5. *Face of Sign Shall Be Smooth.* All signs or other advertising structures which are constructed on street lines, or within five (5) feet thereof, shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude there from, except electrical reflectors and devices which may extend over the top and in front of the advertising structures.
6. *Goose Neck Reflectors.* Goose neck reflectors and lights shall be permitted on ground signs, roof signs, and wall signs, provided however, the reflectors are to concentrate the illumination upon the area of the sign as to prevent glare upon the street or adjacent property.
7. *Spotlights And Floodlights Prohibited.* It shall be unlawful for any person to maintain any sign which extends over public property illuminated by floodlights or spotlights.

8. *Interference*: No sign, nor any guys, stay or attachment thereto shall be erected, placed or maintained by any person on rocks, fences, or trees; nor in such a manner as to interfere with the effective use of firefighting equipment or personnel, or any electric light, power, telephone, telegraph or TV cable wires or supports thereof.
9. *Signs in Right-of Way*: No signs other than government signs shall be erected or temporarily placed within any public rights-of-way, except as may be specifically provided herein.
10. *Clearance*: All signs located over public rights-of-way or any public or private access route (sidewalk, mall, etc.) shall be located a minimum of twelve (12) feet above grade.
11. *Safe Ingress and Egress*: No sign or part thereof shall be erected or maintained so as to prevent or deter free ingress and egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
12. *Signs Required by Law*: All signs required by law shall be permitted in all districts.
13. *Back to Back Signs*: If a free-standing sign or sign structure is constructed so that the faces are not back to back, the angle shall not exceed thirty degrees. If the angle is greater than thirty degrees, the total area of both sides added together shall be the calculated sign area. Back to back signs (when less than thirty degrees) shall be considered as one sign when debited against the total number of signs permitted on one zoning lot.
14. *Illumination*: All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties or public streets.
15. *Animated Signs*: Animated signs may be allowed as a special exception requiring a hearing before the Board of Adjustment.
16. *Double Frontage*: Lots having frontage on two streets or on a street and an alley shall be permitted to provide the maximum number and square footage of signs on each of the opposite ends of said lot, provided however, that not more than the maximum number of square feet of signs per frontage may be viewed simultaneously.

Section 16.7. UNSAFE AND UNLAWFUL SIGNS.

All signs and sign structures shall be properly maintained and kept in a safe condition. Signs shall also maintain a neat and orderly appearance in which the sign is easily read. Additionally, all parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the property owner or agent of the owner of the property upon which the sign is located, after written notice by the City of Inwood.

Such notice shall include a statement explaining alleged violations and deficiencies, an order to repair or remove said sign, and an explanation of the consequences of failure to comply with said order. If the permit holder fails to remove or alter said sign so as to comply with the order, said sign or other advertising structure may be removed or altered to comply by the zoning administrator at the expense of the permit holder, or owner of the property on which it is located. The permit holder may appeal the order of the zoning administrator to the Board of Adjustment and, if such an appeal is on file, the compliance period shall be extended until following the Board's decision on the matter. If, however, the zoning administrator finds that any sign or other

advertising structure poses an immediate threat to the health or safety of any person, the removal of such sign may be summarily ordered without notice to the permit holder.

Section 16.8. REMOVAL OF SIGNS.

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within ninety (90) days from date of notice provided by the City of Inwood. If after the expiration of the ninety (90) day period, the sign has not been removed, the city may cause the sign to be removed and any expenses may be charged back to the property owner.

Section 16.9. EXEMPT SIGNS.

The provisions and regulations of this ordinance shall not apply to the following signs, provided however, said signs shall comply with all other applicable provisions of this ordinance.

1. Government Signs: Signs of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, scenic or historical points of interest signs, memorial plaques and the like are exempt when are placed a public officer or employee in the performance of official duty.
2. Informational, Directional and Directory signs: Such signs shall be permitted in all districts without permit, including signs identifying the business, owners, manager, or occupant and sets forth the occupation or other address information but contains no advertising. There may be one directory sign per zoning lot.
3. Parking Signs (on-site): On-site directional and parking signs intended to facilitate the movement of vehicles and pedestrians upon which the sign is located.
4. Integral Signs: Name of buildings, date of construction, commemorative tablets and the like, which are of the building or structure.
5. Painted Signs: Signs painted on the exterior surface of a building or structure, provided however, is said sign has raised borders, letters, characters, decorations or lighting, they shall be subject to the provisions of this ordinance.
6. Political Signs: Political signs as allowed by Section 306C.22, Code of Iowa and campaign signs as allowed by Section 68A.406-yard signs, Code of Iowa. Campaign signs shall remain for no longer than forty-five (45) days prior and seven (7) days after the election for which they were intended and shall be removed by the owner of the property on which they are located. All campaign signs shall be confined to private property and shall not be attached to trees, utilities or rocks.
7. Construction Signs: A non-illuminated sign announcing the names of architects, engineers, contractors, future use, and other individuals or firms involved with the construction (but not including any advertisement of any product). Such signs shall be confined to the site of the construction, alteration or repair and shall be removed within two (2) years of the date of issuance of the first building permit or when the particular project is completed, whichever is sooner. One (1) sign shall be permitted for each major street the project abuts.

8. Real Estate Signs (on-site): Real estate signs advertising for sale, rental, or lease only, the premises, lots or tracts on which they are located will be allowed in all districts. Signs shall not measure more than six (6) square feet in the residential districts or twenty-four (24) square feet in the other zoning districts. Only two (2) real estate signs may be allowed per zoning lot. Illuminated real estate signs are not permitted.

Section 16.10. NONCONFORMING SIGNS.

Nonconforming signs shall become compliant upon change of ownership or occupancy of premises.

Section 16.11. SIGN PERMITS.

1. Permits Required. It shall be unlawful for any person to erect, repair, alter, relocate, construct, modify or maintain within the city any sign or other advertising structure as defined in this ordinance, without first receiving a valid sign permit from the zoning administrator and making payment of the sign permit fee.
2. Sign Permit Application. Application for sign permits shall be provided by the zoning administrator and shall have attached thereto the following information:
 - a. Name, address and telephone number of the applicant.
 - b. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 - c. Position of the sign or other advertising structure in relation to building(s) or structure(s).
 - d. Name of person, firm, corporation or association erecting such sign and/or sign structure.
 - e. Written consent of the owner of the building, structure or land on which the sign or sign structure is to be erected.
 - f. Such other information as may be deemed necessary for the proper enforcement of this ordinance.
3. Permit Issued. It shall be the duty of the zoning administrator upon the filing of an application for a sign permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure. If it appears the proposed structure is in compliance with all the requirements of this ordinance and all other ordinances of Inwood, the sign permit shall be issued. If the work authorized under a sign permit has not been completed within one (1) year after date of issuance, said sign permit shall be null and void.
4. Permit Fees. To defray administrative costs of processing sign permits, the applicant for a sign permit shall pay a fee to the city clerk in an amount established by city council.
5. Revocation of Permit. Any permit holder who fails to comply with a valid order of the zoning administrator within the allotted time period, or who fails to pay reasonable removal or repair expenses shall have the sign permit revoked. Another sign permit for the erection or maintenance of such sign or signs shall not be issued to the permit holder for a period of one (1) year from the date of revocation.

ARTICLE 17: NONCONFORMING STRUCTURES & USES

Article 17: Nonconforming Structures & Uses

Section 17.1.	Intent
Section 17.2.	Nonconforming Uses of Land
Section 17.3.	Nonconforming Structures
Section 17.4.	Nonconforming Uses of Structures and Land in Combination
Section 17.5.	Replacing Damaged Buildings
Section 17.6.	Change of Tenancy or Ownership

Section 17.1. INTENT.

It is the intent of this ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their continuance. It is recognized that there currently exists or will be created by the adoption of this ordinance, structures and uses of land and structures within the various zoning districts of this ordinance or amendments thereto which were lawful prior to the adoption of this ordinance, but which would be prohibited, regulated, or restricted under provisions of this zoning ordinance. These nonconformities will be allowed to continue to exist until they are discontinued, but are declared by this ordinance to be incompatible with permitted uses in the zoning districts involved. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance.

Section 17.2. NONCONFORMING USES OF LAND.

Where at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended such use may continue, so long as it remains otherwise lawful, subject to the following provisions:

1. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than occupied at the effective date of adoption or amendment of this ordinance.
2. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
3. If nonconforming uses of land cease for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

Section 17.3. NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structure may be altered in a way which does not increase its nonconformity.
2. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this ordinance.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. In the event that a non-conforming building or structure or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

Section 17.4. NONCONFORMING USES OF STRUCTURES AND LAND IN COMBINATION.

Where a lawful use of a structure, or of a structure and land in combination exists at the effective date of adoption or amendment of this ordinance that would not be permitted in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Any nonconforming use may be extended throughout any parts of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this ordinance, but shall not be extended to occupy land outside such building.
2. Any nonconforming use of structure or land may be changed to another nonconforming use of the same or a more restricted classification, provided no structural alterations are made, and the Board of Adjustment finds the proposed use is equally or more appropriate in the district than the existing nonconforming use. In permitting such change, the Board may require conditions and safeguards in accordance with the purpose and intent of this ordinance. Where such nonconforming use of a structure, land or use is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
3. Any structure, or structure and land in combination, on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located.
4. When a nonconforming use of a structure, or structures and land in combination is discontinued or ceases to exist for a period of more than one (1) year, it shall not thereafter be used except in conformance with the regulations of the district in which it is located.

Section 17.5. REPLACING DAMAGED BUILDINGS.

Any nonconforming building or structure damaged intently or accidentally more than fifty percent (50%) of its replacement value exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, accident, incident or other act of God or nature shall not be restored or reconstructed and used as before such happening. If less than fifty percent (50%) of the replacement value of the building is damaged it may be restored, reconstructed, or used as before, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased and reconstruction is started within one (1) year of such happening. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety upon orders of such official.

Section 17.7. CHANGE OF TENANCY OR OWNERSHIP.

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination without affecting the nonconforming status of such use, land or structure.

ARTICLE 18: ZONING ENFORCEMENT

Article 18: Zoning Enforcement

- Section 18.1. Zoning Administrator
- Section 18.2. Zoning Compliance
- Section 18.3. Zoning Permit Required
- Section 18.4. Application for Zoning Permit
- Section 18.5. Site Plans
- Section 18.6. Construction and Use to be provided in Application, Plans, and Permit
- Section 18.7. Fees
- Section 18.8. Administrative Appeals

Section 18.1. ZONING ADMINISTRATOR.

The purpose of this section is for the city council of Inwood, Iowa to appoint or confirm a zoning administrator, and it shall be the duty of said administrator to enforce this ordinance. Such administrator may be a person holding other appointive office in the city, or another governmental agency. Once the zoning administrator is appointed by city council that appointment becomes perpetual until such further decision and notification is made by council. Termination of the zoning administrator and/or consideration of responsibilities shall also be left to the discretion of the city council.

Section 18.2. ZONING COMPLIANCE.

If the zoning administrator shall find that any of the provisions of this ordinance are 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 uses of land, buildings, or structures; removal 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 to insure compliance with or to prevent violations of provisions contained within.

Section 18.3. ZONING PERMIT REQUIRED.

No land shall be occupied or used, and no buildings or structures, or accessory buildings or structures hereafter erected, moved, added to, placed or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, without first obtaining a permit issued by the zoning administrator. No permit shall be issued to make a change unless the changes are in conformity with the provisions of this ordinance. Zoning permits issued in conformance with the provisions of this ordinance, or upon written order from the Board of Adjustment, shall be null and void if the purpose for which the permit is issued has not commenced within one (1) year from date of issuance. Those persons who do not or refuse to obtain a zoning permit will be in willful violation of this ordinance and punishable as provided by Article 19.

Section 18.4. APPLICATION FOR ZONING PERMIT.

Application for a zoning permit may be obtained from city hall prior to starting or proceeding with a project. Approved permits shall be kept on file in the office of the city clerk, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or property affected. Zoning permits should be reviewed within seven (7) days after application is made.

Section 18.5. SITE PLANS.

Each application for a zoning permit involving new construction, expansion, placement, locating or moving of a building or structure shall be accompanied by a plat or site plan prepared in accordance with Article 14, or other site plan requirements or drawings as requested by the zoning administrator. In the case of moving an existing building, the application shall be accompanied by a photo of the structure to be moved, and shall comply with the regulations of the Inwood City Code. Other building projects including sheds, outbuildings, decks, patios, fences and other yard structures, although not required to submit a full site plan, shall still file a zoning permit to ensure setback distances and compliance with other provisions of this ordinance. Furthermore, each application for a sign permit shall be accompanied by a drawing showing the dimensions of the sign, the size, the shape and location of where the sign is to be erected, and such other information as necessary to provide enforcement of this ordinance.

Section 18.6. CONSTRUCTION & USE AS PROVIDED IN APPLICATION, PLANS & PERMIT.

Zoning permits issued on the basis of plans and applications, approved by the zoning administrator, authorize only that use and construction indicated in such plans and applications. Use and construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided by Article 19.

Section 18.7. FEES.

Before receiving a zoning permit the owner, or the owner's agent, shall pay to the city the permit fee as provided by resolution of the city council. Fees for permits issued after the construction, erection, placement, moving or alteration has begun shall double. Tax levying governmental agencies shall be exempt from paying any scheduled fees.

Section 18.8. ADMINISTRATIVE APPEALS.

This procedure is intended to afford review of administrative actions taken pursuant to the zoning ordinance where such actions may be in error.

1. *Appeals:* An appeal of an administrative decision may be made to the Board of Adjustment by any person aggrieved, or by any officer, department, or board of the city affected by any decision or ruling of the zoning administrator. Such notice of appeal shall be filed, within 30 days of the decision being appealed, with the zoning administrator or the chairperson of the Board of Adjustment, of which such appeal shall specify the grounds thereof. The zoning administrator shall forthwith transmit to the board all papers constituting the record upon which the action being appealed was taken.
2. *Stay of Proceedings:* An appeal from the action of the zoning administrator shall stay all proceedings in furtherance of such action unless the zoning administrator certifies to the Board of Adjustment that by reason of the facts stated a stay would cause imminent peril to life or property. In the event the zoning administrator shall make such determination, the action shall not be stayed other than by a restraining order that may be granted by the board or a court of record upon application of the party aggrieved by the action of the zoning administrator.
3. *Action:* The Board of Adjustment shall act on any appeal within 30 days following the closing of a public hearing. In exercising the powers set out in this section, the Board of Adjustment may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may take

such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the zoning administrator from whose action the appeal was taken. The board shall notify the appellant of its decision by mail. The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator, or to decide in favor of the applicant upon any matter which it is required to pass under these provisions.

ARTICLE 19: VIOLATION AND PENALTY

Article 19: Violation and Penalty

Section 19.1. Violation and Penalty

Section 19.2. Restraining Order

Section 19.1. VIOLATION AND PENALTY.

Unless provided elsewhere in this ordinance or the city's municipal code, any person failing to perform a duty, obtain a zoning permit, or violating the Inwood Zoning Ordinance, or any rule or regulation adopted by reference shall be guilty of a municipal infraction. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists enforcement of this ordinance, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction and punishable by civil penalty as provided herein. (*Code of Iowa, Sec. 364.22[3]*)

A municipal infraction in the City of Inwood is punishable under the following civil penalties: (*Code of Iowa, Sec. 364.22 [1]*)

1. First offense – Not less than \$100 and not to exceed \$750.00, plus court costs
2. Second and repeat offenses – Not less than \$100 and not to exceed \$1,000.00, plus court costs; or imprisonment of not more than 30 days

The criminal penalty surcharge imposed by Iowa Code, Section 911.2 shall be added to the fine and is not a part of any fine imposed by the city (*Code of Iowa, Sec. 364.3(2)*). Each day that a violation is permitted to exist constitutes a separate offense.

Section 19.2. RESTRAINING ORDER.

Upon any building or structure being erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land used in violation of this ordinance, the city attorney, in addition to other remedies, may institute any proper action or proceed in the name of the City of Inwood to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.

ARTICLE 20: BOARD OF ADJUSTMENT

Article 20: Board of Adjustment

Section 20.1.	Confirmation of the Board of Adjustment
Section 20.2.	Membership, Term of Office and Removal
Section 20.3.	Proceedings of the Board of Adjustment
Section 20.4.	Administrative Appeals
Section 20.5.	Powers and Duties
Section 20.6.	Variances
Section 20.7.	Decisions of the Board of Adjustment
Section 20.8.	Appeals from the Board of Adjustment

Section 20.1. CONFIRMATION OF THE BOARD OF ADJUSTMENT.

The Mayor, subject to the approval of the city council, shall provide for the appointment and confirmation of the Board of Adjustment. Pursuant to the authority of this ordinance, the Board of Adjustment may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of the ordinances in harmony with its general purpose and intent and in accordance with general or specific rules therein contained and provide that any property owner aggrieved by the action of the council in the adoption of such regulations and restrictions may petition the said board direct to modify regulations and restrictions as applied to such property owners. The members of the Board of Adjustment, as created and established under applicable provisions of the Iowa statutes, are hereby confirmed to their appointed terms of office. (*Code of Iowa, Sec.414.7*)

Section 20.2. MEMBERSHIP, TERM OF OFFICE AND REMOVAL.

The board shall consist of five (5) members to be appointed by the Mayor, subject to city council for a term of five (5) years. When the board shall first be created, one member shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year. A majority of the members of the board shall be persons representing the public at large and should not 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 the approval of the city council for the unexpired term of the member resigning, removed or death. (*Code of Iowa, Sec.414.8*)

Section 20.3. PROCEEDINGS OF THE BOARD OF ADJUSTMENT.

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or 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 question, or if absent or failing to vote indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record. The presence of a majority of the whole Board, or three (3) members, shall constitute a quorum, even in the instance of absentee members or during conflicts of interest. A five (5) member board shall not carry out its business without having at least three (3) members present. 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 or to effect any variation in application of this ordinance. (*Code of Iowa, Sec.414.8, 414.9 & 414.14*)

Section 20.4. ADMINISTRATIVE APPEALS.

Administrative appeals concerning interpretation or administration of this ordinance may be taken to the Board of Adjustment by any person aggrieved or by any officer or bureau of the City of Inwood affected by a decision of the zoning administrator. Such appeal should be taken within a reasonable time, not to exceed thirty (30) days, by filing with the zoning administrator and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all papers constituting the record from which the action appealed was taken. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notices thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney. (*Code of Iowa, Sec.414.10*)

Section 20.5. POWERS AND DUTIES.

The Board of Adjustment shall have the following powers and duties:

1. *Administrative Review*: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this ordinance.
2. *Interpretation of Zoning Map*: Where the application of the rules for interpretation of the district boundaries leaves a reasonable doubt to the boundary between two zoning districts the Board of Adjustment shall interpret the map in such a way as to carry out the intent and purposes of this ordinance.
3. *Conditional Uses*: To hear and decide conditional use requests as the board is specifically authorized to pass on in the manner prescribed in this ordinance, and as provided for in Article 21.
4. *Variances*: To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. (*Code of Iowa, Sec.414.12*)

Section 20.6. VARIANCES.

A variance from the terms of this ordinance shall not be granted by the board unless and until:

1. An application for the variance shall be filed in writing with the zoning administrator. Said application shall include the following:
 - a. Name and address of the owner and applicant.
 - b. Address and legal description of the property.
 - c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
 - d. A statement describing the variance requested and the reasons why it complies with the criteria for variances provided in this section.

- e. The property address, name and mailing address of the owner of each lot immediately adjacent to the property requesting a variance.
 - f. A site plan, as prepared in accordance with Article 14.
2. The zoning administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist.
 3. Under no circumstances shall the Board of Adjustment grant a variance to allow for the use not permissible under the terms of this ordinance in the zoning district involved, or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district.
 4. The Board of Adjustment shall schedule and conduct at least one public hearing on the proposed variance request. Notice shall be given of the public hearing as required by state statute by publication in a newspaper of general circulation in the city of no less than seven (7) days or no more than twenty (20) days prior to the public hearing. Furthermore, a courtesy notice shall be given in writing to all owners of property within 200 feet of the property in question. The public hearing shall be held. Any party may appear in person, by agent, or by attorney.
 5. The Board of Adjustment shall make findings that the requirements of this article have been met by the applicant for a variance.
 6. No 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 found to be valid by the Board of Adjustment.
 7. The Board of Adjustment may grant a variance if it makes affirmative findings of fact on each of the following criteria.
 - a. That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district;
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district;
 - c. That special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted uses of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
 8. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 9. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

10. A fee, determined by resolution of the city council, shall accompany the variance application.
11. *Additional Variance Conditions:* 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 ordinance and punishable under Article 19.
12. *Lapse of Variance:* Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse and shall become void one (1) year following the date on which the variance became effective, unless prior to the expiration of one year a zoning/building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a certificate of occupancy is issued for the site or structure which was the subject of the variance application, or the site is occupied if no zoning/building permit or certificate of occupancy is required.
13. *Revocation of Variance:* Upon violation of any applicable provision of this ordinance, or if granted subject to the conditions, upon failure to comply with conditions, a variance shall be revoked upon notification to the owner of the; use or property subject to the variance.
14. *Variance to Run with Land or Structure:* Unless otherwise specified at the time a variance is granted, a variance shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it applies.

Section 20.7. DECISIONS OF THE BOARD OF ADJUSTMENT.

In exercising the above mentioned powers, the Board of Adjustment may, in conformity with the terms of this ordinance and Chapter 414, Code of Iowa, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as ought to be made and to that end shall have powers of the zoning administrator from whom the appeal is taken. The concurring vote of three (3) members of the whole board, even upon instances of absentee members or during conflicts of interest, 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 ordinance, or to affect any variation in application of this ordinance. The action of the board shall not become effective until it has a written decision describing such action, the vote of each member participating therein, and reasons for such action specifying the manner in which the action either satisfied or failed to satisfy each of the applicable standards set forth in this article. Decisions shall be filed promptly following the board's action and shall be open to public inspection.

Section 20.8. APPEALS FROM THE BOARD OF ADJUSTMENT.

Any person or persons, or any board, taxpayer, department, or bureau of the community aggrieved by any decision of the Board of Adjustment may seek review of such decision of the Board of Adjustment by a court of record in the manner provided by laws of the State and particularly by Chapter 414, Code of Iowa. The petition shall be presented to the court within 30 days after the filing of the decision in the office of the board. All decisions and findings of the Board of Adjustment, shall in all instances, be final administrative decisions upon holding a public hearing and shall be subject in judicial review as by law may be provided. (*Code of Iowa, Sec. 414.15*)

ARTICLE 21: CONDITIONAL USES

Article 21: Conditional Uses

Section 21.1.	Requirements
Section 21.2.	Jurisdiction
Section 21.3.	Application for Conditional Use Permit
Section 21.4.	Procedures
Section 21.5.	Standards
Section 21.6.	Revocation
Section 21.7.	Supplemental Standards
Section 21.8.	Planned Unit Development – As a Conditional Use

Section 21.1. REQUIREMENTS.

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

Section 21.2. JURISDICTION.

The zoning administrator shall be responsible for administration of the special exception procedure and the Board of Adjustment shall be responsible for the review, evaluation, and action on all applications for special exception use permits.

Section 21.3. APPLICATION FOR CONDITIONAL USE PERMIT.

An application for a conditional use permit for a conditional use or modification of a conditional use may be initiated by a property owner or the owner's authorized agent by filing an application with the zoning administrator. The application shall be accompanied by a site plan and other materials providing an understanding of the proposed use or modification prescribed by the Board of Adjustment and shall include a statement indicating the section of this ordinance under which the conditional use is sought and stating the grounds on which it is requested. The application shall also be accompanied by a fee as determined by resolution of the city council. The application will be valid for one (1) year following the issuance of the permit. After one year the permit will no longer be valid and the permit must be renewed or a new permit must be reapplied for. The application shall include the following:

- a. Name and address of the owner and applicant.
- b. Address and legal description of the property.
- c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
- d. The property address and the names and mailing addresses of the owners of each lot within two hundred feet (200') of the subject property certified by a licensed abstractor, land surveyor or attorney shall be provided to the city.
- e. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application.
- f. A site plan, prepared in accordance with Article 14, preliminary building elevations,

preliminary improvement plans, and such additional maps and drawings as requested by the zoning administrator or Board of Adjustment.

Section 21.4. PROCEDURES.

The Board of Adjustment shall not grant a conditional use permit unless and until the following procedures have been fulfilled:

1. The Board of Adjustment shall provide a copy of the application for conditional use for review and comment to the Planning and Zoning Commission.
2. The Planning and Zoning Commission shall provide the Board of Adjustment with their recommendations within fifteen (15) days after receipt of the application.
3. After receipt of the Planning and Zoning Commission's recommendations, the Board of Adjustment shall schedule and conduct at least one public hearing on the proposed conditional use request. Notice shall be given of the public hearing as required by state statute by publication in a newspaper of general circulation in the city no less than seven (7) or no more than twenty (20) days prior to the public hearing. Furthermore, a courtesy notice shall be given to a complete list of persons provided by the applicant who are all of the owners of property within two hundred feet (200') of the property in question at least seven (7) days prior to the public hearing.
4. In granting any conditional use, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under Article 19 of this ordinance. In all cases in which conditional use permits 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 complied with.
5. The concurring vote of three (3) members of the whole Board of Adjustment grants a conditional use permit, even in the event of absentee members or conflicts of interest.
6. No order of the Board of Adjustment granting a conditional use permit shall be valid for a period longer than one (1) year from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a building permit is obtained within the one (1) year period and construction is commenced.
7. No application for a conditional use permit that is 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.

Section 21.5. STANDARDS.

The Board of Adjustment shall not grant any conditional use unless such board shall find:

1. The approval of a conditional use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district.

2. The establishment, maintenance, or operation of the conditional use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminishes and impairs property values within the neighborhood.
4. In the case of existing relocated single family dwellings and accessory buildings, the proposed use should aesthetically blend in with neighboring uses and special attention is given to the architectural style, size and quality of construction of the proposed use.
5. Adequate utilities, access, drainage, parking, and/or necessary facilities will be provided.
6. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
8. The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
9. The use shall not include vibration which is discernable without instruments on any adjoining lot or property.
10. The use shall not involve malodorous gas or matter which is discernable on adjoining property.
11. The use shall not involve any pollution of the air by fly-ash, dust, vapors, or other substance which is harmful to health, animals, vegetation or other property.
12. The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
13. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are institutes to limit traffic hazards and congestions.
14. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.
15. That such proposed use shall be reviewed in relation to the city's comprehensive plan and the future goals of the community.
16. If warranted, provisions may be made for increased setbacks from property lines or screening of incompatible use by the use of fences or hedges.
17. The ground coverage shall be such that no additional dust or excess stormwater run-off is generated by the conditional use.

18. The use shall not cause any permanent, irreparable environmental damage to the parcel or neighboring lands.
19. The conditional use permit may be reviewed after a specified period of time for compliance and for possible additional conditions.

In addition to the general standards outlined above, specified uses shall adhere to these standards and operate only after the issuance of a conditional use permit. The conditional use shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located, except as such regulations may be modified by the Board of Adjustment.

Section 21.6. REVOCATION.

The issuance of a conditional use permit by the Board of Adjustment shall entitle the owner to continue to operate the use so long as the owner remains in compliance with the terms and conditions of this ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the conditional use permit. If such permit is granted, it does expressly grant to the city the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of the conditional use permit. In the event the owner or occupant of the property shall violate any term, condition, limitation, regulation or safeguards contained in the conditional use permit, the permit shall become null and void and the owner or occupant shall be deemed to be in violation of this ordinance and the city may proceed to enforce the provisions of this ordinance and the terms, conditions, and limitations of the permit.

Section 21.7. SUPPLEMENTAL STANDARDS.

In addition to the general standards outlined in Section 21.5 above, specified uses shall adhere to certain supplemental and additional standards as follows:

1. **Salvage Yards:** All salvage yards, including any area where waste, junk, discarded or wrecked and salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including dismantling or wrecking of automobiles or machinery or other vehicles, shall be located in the General Industrial (GI) district under conditional use permit. The application for a conditional use permit shall be accompanied with a proposed intent or covenant to meet the minimum requirements described herein:
 - a. Any salvage, scrap or junk yard shall be at least five hundred feet (500') from any residential building, with the exception of the salvage yard owner or operator.
 - b. Any salvage, scrap or junk yard shall be screened by a solid wall or uniformly painted solid fence not less than eight (8) feet in height, or in lieu thereof, a landscape buffer strip may be planted at least fifty feet (50') wide with evergreen trees and/or large shrubs to provide an immediate solid landscape screen at least ten feet (10') high;
 - c. Off-street parking or service areas in connection with the yards may be located outside of the screened-in area.
2. **Open-Air Sales Display and Storage:** All open-air display and storage, including new and used auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, or equipment sales and storage, and construction equipment or heavy equipment rental or storage yards shall require a conditional use permit and shall be

accompanied with drawings and other documents describing the intent, layout, and construction or installation in accordance with the following minimum requirements:

- a. The open-air sales display and storage areas shall be surfaced with a hard surface and at a minimum with granular, aggregate or crushed stone or rock at a uniform depth of at least three (3) inches.
- b. All lighting and lighted facilities shall be designed and arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard.
- c. No lighted flashing signs, or revolving beacon lights shall be permitted.
- d. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.
- e. The open-air storage or display area intended for inventory storage, salvage or repair services shall be limited to the side or rear yard areas and be opaquely screened with a wall or fence at least seven feet (7') in height. Those uses intended to exclusively display products or equipment for sale or lease are exempt from screening such products or equipment, unless the following provisions in subpart f. apply.
- f. The side and rear lot lines, when abutting properties used for residential purposes, shall be screened with a wall or fence at least fifty percent (50%) solid and at least eight feet (8') in height. Such fence or wall shall not be required to extend beyond the front yard.

ARTICLE 22: CHANGES AND AMENDMENTS

Article 22: Changes and Amendments

Section 22.1.	Procedures
Section 22.2.	Initiation
Section 22.3.	Application for Change in Zoning District Boundaries
Section 22.4.	Protest Provision
Section 22.5.	New Application

Section 22.1. PROCEDURES.

This ordinance and the zoning district map created by said ordinance may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by or shall have been first submitted to the planning and zoning commission for review and recommendation. The commission shall have forty-five (45) days in which to submit its report to the city council. Prior to making recommendation to the city council, the commission shall hold at least one public hearing on the text amendment or rezoning request. If the commission fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment.

Not more than thirty (30) days following receipt of the recommendation of the commission, the city council shall hold at least one public hearing before adoption of the text amendment or a rezoning request. A notice of such public hearing shall be published at least seven (7) days prior to the date established for such hearing. Additionally, a notification shall be sent the owners of all property within two-hundred feet (200') of the property for which the change is requested. In no case shall the public hearing be held earlier than the next regularly scheduled city council meeting following the published notice. Such notice shall include the time and place for the public hearing.

Within thirty (30) days following the closing of a public hearing, the city council shall make a specific finding as to whether the change is consistent with the objectives of this ordinance. If the council finds that the change is consistent, it shall introduce an ordinance amending the text of the zoning regulations or amending the zoning map, whichever is appropriate. If the council finds that the change is not consistent, it shall deny the application. The city council shall not modify a recommendation of the planning and zoning commission on a rezoning or change until it has requested and considered a report of the commission on the modification. Failure of the commission to report within 30 days after receipt of the city council request shall be concurrence.

Section 22.2. INITIATION.

Requests for rezoning of property or text amendments may be initiated by one of three ways.

1. The planning & zoning commission may initiate a zoning text amendment or rezoning request.
2. The city council may initiate a zoning text amendment or rezoning request.
3. The owner or the authorized agent of the owner of property may initiate a rezoning request by filing an application for a change in district boundaries (rezoning) as prescribed in this article. If the property for which rezoning is proposed is in more than one ownership, all owners or their authorized agents shall join in filing the application.

Section 22.3. APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES.

Applications for rezoning requests shall be filed with the zoning administrator on a form provided by the city, and shall include the following data and maps:

1. Each application shall be filed and accompanied by a fee as determined by resolution the city council and contain the following information.
 - a. The name and address of the owner and applicant.
 - b. A legal description and local address of the property.
 - c. If the applicant is not the legal owner, a statement that the applicant is an authorized agent.
 - d. The present zoning classification and the zoning classification requested for the property.
 - e. The existing use and proposed use of the property.
 - f. The names and addresses of the owners of all property within two hundred feet (200') of the property for which the change is requested.
 - g. A statement of the reasons why the applicant feels the present zoning is not appropriate.
 - h. A plat showing dimensions and use of the applicant's property and all property within two hundred feet (200') thereof, including streets, alleys, railroads, and other features.
2. Failure to approve the zoning change shall not be cause to refund any fees to the applicant.
3. Upon receipt of the application by the zoning administrator a copy shall be forwarded immediately to the planning and zoning commission for study and recommendation. The commission shall, prior to making a recommendation, determine the following:
 - a. Whether or not the current zoning classification of the property to be rezoned is valid.
 - b. Whether there is a need for additional land zoned for the purpose requested.
 - c. Whether the proposed change is consistent with the current land use plan.
 - d. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.
 - e. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.
 - f. The commission may require additional information or maps if they are to determine whether the change is consistent with the objectives of this ordinance.

Section 22.4. PROTEST PROVISION.

In case the planning and zoning commission does not approve the change, or in a case of a protest filed with the city council against a change in district boundaries signed by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within two hundred feet (200') feet of the boundaries thereof, such amendment shall only be passed by the favorable vote of at least three-fourths (3/4) of all members of the city council, even in the instance of absentee members or during conflicts of interest. (*Code of Iowa, Sec. 414.5*)

Section 22.5. NEW APPLICATION.

Whenever a petition requesting an amendment, supplement or change of this ordinance has been denied by the city council such petition cannot be renewed for one year thereafter unless it is signed by the owners of at least fifty percent (50%) of the property owners who previously objected to the change; this provision, however, shall not prevent the city council from acting on its own initiative in any case or at any time provided in this section.

ARTICLE 23: EFFECTIVE DATE

Section 23.1. EFFECTIVE DATE.

This ordinance shall be in full effect from and after its adoption and publication as required by law and as provided for in Chapter 380.6 and 380.7 of the Code of Iowa.

(Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3)

ADOPTION

ZONING ORDINANCE OF THE CITY OF INWOOD, IOWA

NOW THEREFORE, BE IT ORDAINED BY THE
CITY COUNCIL OF THE CITY OF INWOOD

Passed and approved the first consideration on _____, 2016

Passed and approved the second consideration on _____, 2016

Passed and approved the third and final consideration on _____, 2016

Adopted on _____, 2016

Published on _____, 2016

Mayor, City of Inwood

Attest:

Inwood City Clerk

EDITOR'S NOTE

The following ordinances have been adopted amending the official zoning map and have not been included as a part of this zoning ordinance, but have been specifically saved from repeal and are in full force and effect.

[illegible]