

**ZONING ORDINANCE
CITY OF URBANA, IOWA
1997
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**APPENDIX
MAPS AND CHARTS
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**ZONING ORDINANCE FOR THE CITY OF URBANA, IOWA
THIS IS AN ORDINANCE REPEALING THE EXISTING ZONING
ORDINANCE FOR THE CITY OF URBANA, IOWA;
ESTABLISHING ZONING DISTRICTS AND REGULATIONS
FOR THE CITY OF URBANA, IOWA; AND PROVIDING
PENALTIES FOR THE VIOLATION OF THE PROVISIONS,
ADOPTED JANUARY 1, 1995. ALL SUBSEQUENT ZONING
ORDINANCE AMENDMENTS, AND ADOPTING THE
FOLLOWING "ZONING ORDINANCE FOR THE CITY OF
URBANA, IOWA" IN LIEU THEREOF.**

**Be it ordained by the City Council of the City of Urbana, Iowa,
as follows:**

SECTION I - TITLE

**That this ordinance shall be known as the "Zoning Ordinance
for the City of Urbana, Iowa".**

SECTION II - REPEALER

**All ordinances or parts of ordinances in conflict with the
provisions of this ordinance are hereby repealed.**

SECTION III - SEVERABILITY CLAUSE

**If any section, provision, or part of this ordinance shall
be adjudged invalid or unconstitutional, such adjudication
shall not affect the validity of the ordinance, as a
whole, or any section, provision, or part thereof not adjudged
invalid or unconstitutional**

SECTION - IV DEFINITIONS

**For the purpose of this ordinance, certain terms and words
are hereby defined as follows:**

**A. Accessory use or structure: A use or structure
subordinate to the principal use of a building or land
on the same lot or parcel of ground and serving a
purpose customarily incidental to the use of the
principal building or use of the land.**

**B. Apartment: A room or rooms used as a dwelling for a
family, including a bath and culinary accommodations.**

C. Boarding or Lodging House: House with furnished rooms for renting where meals or lodging can be obtained for pay.

D. Building: A structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind.

E. Buildable Area: The area of a lot remaining after the minimum open space and/or yard requirements of this ordinance have been complied with.

F. Chattel: An item of tangible movable or immovable property except real estate.

G. Contractor: a: One that contracts to perform work or provide supplies on a large scale. b: One that contracts to erect buildings.

H. Developer: One that develops, as a person who develops real estate; esp.: one that improves and subdivides land and builds and sells houses thereon.

I. Dwelling—Single Family: A building or portion thereof which is designed for and used exclusively for residential purposes, and is designed for or occupied by one family.

J. Dwelling—Multiple: A building or portion thereof which is designed for and used exclusively for residential purposes, and designed for or occupied exclusively for or occupied by two families or more.

K. Edge of Street (For Yards and Setback): The edge of the street right of way rather than the edge of the improved portion of the street.

L. Family: One or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel.

M. Farm: An area which is used for the growing of the

usual farm products such as vegetables, fruits, and grain; and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals.

N. Garage: An accessory building used mainly for storage of a motor vehicle(s).

O. Home Occupation: An occupation or profession which is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit, and is carried on by a member of the family residing in the dwelling unit for residential purposes, and does not employ more than one person outside of the immediate family, and has no exterior display, sign, exterior storage of material, and no other exterior indication of a home occupation or variation from the residential character of the building' and provides no offensive noise, vibration, smoke, dust, odors, heat, or glare.

P. Kennel: An establishment for the breeding or boarding of dogs or cats.

Q. Lot: A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings officially approved and having its principal frontage upon a dedicated street. The boundaries of the lot shall be determined by its lot line.

R. Lot Width: The distance between side lot lines.

S. Mobile Home: A vehicle used, or so originally constructed as to permit being used, as a conveyance upon the public street or highways and constructed in such a manner as will permit occupancy thereof for human habitation, dwellings or sleeping places for one or more persons, provided further that this definition shall refer to and include all portable contrivances used or intended to be used generally for living and sleeping quarters and which is capable of being moved, towed, or transported by another vehicle. This definition shall also include and apply to such vehicles or structures that are located on a temporary foundation. Recreational vehicles are not considered mobile homes and may not be used for permanent living purposes in the City of Urbana.

T. Permanent Foundation: A foundation attached to a grade beam or footing located below the frost line.

U. Portable Building: A building which is not anchored or attached to the ground or which is designed or constructed to be transported or moved. Neither a dwelling nor mobile home is a portable building as defined herein.

V. Religious Facility: A church, synagogue, temple, chapel, or similar place of religious worship or religious instruction.

W. Setback: The minimum horizontal distance between a lot line and a building or structure located upon such lot required by the provisions of this ordinance.

X. Street: Public thoroughfare or private thoroughfare officially approved by the council as an official thoroughfare for purposes of this ordinance, which affords the principal means of access to abutting property.

Y. Yard: An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except for landscaping or as otherwise provided in this ordinance.

a. **Yard-Front:** A yard extending across the full width of the lot, between the front lot line and the front of the principal building.

b. **Yard-rear:** A yard extending across the full width of the lot, between the rear lot line and the rear of the principal building or structure.

c. **Yard-side:** A yard between the side lot line and a principal building on the lot and extending from the front most line of a principal building to the rear most line of the building.

d. **Yard-side(corner lot):** See Section VI

SECTION V - OFFICIAL ZONING DISTRICTS AND MAP.

A. Official zoning districts and maps have been established in order to:

- 1. classify, regulate, and restrict the location of trades and industries**
- 2. classify, regulate, and restrict the location of buildings designed for specified uses.**
- 3. regulate and limit the length and bulk of buildings here after erected or altered.**
- 4. regulate and limit the intensity of the use of lot areas.**
- 5. regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings.**

The City of Urbana, Iowa, is hereby divided into nine (9) classes of districts. The use, height, and area regulations are uniform in each class of district. Said districts shall be known as:

- R-1 Single Family Residential District (sec. VII)**
- R-1-R Single Family Residential District, Rural (sec. VIII)**
- R-2 Moderate Density Residential District (sec. IX)**
- R-3 Medium Density Residential District (sec. X)**
- C-1 Commercial District (sec. XII)**
- C-2 Central Business District (sec. XIII)**
- M-1 Light Industrial District (sec. XIV)**
- M-2 General Industrial District (sec. XV)**
- "A" Agricultural District (sec. XVI)**

B. Zoning Map and Boundaries: The boundaries of the

above stated districts are indicated upon the OFFICIAL ZONING MAP of the City of Urbana, Iowa, which map is made a part of this ordinance (appendix) The said OFFICIAL ZONING MAP and all notations, references and other matters shown thereon shall be as if the notations, references and other matters shown thereon and set forth by said map were all fully described herein.

The OFFICIAL ZONING MAP shall be filed in the Office of the City Clerk in the City Hall of Urbana, Iowa. The OFFICIAL ZONING MAP shall be certified by the signature of the Mayor, attested by the City Clerk under the following words:

"this is to certify that this is the OFFICIAL ZONING MAP referred to in Section V of the Zoning Ordinance for the City of Urbana, Iowa, adopted on the 1st day of January, 1995."

The district boundaries are either lot lines or the center lines of streets and alleys, unless otherwise shown, and where the districts designated are bounded approximately by street, alley, or lot lines and are not dimensioned otherwise, the lot lines or the center lines of streets and alleys shall; be construed to be the boundary to the district.

C. Vacated Streets: Whenever any street, alley, or other public way is vacated by official action of the Council, the district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall thence and henceforth be subject to all appropriate regulations of the extended districts. In instances in which the adjoining property owner(s) purchase the area vacated and different zoning districts exist on each side of the vacation, the zoning district of the purchaser shall be extended to include the purchased vacation.

SECTION VI - GENERAL REGULATIONS

- A. Conformance Required:** Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used which does not comply with all of the regulations established by this ordinance for the district in which the building or land is located.
- B. Continuing Existing Uses:** The lawful use of a building existing at the time of the enactment of this Ordinance may be continued even though such use may not conform with the regulations of the ordinance for the district in which it is located.
- C. Non-conforming uses in any "R" District:** No building or land devoted to a use not permitted by this Ordinance in a residential district in which such building or land is located, except when required by law, shall be enlarged, extended, constructed, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building, structure or premises is located, except if no structural alterations are made, a non-conforming use of a building or structure may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to be a more restrictive conforming use, such use shall not thereafter be changed to a less restricted use.
- D. Non-conforming Uses In Any District Other Than A "R" District:** Any building or structure in any district other than "R" District devoted to a use made non-conforming by this ordinance may be structurally altered or enlarged in conformity with the lot area, the lot frontage, yard and height requirements of the district in which situated. In the event of such structural alterations or enlargement of buildings, the premises involved may not be used for any non-conforming use other than the use existing on the effective date of this ordinance.
- E. Rebuilding Non-conforming buildings:** If a non-conforming building or structure, which was lawful at the time of the enactment of the Zoning Ordinance, is destroyed or damaged by fire, other casualty, or act of God, it may be repaired, restored, or reconstructed to

its original size and in its original location and used as before the time of damage, provided that such repair, restoration or reconstruction is started within twelve (12) months of such damage and diligently prosecuted to completion.

F. Street Frontage Required: Lots containing any building used in whole or in part for residential purposes shall abut for at least forty (40) feet on at least one street or unless it has an exclusive unobstructed private thoroughfare of access or right of way of at least twenty (20) feet wide to a street; and there shall be not more than one (1) single-family dwelling for such frontage or private thoroughfare of access at least fifty(50) feet wide shall be provided for two (2) or more such single-family or for one (1) or more two-family or multiple dwellings.

G. Accessory Buildings: No accessory building or structure which exceeds six (6) feet in height shall be erected in a required yard or court, except as provided hereinafter.

(1) No accessory building shall occupy more than 20% of the required rear yard area.

(2) A building permit shall be required for the erection, moving, adding to, or structural alteration of any portable building which exceeds one or more of the following restrictions:

- a. an area of 120 square feet;
- b. a six (6) foot side wall;
- c. a roof peak height of nine(9) feet.

(3) A portable building of a size which would require a building permit shall comply with all the minimum yard requirements of the principal building for the in which the structure is located.

(4) A portable building of a size which does not require a building permit may be located on a lot without regard to the minimum yard requirements for the district in which the structure is located.

H. Garage: Garages shall meet the following requirements

(1) A garage which is located entirely within the principal building area of the lot (the lot minus the required yards and courts) whether attached to or detached from the principal building shall be subject to the regulations applicable to the principal building.

(2) No garage shall exceed one (1) story in height.

(3) No garage shall occupy more than 20% of the required rear yard area.

(4) The garage for any principal building on a lot abutting an alley may be located in a rear or side yard which abuts the alley; provided, however, that such a garage building shall comply with the following requirements:

a. The garage shall be set back not less than four (4) feet from the lot line abutting the alley except that when the garage entrance faces the lot line abutting the alley, the garage shall be set back no less than twenty (20) feet from the lot line abutting the alley.

b. The garage building shall comply with all minimum yard requirements for the principal building other than the exception herein permitting the garage entrance to be located near the alley; i.e., a garage facing an alley which abuts a side lot line shall not encroach into the required front or rear yards; a garage facing an alley abutting rear line shall not encroach into the side yard.

I. Corner lots: For corner lots the street side yard shall be equal in width to the minimum required side yard for the district on which it is located, plus twenty (20) feet; i.e. for a minimum required side yard of ten (10) feet the street side yard shall be not less than thirty (30) feet; provided, however this regulation shall not be interpreted as to require a side street yard of greater width than the minimum required front yard width. In determining which of the two

adjacent sides of the corner lot abutting the streets of the intersection shall be considered to be the front of the lot, the side that faces the main entrance of the principal structure shall be deemed as the front of the lot. In the case of a principal structure with multiple entrances, the main entrance shall be the determining factor.

For corner lots, platted after the effective date of this ordinance, the minimum required lot width shall be increased by an amount not less than twenty (20) feet so as to allow for the additional required street side yard, i.e. for a minimum required lot width of sixty (60) feet, the minimum width of the corner lot shall be not less than eighty (80) feet.

SECTION VII R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Regulations. The regulations as set forth in this Section or elsewhere in this ordinance which are applicable shall apply in the R-1 Single Family Residential Districts.

A. Use Regulations: A building or premises shall; be used only for the following purposes:

(1) A single family dwelling on each lot or building site.

(2) Public or private parks, playgrounds, golf courses, and other outdoor recreational facilities which are commonly but not necessarily, operated on a non-profit basis. However, amusement parks, golf-driving ranges, miniature golf putting courses, normally operated for profit and employing manufactured or constructed facilities of an unnatural or non-environmental design shall be excluded.

(3) Agricultural crops, including truck gardening on a scale that is not objectionable, but not the raising of poultry, pets, or livestock for commercial purposes, on a scale that would be objectionable because of noise or odor at

surrounding residences.

(4) Religious facilities.

B. Accessory uses:

(1) Normal accessory buildings and structures for a dwelling shall not be used for dwelling purposes. (I.E. Private garages, swimming pools, children's playhouses, radio and television receiving antennas, antennas, barbecue pits, playground equipment, tennis courts, etc.).

(2) Normal accessory buildings and structures for public recreation areas. (I.E. refreshment stands, playground equipment, all-weather shelters, tennis courts, barbecue pits, etc.).

(3) Domestic animals, (I.E. cats, dogs, birds, tropical fish, etc.), which are normally allowed to run free or are housed within the dwellings. Horses, cattle, sheep, chickens, etc., normally considered farm or wild and untamed animals shall be excluded except as otherwise provided for in this ordinance,

(4) Home occupations. (Refer to appropriate definition.)

C. Maximum Height Regulation: No principal building shall exceed thirty-five (35) feet in height.

D. Lot Area, Frontage and Yard Requirements: See chart in Appendix A.

E. Off- street Parking: Off-street parking is required with two(2) spaces per dwelling unit as the minimum requirement.

A. Meet requirements of R-1, except that A(3) and B(3) of Section VII do not apply. Further, the minimum lot area shall be one(1) acre.

SECTION IX R-2 MODERATE DENSITY RESIDENTIAL DISTRICT

Regulations. The regulations set forth in this section or elsewhere in this ordinance which are applicable shall apply in the "R-2" Moderate Density Residential Districts.

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

(1) Any use permitted in the R-1 Districts provided such use shall comply with the minimum requirements of the R-2 District.

(2) Two-family dwellings.

(3) Multi-family dwellings: provided, however, land use density shall not exceed eight (8) dwelling units per acre of land under ownership, exclusive of road right-of-way.

(4) Day nursery schools and child care centers provided building, structure or accessory use for property so used is located not less than thirty (30) feet from any other principal building of any other lot in an R District; and provided there is established and well maintained in connection therewith a completely fenced plan lot of not less than one thousand (1000) square feet in area for the first twenty(20) or less children under care, with twenty-five(25) square feet added to such play lot area for each additional child under care in the principal building.

(5) Boarding and lodging house.

B. Accessory uses:

(1) Any use permitted in the R-1 District provided such use shall apply with the minimum requirements of the R-2 district.

(2) Play ground areas and equipment accessory to multi-family dwellings.

(3) Multi-family entertainment and service centers. provided such areas shall not be located to the front of the principal building at ground level or above and such areas shall be craned front public view.

(4) Storage garage accessory to the principal building.

C. Maximum Height Regulations: No principal building shall exceed thirty-five (35) feet in height.

D. Lot Area Frontage and Yard Requirements: SE chart in Appendix A.

E. Off-street Parking: Off-street parking is required with two(2) spaces per dwelling unit as the minimum requirement. In the case of commercial or business uses, off street parking sufficient to accommodate the employee and clientele of the business is required.

SECTION X R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

Regulations. The regulations set forth in this section or elsewhere in this ordinance which are applicable shall comply in the R-3 Medium Density Residential Districts.

A. Use Regulations: A Building or premises shall be used only for the following purposes:

(1) Any use permitted in the R-2 Residential Districts provided such use shall comply with the minimum requirements of the R-3 District.

(2) Multiple-family apartment buildings be designed for no more than eight (8) dwelling units per acre of lot area.

(3) Professional and semi-professional office buildings for the following:

Abstract title	Drafting & plan service
Accounts/bookkeeping	Engineers, professional
Actuaries	insurance and bonds
Advertising (no shops)	Manufacturers' agents
Adjusters (insurance)	Market research
Aerial Survey & Photograph	Medical doctors
Appraisers(no sale or rental)	Model agencies(no schools)
of any type of merchandise	Mortgage broker
or equipment	Notary Public
Architects	Optician
Attorneys	Optometrist
Auditors	Public libraries
Building Contractors offices	Public relations
only (no shops or storage)	Real Estate
Business analysts,	Real Estate
management	
or brokers	Secretarial services
Chiropodists	Shoppers information services
Chiropractors	Social Services bureau
Consulates	Stock broker exchange
Counseling, child guidance	Investment service
& family service	Tax consultants
Court reporter, public	Telephone answering service
stenographers	Theater ticket agencies
Credit reporting	Travel agencies
Dentist	Zoning consultants
Detective agencies	
investigating services	

Any use which is found by the Council to be use similar to one of the above named uses and conforms to the intent of this section.

B. Accessory uses:

(1) Any use permitted in the R-2 Residential Districts provided such use shall comply with the minimum requirements of the R-3 Districts.

(2) Retail shops and refreshment stands accessory to principal building of section A(2) (apartment buildings) and A(3) (office buildings) of this section; provided, however, there shall be

no access to such retail shop except from inside the principal building or from an internal courtyard, nor shall any display of stock, goods, or advertising for such be so arranged that it can be viewed from outside the principal building.

C. Height Regulations: No principal building shall exceed forty-five(45) feet in height.

D. Lot Area, Frontage and Yard Requirements: See chart in Appendix A.

E. Off-street parking: Ample off-street parking is required. For residential uses, two (2) off-street spaces per dwelling unit is the minimum requirement. For professional and semi-professional uses, sufficient off-street parking for the employees and clientele of the business is required.

SECTION XI MOBILE HOME PARKS:

Regulations. The regulations set forth in this section or elsewhere in this ordinance which are applicable shall apply in Mobile Home Parks. Mobile home parks are subject to the minimum development requirements such that all mobile home parks and mobile homes located therein shall comply with the following provisions in addition to such other provisions and restrictions applicable to this district, unless these provisions hereafter set forth are in conflict, then the following provisions shall control:

A. Mobile Home Park:

(1) Front yard (to be measured from all streets on which park abuts) -- twenty (20) feet.

(2) Side yard—twenty (20) feet.

(3) Rear yard—twenty (20) feet.

Said front, side, and/or rear yard requirements

will not apply when the specific yard in question abuts a city street and/or a corporate boundary line, or when there is a chain link fence a minimum of four (4) feet in height which separates the park from adjoining properties.

(4) Area—two (2) acres.

(5) Drives—On new installations of mobile home parks.

(a) twenty-four (24) feet in width where no parking is permitted.

(b) twenty-six (26) feet in width where parking permitted on only one side thereof.

(c) thirty-one (31) feet in width where parking is permitted on both sides thereof.

(d) Parking restrictions shall be posted along the drives within the mobile home park. Drives shall be graded and surfaced in accordance with adjoining streets. Dust shall be controlled on drives within the mobile home park.

(6) Sanitary facilities—connection with the municipal sewer system.

B. Home spaces:

(1) Space size—fifty (50) feet by one hundred (100) feet.

(2) Space area—five thousand (5000) square feet.

(3) Off-drive parking—one (1) parking space for each "home" space.

(a) Rear yard—ten (10) feet.

(b) Side yard—five (5) feet.

C. All mobile homes shall be located in a mobile home

park.

SECTION XII C-1 COMMERCIAL DISTRICT REGULATIONS.

The regulations set forth in this section and elsewhere in this ordinance which are applicable, shall apply in the C-1 Commercial Districts.

(A) Use Regulations: A building or premises shall be used only for the following purposes:

(1) Any use permitted in an R-3 District except mobile homes and mobile home parks; and all R-1 and R-2 Districts uses; provided, however, that any of the aforementioned uses shall comply with minimum requirements of the R-3 District.

(2) Retail business or service establishments such as the following:

Animal Hospitals, Veterinary Clinic or Kennel: provided any exercising runway or pasture shall be at least two hundred (200) feet from any R District .

Antique Shops

Apparel Shops: infants, teenage, and adult

Art Goods and Bric-a-brac Shops

Artist Shops and Studios

Automobile, Trailer and Farm Implement: establishment for display, hire, sales, and minor repairs, including sales lots and body and fender work provided such work will not constitute a hazard or nuisance to adjacent property owners

Bakers: whose products are sold only at retail and only on the premises

Ballrooms and Dance Halls

Banks including drive-in teller service

Barber Shop or Beauty Salon

Bath and Massage Parlors

Bicycle Sales

Billiard Parlors and Pool Halls

Bookstore

Bowling Alley

Business, Commercial Dancing or Music Schools

Candy Shops retail sales only

Clothes Cleaning and Laundry Pick -Up Stations

Cocktail Lounge or Tavern

Collection Office of a public utility

Confectionery and Ice Cream Stores

Curio Stores

Dairy Store

Dance and/or Music Studio

Drive-in

Drugstore

***Eating and Drinking Establishments, Summer Gardens and Road Houses* including entertainment and dancing provided the principal is distant at least two hundred (200) feet from any R-District.**

***Florist Shop*, retail sales only**

Furniture Stores

Garden shops

***General Hardware Stores*, including display plumbing and electrical fixtures, but not in connection with a plumbing or electrical shop.**

Gift shop

***Grocery Delicatessen or Meat Market* except those dealing in live poultry.**

Haberdashery

Hobby shop

Hotels

Household Appliance Store

Ice cream parlor

***Ice Storage and Distribution Station* of not more five ton (5) capacity**

Jewelry store

Landscape Garden Plant Stores

Launderette

Leather Goods Store

***Locker Plants* for storage and retail only.**

***Lumber Yards*, retail, but not including mill work or manufacturing, fabricating or wholesale operators.**

Mail Order Offices

Messenger Offices

Millinery Shops

Motels and Auto Courts

Music Store and Record Shop

Newsstands

Night Clubs

Notions

Paint and wallpaper store

Pet shop

Photographic Store and/or Studio

Post office substation

Printing

Radio-Television Sales and Repair

Radio-TV Broadcasting Stations, Studios and Offices but not towers in excess of one hundred (100) feet

Restaurants

Shoe Repair and Sales

Sign Painting Shops

Soda Fountains and Cafe: provided no alcoholic beverages may be served or sold

Soft Drink Stands

Souvenir Stores

Variety Stores

Any use which is found by the Council to be a use similar to one of the above named uses and conforms to the intent of this Section

(3) Outdoor advertising signs and billboards.

B. Accessory Use

(1) Any accessory uses permitted in the R-3 District provided such use shall comply with the minimum requirements for the C-1 District.

C. Required Conditions: No use shall be permitted to be established or maintained which by reason of its nature or operation is or may become hazardous, noxious, or offensively pollute the air or water due to the emission of cinders, dust, gas fumes, noise, odor, smoke, refuse matter or water-carried waste.

D. Height Regulations: No principal building shall exceed thirty-five (35) feet in height.

E. Lot Area, Lot Frontage, and Yard Requirements: See Appendix A.

SECTION XIII C-2 CENTRAL BUSINESS COMMERCIAL DISTRICTS

Regulations: The regulations set forth in this Section and elsewhere in this ordinance which are applicable, shall apply in the C-2 Commercial Districts.

A. Use Regulations:

(1) Any use permitted in the C-1 Districts

provided such use shall comply with the minimum requirements of the C-2 Districts.

(2) Manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises.

(3) Printing or publishing houses.

B. Accessory Uses:

(1) Accessory uses permitted in the C-1 Districts.

(2) Any exterior to roof sign the height of which shall not exceed forty (40) per cent of the building height above the roof line. The design of any exterior or roof sign shall be subject to approval by the City Council prior to installation to insure that such signs will blend cosmetically and aesthetically with the atmosphere of the district in which it will be located.

C. Required Conditions: No use shall be permitted to be established or maintained which by reason of its nature of operations is or may become hazardous, noxious, or offensively pollute the air or water due to the emission of cinders, dust, gas fumes, noise, odor, smoke, refuse matter or water-carried waste.

D. Height Regulation: No building shall exceed thirty-five (35) feet in height.

E. Lot Area, Lot Frontage and Yard Requirements: See chart in Appendix A.

SECTION XIV M-1 LIGHT INDUSTRIAL DISTRICTS REGULATIONS.

The regulations set forth in this Section and elsewhere in this ordinance which are applicable shall apply in the M-1 Light Industrial Districts.

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

(1) Any business or service establishment permitted in a "C" District which is incidental to an industrial or manufacturing use.

(2) Industrial, manufacturing, major repairs, processing, storage and wholesale establishments and services such as the following:

Automobile Repair Garage
Bag, Carpet and Rug Cleaning
Bakeries
Bottling Plant or Distributor
Carpenter and Cabinet Shops
Concrete Mixing and/or Manufacturing
Contractor's Equipment and Materials Storage Yard
Creamery
Dairies product manufacturing,
Electric foundry not causing noxious fumes or odors
Enameling, Lacquering or Japanning
Flammable Liquids, underground storage only, not to exceed 25,000 gallons and located not less than two hundred (200) feet from any R District
Foundry casting light weight nonferrous metals
Ice manufacturing and cold storage plant
Laboratories—experimental, film, or testing
Laundries
Lumber and building supply yards
Machine Shop
Milk Distribution Station
Motor Freight Terminal
Plumbing, Heating and Air-conditioning Shops
Saw and/or, Planing Mill
Sheet Metal Shops

B. Accessory Uses:

(1) Any accessory building customarily used for a permitted principal use.

C. Required conditions: No use shall be permitted to be established or maintained which by reason of its nature or operation is or may become hazardous, noxious, or offensively pollute the air or water due to the emission of cinders, dust, gas fumes, noises, odor, smoke, refuse matter or water carried waste.

D. Height Regulations: No building shall exceed forty-five (45) feet in height.

E. Lot Area, Lot Frontage and Yard Requirements: See chart in Appendix A

F. Off-street parking: Off-street parking sufficient to accommodate the employees and clientele of the business is required.

SECTION XV M-2 GENERAL INDUSTRIAL DISTRICT REGULATION.

The regulations set forth in this Section or elsewhere in this ordinance which are applicable shall apply in the M-2 Industrial District.

A. Use Regulations: A building or premises in M-2 Industrial District may be used for any purpose or use not otherwise authorized in the other districts enumerated in this ordinance provided however, that the following apply:

(1) Any such proposed purpose or use shall be subject to :

a) Recommendation by the Planning and Zoning Commission.

b) Approval by the City Council after the Council has held a public hearing on any such proposed purpose or use.

(2) No use or condition constituted a nuisance.

B. Conditions: The best practical and environmentally sound means known for the disposal of refuse matter or water- carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar conditions shall be employed. All principal buildings and all accessory buildings or structures, including loading and unloading facilities shall be located at least three hundred (300) feet from any Residential District, including R-1 through R-3 and not less than one hundred and fifty (150) feet from any other district except M-1 Districts.

C. Height Regulations: No structure shall exceed forty- five (45) feet in height. Any proposed structure exceeding forty-five (45) feet in height shall be subject to prior recommendation from the Planning and Zoning Commission for approval by the City Council.

D. Lot Area, Lot Frontage and Yard Requirements: See chart in appendix A.

E. Off-street Parking: Off-street parking sufficient to accommodate the employees and clientele of the business is required.

SECTION XVI "A" AGRICULTURAL DISTRICT REGULATIONS.

All regulations set forth in this Section, or elsewhere in this ordinance which are applicable, shall apply in the A-Agricultural District.

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

(1) Agriculture and the usual agricultural buildings and structures.

(2) Truck gardening and nurseries, provided that no permanent dwelling units shall be erected thereon unless the tract contains five (5) or more acres.

(3) Mining and extraction of minerals or raw materials, subject to prior recommendation from the Planning and Zoning Commission for approval by the city council.

(4) Forest and forestry.

(5) Non-commercial parks, playgrounds, golf courses (both public and private) and recreational uses.

(6) Any use erected or maintained by a public agency.

(7) Religious facilities.

(8) Public utility structures and equipment necessary for the operation thereof.

(9) Transmitting stations and towers.

(10) Dumping of non-combustible materials for landfill purposes.

(11) Outdoor advertising signs and billboards. Recommendations must be obtained for such signs and/or billboards from the Planning and Zoning Commission and approval granted by resolution of the City Council prior to implementation.

B. Accessory Uses:

(1) Accessory buildings and uses customarily incidental to any of the above uses.

(2) Bulletin boards and signs appertaining to the lease, hire or sale of a building or premises, or signs appertaining to any material that is grown, or treated within the district; provided , however that such signs shall be located upon or immediately adjacent to the building or in the areas in which such materials are treated, processed, or stored.

C. Height Regulations: Any building hereafter erected or structurally altered may be erected to any height not in conflict with other existing ordinances of the City of Urbana, Iowa.

D. Lot Area, Lot Frontage and Yard Requirements: See chart in Appendix A.

E. Off-Street Paring: Sufficient off-street parking shall be provided to accommodate all employees of a business as well as the clientele of the business. A minimum of two (2) parking spaces per dwelling is also required if applicable.

SECTION XVII EXCEPTIONS, MODIFICATIONS, INTERPRETATIONS.

A. Structures permitted above height: The building height limitations of this ordinance shall be modified as follows:

(1) Chimneys, cooling towers, fire towers, grain elevators, monuments, penthouses, stacks, stage towers or scenery lofts, tanks, silos, water towers, ornamental towers and spires, radio or television towers or essential mechanical appurtenances may be erected to a height in excess of applicable district regulations, by special permit from the City Council.

(2) Public, semi-public or public service buildings, hospitals, sanitariums or schools when permitted in a district may be erected to a greater height than otherwise permitted in the district of the building is set back from each property line at least one (1) foot in addition to the minimum yard requirements, for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is constructed.

B. Rear Yards Adjacent to Alleys—How computed: In computing the depth of a rear yard where the rear yard opens on an alley, one-half (1/2) of the alley width may be included as a portion of the rear yard.

SECTION XVIII. BUILDING AND SERVICES PERMITS REQUIRED.

Buildings, structures, or mobile homes used for living purposes, shall not be erected, moved, added to, structurally altered, located or used in the City of Urbana without a building and services permit issued by the Planning and Zoning Commission. Such building and services permits shall be issued in accordance with provisions of the Ordinances of the City of Urbana, Iowa, and such fees charged as provided by the City Council.

All building and services applications shall be accompanied by a plan showing the actual dimensions and shape of the lot to be used and the location and dimensions of all existing or proposed buildings or alterations. The building and services

application shall include existing or proposed buildings or alterations; existing or proposed ground level or surface improvements or structures (i.e. driveways, sidewalks, uncovered patios, etc.); existing or proposed uses to be accommodated; existing or proposed water and sewer lines from the street to the structure and depth into the ground if known, a date for the commencement of construction or other work and an estimated completion date; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance.

Upon receipt of a fully completed building and services application and the payment of any and all applicable fees by the applicant, the City Clerk shall schedule the building and services permit application for review by the Planning and Zoning Commission at the next Commission meeting. The Commission shall review each building and services application and determine if it is in compliance with all relevant and applicable provisions of the ordinances of the City of Urbana Iowa.

A. A building and services permit shall not be required for agricultural zoned land.

B. A building and services permit shall not be required for the erecting or locating of a portable building which conforms to the requirements as listed in the definition of "Portable Building".

C. All building and services permits issued under this section shall contain a date for the commencement of construction or other work, with such date to be the date of issuance of the building and services permit unless otherwise specified. If such construction or work is not commenced in a bone fide manner within ninety (90) days of said date, or thereafter pursued and continued with reasonable diligence to completion, the building and services permit will expire. A building and services permit shall also be considered as expired if the work for which the building and services permit was issued has not been completed six (6) months after the estimated completion date contained in the building and services permit application, unless said building and services permit holder has applied for and obtained an extension of time from the Commission.

Any work or construction done after the building and services permit expired without obtaining a written renewal thereof or the issuance of a new building and services permit is unlawful.

D. If a previously approved building and services permit has expired, it may be renewed in the following manner:

(1) The applicant must request a renewal from the City Clerk.

(2) The applicant must pay all fees as if it were a new building and services application.

(3) The building and services permit renewal shall be issued by the City Clerk provided :

(a) no condition on the renewal application has been changed from the original application.

(b) no amendments to any city ordinances have altered the requirements governing the proposed erection, moving, addition to, alteration, location or use of the building, structure, or mobile home referred to in the renewal application.

(4) The renewal application will not require further action on the part of the original issuing body, provided all conditions existing at the time of the issuance of the original building and services permit remain the same.

E. The city council or the Planning and Zoning Commission may issue temporary building and services permits in instances where there is not full compliance with the zoning ordinance or other ordinances of Urbana. Temporary building and service permits shall be for such period of times specified on the permit and are subject to the condition that there will be full compliance to the zoning ordinance and/or other ordinances for the City of Urbana within the period specified on the permit. The building and services permit shall also be subject to such other

conditions which may be specified by the City Council and the Planning and Zoning Commission which shall be accepted in writing by the applicant before the permit is issued. A failure to fulfill the conditions shall be grounds for revocation of the permit and shall subject the owner, occupant, or other parties involved with all the penalties for violation of the ordinances or laws the same as though the building and services permit had not been issued in the first instance.

SECTION XIX. BOARD OF ADJUSTMENT.

A. Appointment and Terms. The Board of Adjustment is hereby established to consist of five (5) members. The present members of the Board of Adjustment shall continue in office until April 1, 1981. At that time the City Council shall appoint five (5) members, one member for a one (1) year term, one member for a two (2) year term, one member for a three (3) year term, one member for a four (4) year term, and one member for a five (5) year term. Thereafter, all appointments shall be five (5) years. Vacancies shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Members shall be removable for cause by the City Council upon written charges and after a public hearing.

B. Meetings and Organization. Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board may determine. The Board shall adopt rules governing its proceedings as required by law. The Board shall elect one of its members as chairman. All meetings of the Board shall be open to the public and the Board shall keep minutes of its proceedings showing the vote of each member upon each question. The records of the Board shall be available for public inspection.

C. Powers. The Board of Adjustment shall have the following powers:

- (1) To hear and decide appeals from the Planning and Zoning Commission where it is claimed there is any error in any order, requirement, decision or determination made by the Planning and Zoning Commission or by any other

administrative official of the City of Urbana in the enforcement of the Zoning Ordinance.

(2) To hear and decide special exceptions to the terms of the Zoning Ordinance.

(3) To authorize upon appeal in specific cases such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest, or owing to special conditions a literal enforcement of the provisions of the Zoning Ordinance will result in necessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

D. Vote. The concurring vote of at least three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Planning and Zoning Commission or any other administrative official of the City of Urbana in regard to the Zoning Ordinance.

SECTION XX. CHANGES AND AMENDMENTS.

The regulations imposed in the Districts created by this ordinance may be amended from time to time by the City Council in consultation with the Planning and Zoning Commission but no such amendments shall be made without public hearing before the Council as provided by Chapter 414 of the Iowa Code, as amended. At least seven (7) days notice shall be given of such public hearing.

A. Changes on Map. In accordance with Section 414.4 of the Iowa Code, as the same exists or may hereafter be amended, the City Council herewith provides that the districts and boundaries changed by the City Council either passing an ordinance identifying the property to be changed by legal description and identifying the zoning district as same then exists and the new district to be established for said property, which such ordinance after passage shall be posted as provided by law, or, the City Council may repeal the existing zoning map and enact a new map with appropriate changes and amendments shown thereon to supersede said existing map.

SECTION XXI. ANNEXATION.

All territory which shall be annexed to the City of Urbana, Iowa, shall be classified within a District and subject to the regulations of the Ordinance applicable to such a District in accordance with the intended use of such territory. The City Council shall be notified in writing at the time of annexation of the intended use of the territory to be annexed.

SECTION XXII. PENALTIES FOR VIOLATION.

Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements, shall upon conviction thereof be fined not more than one-hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days. Each day a violation occurs shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City of Urbana, Iowa, from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION XXIII. INJUNCTIVE PROCEEDINGS.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the Zoning Ordinance, or any amendments, the City of Urbana, Iowa, by and through its City Council, in addition to other remedies, may institute any proper action or proceeding, including an action to enjoin such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, in the name of the City of Urbana, Iowa to restrain, correct or abate such violations, to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about said premises.

SECTION XXIV. WHEN EFFECTIVE.

This ordinance shall be in effect after its final passage, approval and posting provided by law.

Passed by the City Council on the day of January,
1996, and approved on this day of February, 1996.

Lloyd Benson, Mayor

Attest::

Shirley J. Henry, City Clerk

CERTIFICATE OF POSTING

I, the undersigned duly appointed, acting and qualified
City Clerk of Urbana, Iowa, hereby certify that I have posted
copies of the foregoing ordinance at the following places on
this day of February, 1996, to-wit:

Norwest Bank
U.S. Post Office
John's Quik Stop

Shirley J. Henry, City Clerk

