



**HOLSTEIN CITY COUNCIL
REGULAR MEETING
Tuesday, November 25, 2025
5:00 PM – Holstein City Hall Council Chambers**

AGENDA

- CALL TO ORDER
- PLEDGE OF ALLEGIANCE
- ROLL CALL OF COUNCIL MEMBERS

CONSENT AGENDA

All items under the Consent Agenda will be enacted by one motion. Those items will not be discussed separately unless a request is made before the council votes on the motion.

- Minutes of November 12th, 2025, Regular Council Meeting
- Claims

CITIZEN FORUM

This time is set aside for public comments regarding issues not on the agenda. No action or discussion shall take place at this time on issues brought before the council.

BUSINESS

- Public Hearing on Amended Zoning Ordinance
- Ordinance No. 267 – Amending the Code of Ordinances of the City of Holstein, Iowa, By Amending Provisions Pertaining to Zoning Code
- Resolution 25-59 -Obligating funds from the Urban Renewal Tax Revenue Fund for appropriation to the payment of annual appropriation tax increment financed obligations which shall come due in the next succeeding fiscal year.
- Resolution 25- 60 Authorizing and Approving a Loan and Disbursement Agreement and Providing for the Issuance and Securing the Payment of Sewer Revenue Bonds, Series 2025
- Approval of Municipal Advisor Agreement for SRF Loan
- Resolution 25-61 Adopting Employee Wages and Salaries and Authorizing city Administrator to Draw Payroll

ADJOURN

A regular meeting of the Holstein City Council was held on Monday, November 10, 2025, in City Council Chambers. Mayor Kathy Breyfogle called the meeting to order at 5:00 pm with the Pledge of Allegiance and a roll as follows: Bonnie Stevenson, Jamison Voss, Terri Schimmer, and Christine Wiese. Absent: Marcus Prell.

A motion was made by Councilperson Wiese and seconded by Councilperson Schimmer approving the consent agenda, including the Agenda, Minutes of October 28, 2025, Regular Council Meeting, Treasurer's Report, Balance Sheet, Revenue Report, Budget Report, Wage Report, and Claims. The motion was duly put to a vote of the City Council. Ayes: Wiese, Voss, Stevenson, and Schimmer. Nays: none. Absent: Prell. Motion carried.

Written Reports from Taxi, and Library were available for the Council to review. Sheriff, Mayor, Community Center, and Administrator reports were presented.

A motion was made by Councilperson Schimmer and seconded by Councilperson Stevenson to accept Scott Niemeier's, Public Works Director resignation. The motion was duly put to a vote of the City Council. Ayes: Stevenson, Wiese, Voss, and Schimmer. Nays: none. Absent: Prell. Motion carried.

A motion was made by Councilperson Wiese and seconded by Councilperson Voss to approve the FY25 Annual Urban Renewal report. The motion was duly put to a vote of the City Council. Ayes: Voss, Wiese, Schimmer, and Stevenson. Nays: none. Absent: Prell. Motion carried.

Resolution 25-58 Directing the Clerk to Publish Notice of Hearing on the Adoption for the Proposed "Zoning Code: For the City of Holstein, Iowa. was offered by Councilperson Schimmer and seconded by Councilperson Wiese. The motion was duly put to a roll call vote of the City Council. Ayes: Wiese, Voss, Stevenson, and Schimmer. Nays: none. Absent: Prell. Whereupon the Mayor declared Resolution 25-58 duly adopted.

A motion by Councilperson Schimmer and seconded by Councilperson Stevenson to approve farm leases the motion was duly put to a vote of the City Council. Ayes: Voss, Wiese, Stevenson, and Schimmer. Nays: none. Absent: Prell. Motion carried.

The City Administrator reported the following receipts and bills that were approved for payment on the consent agenda:

DEREK CONOVER	MEDICAL REIMBURSEMENT	30.00
G-H CSD/RIDGE VIEW CSD	YEARBOOK	80.00
IOWA DEPT REVENUE	STATE TAX	1110.45
	IMFOA CERTIFICATION	
IMFOA	RENEWAL	75.00
IPERS	IPERS	8000.34
IRS - FED/FICA TAXES	FED/FICA TAX	5539.44
NIEMEIER SCOTT	MEDICAL REIMBURSEMENT	438.75
USPS	POSTAGE	338.17
VC3 INC	LAPTOPS/TECH SUPPORT	5575.12
VERIZON WIRELESS	AMB PHONE	244.52
GENERAL		12521.75
ROAD USE TAX		257.55
EMPLOYEE BENEFITS		468.75
TECHNOLOGY CAPITAL		
FUND		2013.52
WATER UTILITY		3082.35
SEWER UTILITY		3087.87
TOTAL FUNDS		21431.79

CITY OF HOLSTEIN REVENUES	Oct-25
GENERAL TOTAL	348,765.73
HOTEL/MOTEL TAX TOTAL	6,185.80
ROAD USE TAX TOTAL	16,767.96
EMPLOYEE BENEFITS TOTAL	63770.76
LOCAL OPTION SALES TAX TOTAL	22,080.66
TIF UR6A	69,959.31
DEBT SERVICE TOTAL	32413.37
PARK TENNIS COURT PROJECT	100
WATER UTILITY	32,107.69
WATER CAPITAL	7,017.46
SEWER UTILITY	27,542.68
SEWER CAPITAL	10,258.87
STORM WATER UTILITY TOTAL	2,545.10
TOTAL REVENUE BY FUND	639,515.39

A motion was made by Councilperson Schimmer and seconded by Councilperson Stevenson to adjourn the meeting. The motion was duly put to a vote of the City Council. Ayes: Stevenson, Wiese, Schimmer, and Voss. Nays: none. Absent: Prell. Motion carried. The meeting adjourned at 5:46 pm.

Kathryn Breyfogle
Kathryn Breyfogle, Mayor

Tamara Nuckolls
Attest: Tamara Nuckolls, City Administrator

ORDINANCE NO. 267

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HOLSTEIN, IOWA, BY AMENDING PROVISIONS PERTAINING TO ZONING CODE

BE IT ENACTED by the City Council of the City of Holstein, Iowa:

SECTION 1. CHAPTER MODIFIED. Chapter 165 of the Code of Ordinances of the City of Holstein, Iowa, is repealed and the following adopted in lieu thereof:

CHAPTER 165

ZONING REGULATIONS

165.01 Purpose	165.28 Warehouse Restrictions
165.02 Nature	165.29 Floodplain District (FP)
165.03 Authority	165.30 Agricultural District (A-1)
165.04 Definitions	165.31 Residential District (R-1)
165.05 Establishment of Districts	165.32 Mobile Home Park District (R-3)
165.06 Location and Boundaries of Zoning Districts	165.33 Commercial District (C-1)
165.07 Official Zoning Map	165.34 Light Industrial District (M-1)
165.08 Rules of Interpretation of District Boundaries	165.35 Heavy Industrial District (M-2)
165.09 Annexed Territory	165.36 Use Matrix
165.10 Zoning Affects Every Structure	165.37 Signs
165.11 Minimum Requirements	165.38 Off-Street Parking and Loading Requirements
165.12 Accessory Buildings, and Structures	165.39 Non-Conforming Buildings, Structures, and Uses of Land
165.13 Required Yard Cannot be Reduced or Used by Another Building	165.40 Non-Conforming Uses of Land
165.14 Conversion of Dwelling	165.41 Additional Requirements, Exceptions, Modifications, and Interpretations
165.15 Yard and Parking Space Restriction	165.42 Organization: Basis of Regulations
165.16 Traffic Visibility Across Corner Lots	165.43 Mayor and Council
165.17 Essential Service	165.44 Board of Adjustment
165.18 Building Permits	165.45 Zoning Administrator
165.19 Height Exceptions	165.46 Secretary of the Commission and Board of Adjustment
165.20 Public Right-of-Way Use	165.47 Variances
165.21 Fences	165.48 Appeals
165.22 Proposed Use Not Covered	165.49 Use Exceptions and Other Powers of the Board of Adjustment
165.23 Access Required	165.49 Amendments
165.24 Application of Regulations	165.51 Building Construction: Certificate of Zoning Compliance
165.25 Bulk Requirements	165.52 Violations
165.26 Dwelling: Minimum Size	165.53 East Ridge Addition Covenants
165.27 Home Occupations	

165.01 PURPOSE. The various use districts created by this chapter and the various sections of this chapter are adopted for the following purposes, among others, of:

1. Carrying out the Comprehensive Plan for the City.
2. Promoting the public health, safety, morals, comfort, general welfare, and preserving the natural, scenic, and historically significant areas of the City.

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

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

165.03 AUTHORITY. This chapter, in pursuance of the authority granted by Chapter 414 of the *Code of Iowa*, shall be known and cited as the "Zoning Code of the City of Holstein, Iowa."

1. **165.04 DEFINITIONS.** For the purpose of this chapter and in order to carry out the provisions contained herein, certain words, terms, phrases, and illustrations are to be interpreted and defined herein. The word "lot" includes the words "plot or parcel," and the word "building" includes "structure." The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customarily assigned to them. "Accessory building or use" means a building or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use.
2. "Accessory dwelling unit" means an additional residential dwelling unit located on the same lot as a single-family residence that is either attached to or detached from the single-family residence.

(Code of Iowa, Sec. 364.3(20)(e)(1))

3. “Adult entertainment business” means and includes any of the following:
 - A. “Adult amusement or entertainment” means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing, or relating to sex acts or specified anatomical areas, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, or similar entertainment.
 - B. “Adult bookstore” means an establishment having as a significant portion of its stock in trade books, films, magazine, and other periodicals or goods and items held for sale which are distinguished or characterized by an emphasis on matter depicting or describing sex acts or specified anatomical areas.
 - C. “Adult hotel or motel” means a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing sex acts or specified anatomical area for observation by the individuals therein.
 - D. “Adult motion picture arcade” means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing sex acts or specified anatomical areas.
 - E. “Adult motion picture theater” means an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting or describing set acts or specified anatomical areas.
 - F. “Adult photo studio” means an establishment which, upon payment of a fee, provides photographic equipment or models for the purpose of photographing specified anatomical areas or sex acts.
 - G. “Massage parlor” means any building, room, or establishment, where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on set acts or specified anatomical areas by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse, or practical nurse operating under a physician’s direction, physical therapist, registered speech pathologist, and physical or occupational therapist who treat only patients recommended by a licensed physician and operate only under such physician’s direction, whether with or without the use of mechanical, therapeutic, or bathing devices. The term does not include a regular license hospital, medical clinic, or nursing home, duly licensed beauty parlors or barber shops.
 - H. “Sex act” as used in the definition of adult entertainment business, means any sexual contact, actual or simulated, either natural or deviated, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus, or by contact between a finger of one person and the genitalia of another, or by the use of artificial sexual organs or substitute therefor in contact with the genitalia or anus.
 - I. “Sexual encounter center” mean any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons may congregate, assemble, or associate for the purpose of engaging in sex acts or exposing specified anatomical areas.

J. "Specified anatomical areas" means and includes the following: human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola.

4. "Agriculture" means the use of land for agricultural purposes, including animal husbandry, agriculture, dairying, farming, floriculture, forestry, groves, horticulture, orchards, poultry husbandry, ranching, and the necessary accessory uses for packing, treating or storing the produce; however, the operation of the accessory uses shall be subordinate to that of the normal agriculture activities. The above does not include commercial feeding of livestock.

5. "Alley" means a public way, other than a street, 20 feet or less in width, affording secondary means of access to abutting property.

6. "Alterations, structural" means any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

7. "Amendment" means a change in the wording, context or substance of this chapter, or a change in the zoning or district boundaries of the "Official Zoning Map," a part of this Code, when adopted by ordinance passed by the proper authoritative body in the manner prescribed by law.

8. "Animal and poultry production plant" means any building in which the principal use is the raising of, or the concentrated feeding of livestock, fowl, fur-bearing animals or edible animals for research or sale of such animals or the sale of products derived from such animals.

9. "Apartment" means a room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are three or more such rooms or suites.

10. "Auto or car wash" means a building (or portion thereof) containing facilities for washing more than one automobile, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices, or providing space, water, equipment, or soap for the complete or partial handwashing of such automobiles, whether by operator or by a customer.

11. "Automobile service station" means any building, structure, or land used for the dispensing, sale, or offering for sale at retail of any vehicular fuels, oils, or accessories and in connection with which is performed general vehicular servicing, as distinguished from automotive repairs.

12. "Basement" is a story having part but not more than 50 percent of its height below the average grade of the adjoining ground (as distinguished from a cellar). A basement is counted as a story for purposes of height measurement.

13. "Billboard" means a type of sign having more than 100 square feet of display surface, which is either erected on the ground or attached to or supported by a building or structure.

14. "Board of Adjustment" means the Zoning Board of Adjustment of the City as established in Section 165.44.

15. "Boarding, rooming, and lodging house" means a building, other than a hotel, where, for compensation and by arrangement, meals, lodging, or lodgings and meals are provided for three or more persons on a weekly or monthly basis.

16. "Building" means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

17. "Building height" means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between caves and ridge for gable, hip and gambrel roofs.

18. "Building length" means greatest horizontal distance, measurable between enclosing walls of a building. Building length will usually be measured between the wall facing the building's front lot line and the wall facing the rear of the lot line.
19. "Building site" means the ground area of one lot; or the ground area of two or more lots which have been combined for the use of one building or permitted group of buildings, together with all open spaces required by this Code.
20. "Building width" means the greatest horizontal distance measurable between enclosing walls of a building, as measured at right angles from the building length. Building width will usually be measured between the walls facing side lot lines.
21. "Bulk stations" means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquified petroleum products, where the aggregate capacity of all storage tanks is more than 6,000 gallons.
22. "Carport" means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides. For the purpose of this chapter, a carport attached to a principal building shall be considered a part of the principal building and subject to all yard requirements therein.
23. "Cellar" is a story having 50 percent or more of its height below the average grade of the adjoining ground. A cellar is not counted as a story for purposes of height measurement.
24. "Centerline, public thoroughfare" means a line running parallel with the thoroughfare right-of-way which is half the distance between the extreme edges of the official right-of-way width.
25. "Childcare center" means any place, home, or institution that receives four or more children under the age of 16 years, and not of common parentage, for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation.
26. "Clinic" means a building or buildings used by physicians, dentists, veterinarians, osteopaths, chiropractors, and allied professions for outpatient care of persons requiring such professional service.
27. "Commercial recreation" means an establishment or facility operated for profit that provides entertainment, amusement, or athletic activities to the general public or members.
28. "Commercial use" means the barter, exchange, sale, service, or trade of goods, materials, or services, either tangible or intangible for financial, material or monetary gain.
29. "Commission" means the Plan and Zoning Commission of the City as established in Chapter 23.
30. "Conditional Permit" means a permit issued in view of specified conditions, limitations or restrictions, and which is subject to review or cancellation by the issuing department.
31. "Conditional use" means a use type that is not automatically permitted within a zoning district but a use that may be allowed if certain conditions and requirements are met to ensure the use is compatible with its surroundings.
32. "Consignment and auction sales operation" means a business that, on an ongoing basis, stores and sells personal property to the public, indoors.
33. "Court" means an open, unoccupied space on the same lot and fully enclosed on at least three sides by walls of the buildings. An outer court is any court facing for its full required width on a street, or on any other required open space is not a court.

34. "Developmentally disabled" refers to a person who has a disability that has continued or can be expected to continue indefinitely and which is one of the following:

- A. Attributable to an intellectual or physical disability, cerebral palsy, epilepsy, or autism.
- B. Attributable to any other condition found to be closely related to an intellectual or physical disability.
- C. Attributable to dyslexia resulting from a disability.
- D. Attributable to a mental or nervous disorder.

35. "District" means a section or sections of land area of the City, within which the regulations governing the use of buildings or premises or the height and area of buildings and premises are uniform.

36. "Dog kennel" means the keeping of four or more dogs, six months or older for any purpose.

37. "Drive-in restaurant" or "refreshment stand" means any place or premises principally used for the sale, dispensing, or serving of food, refreshment, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on or off the premises.

38. "Driveway" means an improved surface leading from a street or alley to a garage or designated parking pad. The improved surface must be constructed and maintained in a manner sufficient to prevent ruts or damage to soil caused by vehicular traffic. Permitted surfacing for a driveway includes concrete, asphalt, pavers, or solid bricks.

39. "Dwelling" means any building or structure (or portion thereof) designed or adapted to serve as a place of abode for one or more persons, or one or more households. The terms "dwellings" and "residence" have the same meaning.

A. "Dwelling, detached" means a dwelling that is not attached to any other dwelling by any means. The detached dwelling does not have any roof, wall, or floor in common with any other dwelling units.

B. "Dwelling, single-family" means a building designed or used exclusively for occupancy by one family.

C. "Dwelling, two-family" or "duplex" means a building designed or used exclusively for occupancy by two families.

D. "Dwelling, multiple-family" means a building, or portion thereof containing three, or more dwelling units.

E. "Dwelling unit" means one or more rooms in a dwelling which are arranged, designed, used, or intended for use as living quarters for one family. This includes a permanent kitchen and bathroom facilities.

F. "Dwelling, condominium" means a multiple dwelling unit as defined herein whereby the fee title to each dwelling unit is held independently of the others.

G. "Dwelling, row house" or "townhouse" means any one of three or more attached dwellings in a continuous row, each dwelling designed and erected as a unit on a separate lot, and separated from one another by an approved wall or walls.

40. "Easement" means a grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

41. "Economic base" means the production, distribution, and consumption of goods and services within a planning area.

42. "Economy efficient dwelling" means a dwelling of at least 250 square feet and less than 500 square feet that is placed on a permanent foundation.

43. "Egress" means an exit.

44. "Eminent domain" means the authority of a government to take, or to authorize the taking of, private property for public use for just compensation.

45. "Environmental Impact Statement" (EIS) means a statement on the effect of development proposals and other major activities which significantly affect the environment.

46. "Essential services" means the erection, alteration, or maintenance, by public utilities, municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal 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 connection therewith, which may be reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety, or general welfare, but not including buildings.

47. "Family" means a group of immediate-kindred persons, related by blood, marriage, or adoption. A family is considered a household for purposes of this chapter.

48. "Family home" means a community-based residential home that is licensed as a residential care facility under Chapter 135C of the *Code of Iowa* or as a child foster care facility under Chapter 237 of the *Code of Iowa* to provide room and board, personal care, habilitation services, and suspension in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. A family home does not mean an individual foster care family, as licensed under Chapter 237 of the *Code of Iowa*.

49. "Farm" or "farmland" means a parcel of land used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of livestock.

50. "Farm animal" means the production, keeping, or maintenance for sale, lease, or personal use of animals useful to humans, including (but not limited to) dairy animals, poultry, livestock (including beef cattle), sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof (including the breeding and grazing of any or all of such animals), bees, fish, and fur animals, but not including rabbits kept as pets.

51. "Feasibility study" means an analysis of a specific project or program to determine if it can be successfully carried out.

52. "Feedlot" means any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs, sheep, or poultry. The term does not include areas that are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.

53. "Fence, residential" means a barrier and/or structure erected in a residential district and intended to provide security, mark a boundary, or as a means of landscaping with the centerline of said barrier to be located inside the designated property line. Such fence shall be constructed of materials commonly used for landscape fencing, such as masonry block, lumber, chain link, but does not include corrugated sheet metal, barbed wire, or salvage material.

54. "Fence, nonresidential" means a barrier or structure erected in a district other than an residential district intended to provide security, mark a boundary or a means of landscaping, with the centerline of said barrier to be located inside the designated property line.

55. "Flag lot" means a lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.

56. "Flood" means the temporary overflowing of water onto land that is usually devoid of surface water.

57. "Floodplain" means the channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater. See Figure 1.

58. "Floodway" means the channel of a river or stream, and those portions of the floodplains adjoining the channel, which carry and discharge flood waters or flood flows so the water does not elevate beyond a designated height.

59. "Floodway fringe" means those portions of the flood plain, other than the floodway, which can be filled, levied, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

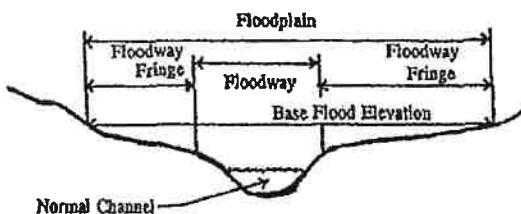


Figure 1 – Floodplain Cross Section

60. "Frontage" means that side of a lot abutting on a street, the front lot line. The building façade of the primary structure should be facing the front lot line. Also see "lot line, front."

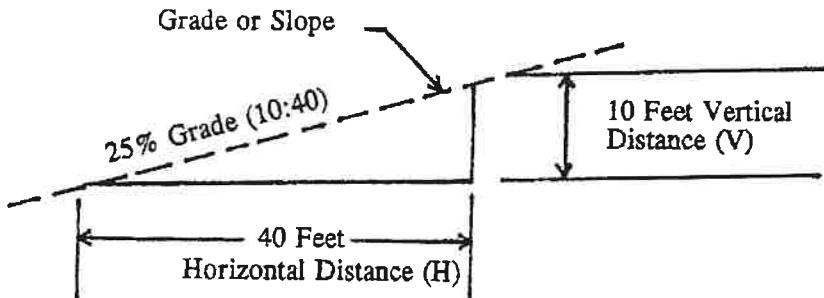
61. "Garage, mechanical" means a structure in which major mechanical repair or rebuilding of motor-powered vehicles is performed for commercial gain and in which the storage, care, and minor servicing is an accessory use.

62. "Garage, private" means an accessory building or an accessory portion of the main building designed or used for the shelter or storage of vehicles owned or operated by the occupants of the main building. A private garage, of less three car capacity may be rented for the private vehicles of persons not residents on the premises.

63. "Garage, public" means a building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

64. "Garage, storage" means a building or portion thereof designed or used exclusively for term storage by pre-arrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired, or sold.

65. "Grade" means the degree of rise or descent of a sloping surface. See Figure.



$$\text{SLOPE CALCULATION} = V / H$$

Figure 2 - Grade

66. "Grade, finished" means the final evaluation of the ground surface after development. See Figure 3.

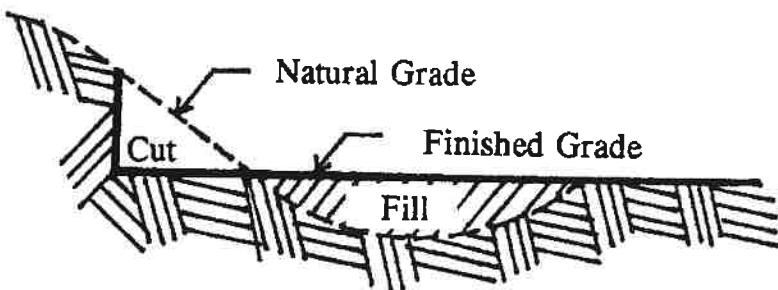


Figure 3 – Cut and Fill Cross Section

67. "Grade, natural" means the evaluation of the ground surface in its natural state before manmade alterations. See Figure 2.

68. "Group care facility" means a facility that provides resident services to nine or more individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category includes any licensed or supervised Federal, State or County health or welfare agencies, such as group homes (all ages), halfway houses, resident schools, resident facilities, and foster or boarding homes.

69. "Half-story" means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two thirds of the floor area of the floor immediately below it.

70. "Hard surfaced" means any surface used for movement of vehicular or pedestrian traffic that is designed and paved with either asphalt, concrete, permeable pavement, or pavers to City standards, but shall not include surfacing materials such as crushed rock, gravel, or cinder.

71. "Heavy equipment" means large, industrial machinery and vehicles used in construction, excavation, and related activities.

72. "Height, maximum" means the total height of any structure including any signage or other attachments to a structure.

73. "Historic preservation" means the protection, rehabilitation, and restoration of districts, sites, buildings, structures, and artifacts significant in American history, architecture, archaeology, or culture.

74. "Home occupation" means any gainful occupation or profession conducted entirely within an enclosed dwelling unit and which is clearly incidental and secondary to residential occupancy and does not change the character thereof. (See Section 165.27)

75. "Hospital" means an institution for the diagnosis, care, or treatment of two or more unrelated persons suffering from illness, injury, or deformity, or for the rendering of obstetrical or other professional medical care other than in an emergency. For the purposes of this definition, nursing care shall not be construed to be professional medical care.

76. "Household" means one or more persons living together in a single dwelling unit, with common access to, and common use of, all areas within the dwelling unit.

77. "Ingress" means access or entry.

78. "Institution" means an organization whose purpose is to promote public welfare or learning, including, but not limited to, a church, library, public or private school, hospital, or municipal government or other non-profit or public organization. For the purposes of this chapter, "institution" includes the building, structures, or land owned or used for public purposes, by such organizations.

79. "Junkyard" means any area where waste, discarded or salvaged materials are bought, sold, exchanged, stored, or abandoned, baled or packed, disassembled, or handled, including the dismantling or wrecking of automobiles or other vehicles or machinery, house wrecking yards, house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.

80. "Land-leased community" means any site, lot, field, or tract of land under common ownership upon which 10 or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of the land-leased community. The term land-leased community shall not be construed to include homes, buildings, or other structures temporarily maintained by an individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

(Code of Iowa, Sec. 335.30A(2))

81. "Laundromat" means an establishment providing washing, drying or dry-cleaning machines on the premises for rental use to the general public for family laundering or dry-cleaning purposes.

82. "Livestock" means farm animals kept for use or profit.

83. "Loading space" means any off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking, less than 24 hours of a commercial vehicle while loading or unloading merchandise or materials.

84. "Lot" means for zoning purposes, as covered by this chapter, a lot is a parcel of real property of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated street, and may consist of any one of the following:

A. A single lot of record, a portion of a lot of record, a combination of complete lots of record; of complete lots of record and portions of lots of record; or portions of lots of record.

B. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter.

- C. A portion of a lot of record.
- D. Single lot of record.

85. “Lot, double frontage or through” means a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

86. “Lot lines” means a line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space. (See Figure 4.)

87. “Lot line, front” means the property line abutting a street.

88. “Lot line, rear” means the boundary of a lot which is most distant from and is or is most nearly parallel to, the front lot line.

89. “Lot line, side” means any boundary of lot which is not a front lot line or rear lot line.

90. “Lot measurements” means the following:

- A. “Area” means the gross area, exclusive of streets or other public rights-of-way, within the boundary lines of a lot.
- B. “Depth” means the horizontal distance between the front and rear lines as measured perpendicular to the mid-point of the mean front lot line. In the case of an interior triangular or gore-shaped lot, the depth shall be the horizontal distance between the midpoints of the front and rear lot lines.
- C. “Width” means the horizontal distance between the side lot lines as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front setback. Where the lot width is decreasing from front to rear, the horizontal distance between the side lot lines described above shall be measured at its point of intersection with the required minimum rear setback.

91. “Lot of record” shall mean a lot which is part of a subdivision, the deed of which is recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

92. “Lot types” mean the following for the purposes of this chapter:

- A. “Corner lot” means a lot located at the intersection of two or more streets, and having the street right-of-way abut the front and one or more side lines of the lot.
- B. “Double frontage lot” means a lot other than a corner lot with frontage on more than one street or public thoroughfare which do not intersect one another.
- C. “Frontage” means the length of the front line measured at the street right-of way. (See Figure 4.) With a corner lot, the primary lot frontage of a corner lot or double frontage lot is the frontage abutting the street which provides the lot’s County E-911 address.
- D. “Interior lot” means a lot, other than a corner lot, having frontage on more than one street or public thoroughfare which do not intersect one another.
- E. “Key lot” means an interior lot so located as to have a sideline coincide with the rear lot line of an adjacent lot on either or both sides.

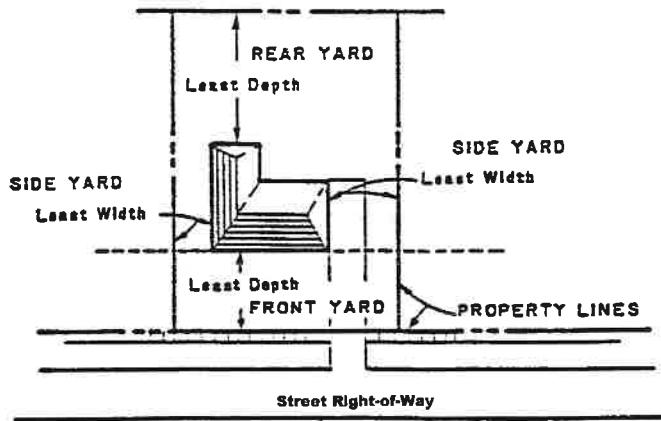


Figure 4 – Yard Definitions

93. “Massage establishment” means any place of business wherein massage (as the practice of a profession, scientifically applied to the patient by a massage therapist’s hands) is administered or used.

94. “Manufactured home” means a factory-built structure built under authority of 42 U.S.C. §5403 that is required by federal law to display a seal from the United States Department of Housing and Urban Development and was constructed on or after June 15, 1976.

(Code of Iowa, Sec. 435.1(3))

95. “Manufacturing” means establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

96. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in the State. 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(5))

95. “Mobile home park” means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operate as a for-profit enterprise with water, sewer, or septic, and electrical services available. The term mobile home park shall not be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

(Code of Iowa, Sec. 435.1(6))

96. “Modular home” means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the State Building Code for modular factory-built structures, as adopted pursuant to Section 103A.7 of the Code of Iowa, and must display the seal issued by the State Building Code Commissioner.

(Code of Iowa, Sec. 435.1(7))

97. "Motor court or motel" means a building or groups of buildings used primarily for the temporary residence of motorists or travelers, with parking facilities conveniently located to each unit, and may include accessory facilities such as swimming pool, restaurant, meeting rooms, etc.

97. "Nonconforming use" means any building or land lawfully occupied by a use at the time of passage of this chapter or amendment thereto which does not conform after the passage of this chapter or amendment thereto, with the use regulation of the district in which it is situated.

98. "Nursing home" means a home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept, or provided with food, shelter, and care, for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

99. "Overhang" means the part of a roof or wall which extends beyond the façade of a lower wall.

100. "Parking space" means a permanently surfaced off-street space accessible and available for the parking of one motor vehicle and having an area of not less than 200 square feet, together with a driveway connecting the parking space with a street, road, or alley, and permitting ingress and egress of an automobile.

101. "Person" means any individual, firm, co-partnership, joint venture, association social club, fraternal organization, corporation, estate, trust, receiver, syndicate, governmental bodies and agencies, district or other political subdivision or any other group or combination acting as a unit.

102. "Place" means an open unoccupied space or a public or private thoroughfare, other than a street or alley, permanently reserved as the principal means of access to abutting property.

103. "Portable storage container" means a transportable storage structure or container that is designed and used primarily for the storage of goods, items, and materials placed outside the primary structure on a property. Portable storage containers include, but are not limited to, containers uniquely designed for their ease of loading to and from a transport vehicle. For the purposes of these regulations, the trailer portion of a tractor trailer, boxcars, shipping containers, and similar structures will specifically be considered as a portable cargo container when expressly used for the purposes of on-site, outdoor storage.

104. "Premises" means any lot, plot, parcel, or tract of land, building or buildings, structure or structures, used publicly or privately as a place of business, dwelling or meeting place.

105. "Principal building" means the building situated or to be placed nearest the front property line and the use of which conforms to the primary use permitted by zoning classification in which it is located.

106. "Public right-of-way" means all streets, roadways, sidewalks, alleys, and other areas reserved for present or future use by the public, as a matter of right for the purpose of vehicular pedestrian travel or utility installation.

107. "Recreational livestock" means the keeping of animals such as horses, goats, chickens, or similar animals for personal enjoyment, hobby, or educational purposes, rather than for commercial sale, agricultural production, or business operations.

108. "Recreational vehicle" means a vehicular type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use, and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

109. "Satellite dish antenna" means a satellite receiver, a satellite ground dish antenna, or a satellite rooftop antenna, which may or may not be able to rotate to enable the dish to aim at different satellites for the purpose of television reception.

110. "Shouse" means a single-family residential dwelling that is integrated with or connected to a shop or storage space that provides residential style doors and windows along the primary frontage.

A. A shouse should meet single-family and other permitted uses bulk requirements in Section 165.25.

B. The design and construction of a shouse shall be found to be reasonably consistent with the character of other dwellings and construction in the area.

111. "Sidewalk" means a paved or surfaced area, paralleling and usually separated from the street, used as a pedestrian walkway.

112. "Sign" means any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

A. Signs that do not exceed one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

B. Flags and insignias of any government except when displayed in connection with commercial promotion.

C. Legal notices; identification, information, or directions signs erected or required by governmental bodies,

D. Integral, decorative, or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

E. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

113. "Sign, on-site" means a sign relating its subject matter to the premises on which it is located or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by outdoor advertising industry in the conduct of the outdoor advertising business.

114. "Sign, off-site" means a sign other than an on-site sign.

115. "Site plan" means a plan (to scale) showing uses and structures proposed for a parcel of land as required by the regulations involved.

116. "Story" means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

117. "Story, half" means a space under a sloping roof which has the line of intersection of roof decking and exterior wall face not more than four feet above the top floor level.

118. "Street," (as a general term) means a public right-of-way that provides a channel for vehicular and pedestrian movement, and may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of utilities, both above and below ground.

119. "Street line" means a dividing line between a lot, tract, or parcel of land and a contiguous street.

120. “Structure” means anything constructed or erected with a mixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, and poster panels.

121. “Subdivision” means a division of lot, tract, or parcel of land into two or more lots, plats, sites, or other subdivisions of land for the purpose, whether immediate or future, of sale, rent, lease, building development, public right-of-way dedication, or other use.

122. “Swimming pool” means a tank of water, either above or below grade level, in which the depth of the container exceeds 24 inches. Swimming pools, hot tubs, whirlpool baths and tubs, and Jacuzzi-type tubs or baths, are considered swimming pools if they are located outdoors.

123. “Temporary use” means an impermanent use of an occasional nature. Temporary uses may involve the use of permanent structures and portable signs. Uses of a seasonal nature that recur regularly on the same site and reoccupy the same permanent structure are not considered temporary uses.

124. “Travel trailers” means any vehicular, portable structure built on a chassis, designed as a temporary dwelling not exceeding eight feet in width and not exceeding 40 feet in length exclusive of separate towing unit. The term travel trailer shall include pick-up coach, motor home, camp trailer, or other similar mobile and temporary dwelling commonly used for travel, recreation, or vacation quarters.

125. “Travel trailer park” means any lot, tract, or parcel of land licensed and used or offered for use in whole or in part, with or without charge, for the parking of occupied travel trailers, pickup campers, converted buses, motor homes, tent trailers, tents or similar devices used for temporary portable housing, not to exceed 30 days duration and used solely for living or sleeping purposes.

126. “Variance” means a relaxation of the terms of the Zoning Code where such variance will not be contrary to the public interest and where, owing conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this chapter, 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 non-conformities in the zoning districts or uses in an adjoining zoning district.

127. “Warehouse storage facility” means a building or portion of a building where goods are stored for hire.

128. “Waterfront” means any site where any or all of its lot lines abut on or are contiguous to any body of water, including creek, canal, lake, river, or any other body of water, natural or artificial, not including a swimming pool, whether said lot line is front, rear, or side.

129. “Yard” means an open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from 30 inches above the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot lines and the main building shall be used. (See Figure 4)

A. “Front yard” means a yard extending the full width of the lot and situated between the front lot line and the building line. The depth of the front yard shall be measured between the building line and the front lot line. Covered porches and garages, whether enclosed or unenclosed, shall be considered as part of the principal structure and shall not project into a required front yard.

B. ““Rear yard” means a yard extending the full width of the lot and situated between the rear line of the principal building and the rear lot line. Accessory building or non-building uses may be located within the rear yard only.

C. “Side yard” means a yard situated between the building and the side lot line and extending from the front yard to the rear yard.

130. “Zoning Administrator” means the Zoning Administrator for the City of Holstein, who is appointed by the City Council.

165.05 ESTABLISHMENT OF DISTRICTS. The City is organized into the following zoning districts:

1. Flood Plain District (FP)
2. Agricultural District (A-1)
3. Residential District (R-1)
4. Mobile Home Park District (R-3)
5. Commercial District (C)
6. Light Industrial District (M-1)
7. Heavy Industrial District (M-2)

165.06 LOCATION AND BOUNDARIES OF ZONING DISTRICTS. The location and boundaries of the zoning districts established by this chapter are set forth on the map entitled “Zoning Map,” which is located in the office of the Clerk and hereby made a part of this chapter. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this chapter as though fully set forth and described herein.

165.07 OFFICIAL ZONING MAP.

EDITOR'S NOTE			
Ordinance	No.	entitled	
, adopted _____, and amendments thereto are contained in the Appendix of this Code of Ordinances and are in full force and effect. The following ordinances have been adopted amending the Official Zoning Map of the City and have not been codified herein, but are specifically saved from repeal and are in full force and effect.			
ORDINANCE	ADOPTED	ORDINANCE	ADOPTED

165.08 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the centerlines of such streets, highways, or alleys.
2. Boundaries shown as following or approximately following platted lot lines or other properly lines shall be construed to follow said boundary lines.

3. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
4. Boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel centerline of such water courses taken at a mean low water mark.
5. Boundaries shown as following or closely following the City limits shall be construed as following such City limit lines.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 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 the City's subdivision regulations in Chapter 170, the Board of Adjustment shall interpret the district boundaries.
8. Whenever any street, alley, or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classifications of the vacated land.

165.09 ANNEXED TERRITORY. Before a petition for annexation of territory to the City is presented to the Council for action, the petition shall first be submitted to the Planning and Zoning Commission. The Planning and Zoning Commission shall review the petition and make a recommendation to the Council regarding the appropriate zoning classification for the property set forth in the petition. In the event the Council approves the annexation of the territory, the property shall be annexed pursuant to the classification recommended by the Planning and Zoning Commission.

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

165.11 MINIMUM REQUIREMENTS.

1. Minimum Street Frontage. No lot shall be created after the adoption of the Zoning Code unless it abuts at least 30 feet on a public street.
2. Use of Lot of Record. In any residential district on a lot of record at the time of enactment of the Zoning Code, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this chapter are met.
3. Contiguous Lots Held in Common Ownership. Where two or more vacant and contiguous recorded lots are held in common ownership, they shall be combined into one 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. For the purpose of this section, the razing of a building on a substandard lot shall constitute the formation of a vacant lot.
4. Lots Unserved by Sewer or Water. In any residential district where neither public water supply or public sanitary sewer are reasonably available, one single-family dwelling may be constructed provided the otherwise specified lot area and width requirements shall be a minimum of one acre.

165.12 ACCESSORY BUILDINGS, STRUCTURES, AND USES.

1. Time of Construction. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory and no accessory building shall be used unless the principal building on the lot is also being used.
2. Permit Required. A permit shall be required for all detached accessory buildings or any other buildings or any building which changes or adds to an existing structure, including fences. A fee shall also be paid to the City in accordance with the fee schedule adopted and published by the Council by separate resolution.
3. Private Pools. All in-ground and above ground swimming pools shall comply with the *International Residential Code*, 2015 Edition, as adopted in this Code. A permit shall be required and approved by the Zoning Administrator.
4. Storage and Parking. No more than four total licensed and operable vehicles, recreational or power sports vehicles and equipment, RVs and trailers which are used for hauling or storing recreational and power sport vehicles, or heavy equipment may be parked or stored on property outside a building as follows:
 - A. In the front yard, provided they are kept on an established hard-surfaced driveway, entirely on the vehicle owner's property. Recreational vehicles and heavy equipment may not be parked or stored on public property or public right-of-way.
 - B. In the side yard abutting an attached or detached garage provided recreational vehicles and equipment are not closer than five feet from the side lot line unless properly screened.
 - C. On a corner lot not closer than 20 feet from the property line abutting the side street and not within drainage and utility easements.
 - D. Each vehicle stored on an open trailer shall be counted as one item. In addition, each open or enclosed trailer shall count as one vehicle or item.
5. Size of Accessory Building. No detached accessory building or structure shall exceed 15 feet in height, and the side walls shall not exceed 10 feet in height, with a designated entry point not exceeding eight feet in height, with a footprint of no more than 864 square feet. Any accessory building shall not occupy more than 30 percent of the rear yard.
6. Location on Lot. No accessory building or structure shall be erected in any front yard. Accessory buildings or structures shall be no closer than three feet from any main buildings. Accessory buildings shall be distinct at least three feet from alley lines or easement lines, and three feet from lot lines of adjoining lots which are in "residential district, and on a corner lot they shall conform to the setback regulations on the side street; however, in no case shall any eave or overhang extend closer than two feet to a rear or side yard line, or an easement line.
7. Portable Storage Containers. In no event shall a portable storage container be used as permanent storage or an accessory building within any residential district. Portable storage containers, including those rented from moving and storage companies, shall be allowed as a temporary accessory building in any residential district for up to 120 days. Portable cargo containers, such as those used in freight and shipping, shall not be permitted as a temporary accessory building in any residential district.
8. Storage of Trash Receptacles. All trash receptacles shall be stored in the rear yard or in a permitted accessory structure.
9. Fabric Tension Buildings. In no event shall a fabric tension building, or hoop shed, be constructed as an accessory building within any residential district.

10. Accessory Dwelling Units. Internal, attached, and detached accessory dwelling units shall be an allowed accessory to a principal structure, subject to the following:

- A. The principal residential structure shall be a permitted or conditional single-family dwelling.
- B. No more than one accessory dwelling unit shall be allowed per lot.
- C. The accessory dwelling unit shall not be sold separately from the principal dwelling unit and shall not create a separate tax parcel.
- D. Unit Size. The floor area of the accessory dwelling unit shall not exceed 1,000 square feet or equal to 50 percent of the size of the single-family residence, whichever is greater.
- E. Access and Entrances.
 - (1) A walkway shall be provided from an abutting public street to the primary entrance of an accessory dwelling unit.
 - (2) Upper floor units within the principal structure shall have interior stairway access to the primary entrance of the unit. Secondary stairways required for safety may be located on the exterior of the side or rear of the structure but not allowed on the front.
 - (3) Exterior stairways shall be built of durable materials that match the finish of the principal structure or accessory building to which they are attached. Raw or unfinished lumber shall not be permitted.

165.13 REQUIRED YARD CANNOT BE REDUCED OR USED BY ANOTHER BUILDING. No lot, yard, court, parking area, or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by this chapter, and if already less than the minimum required, it shall not be further reduced. No required open space provided around any building or structure shall be included as part of any open space required for another building or structure.

165.14 CONVERSION OF DWELLING. The conversion of any building or structure into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or households, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this chapter, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified herein within the section applying to such district.

165.15 YARD AND PARKING SPACE RESTRICTION. No part of a yard or other open space, or off-street parking or loading space, required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of yard, open space, off-street parking or loading space similarly required for any other building.

165.16 TRAFFIC VISIBILITY ACROSS CORNER LOTS. In an agricultural, residential, or manufacturing district on any corner lot, no fence, wall, hedge, or other plantings or structures that will obstruct vision shall be over two and one-half feet in height above the centerline grades of the intersecting streets shall be erected, placed, or maintained within the triangular area formed at a point that is 25 feet distant from the point of intersection of the public right-of-way lines. (See Figure 5)

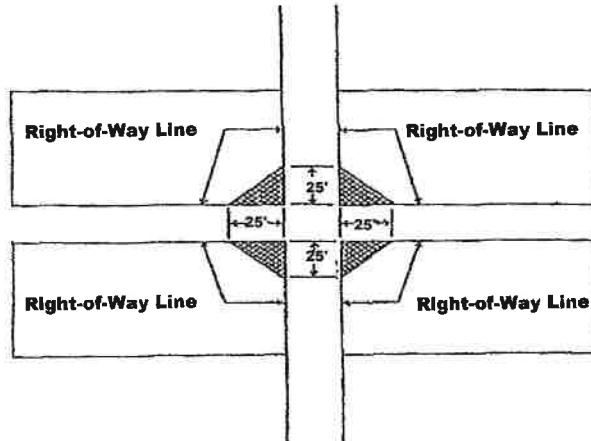


Figure 5 – Traffic

Visibility Across Corner Lots

165.17 ESSENTIAL SERVICES. Essential services shall be permitted as authorized and regulated by law and other ordinances of the community, it being the intention hereof to exempt such essential services from the application of this chapter.

165.18 BUILDING PERMITS.

1. **Expiration of Permits.** A building permit shall expire automatically if:
 - A Within one year after issuance, substantial action not been taken to accomplish the purpose for which the permit was granted; or,
 - B After substantial action has been taken and work is subsequently discontinued for a period of one year, the permit shall immediately expire.
2. **Validity of Existing Permits.** Nothing herein contained shall require any change in the overall layout, plans, construction, size, or designated uses of any development, building, structure, or part thereof, for which the official approvals and required building permits have been granted before the enactment of the Zoning Code, the construction of which, conforming with such plans, shall have been started prior to the effective date of the Zoning Code and the completion thereof carried on in a normal manner within the subsequent six-month period, and not discontinued until completion, except for reasons beyond the builder's control. All Building Permits require the signature of the Zoning Administrator.
3. **Driveways.** Driveways must be hard surfaced within one year of the date of the Building Permit.
4. **Building Permits for Nuisance Properties.** No Building Permit shall be issued for a property on the City's nuisance abatement list, unless the work described in the Building Permit will be used to abate nuisances.

165.19 HEIGHT EXCEPTIONS. The height limitations contained in Section 165.25 do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above roof level and not intended for human occupancy.

165.20 PUBLIC RIGHT-OF-WAY USE. No portion of the public street or alley right-of-way shall be used or occupied by all abutting use of land or structures for storage or display purposes, or to provide any parking or loading space required by this chapter, or for any other purpose that would obstruct the use or maintenance of the public right-of-way.

165.21 FENCES.

1. In Residential Districts. Residential fences or landscape features must be completely erected within the boundaries of the property owner installing the barrier; provided, no such fence in any front yard exceeds four feet in height and no fence in a side or rear yard exceeds six feet in height. Height shall be measured from the average grade along the fence line.

2. In Other Districts. Non-residential fences located in a district other than an residential district must be located within the boundaries of the property owner installing the barrier and cannot exceed seven feet in height.

3. Placement of Fences on Property Lines.

A. Mutual Agreement. Two adjoining property owners may agree to install a fence directly on the shared property line, providing that:

(1) Both property owners sign a written agreement specifying the fence placement, maintenance, responsibilities, and any cost-sharing agreements.

(2) The agreement is notarized and recorded with the County Recorder's office for all involved properties to ensure clarity and enforceability.

B. Fence Permit Requirement.

(1) A Fence Permit must be obtained from the Zoning Administrator prior to construction.

(2) The Fence Permit application must include a copy of the signed and recorded agreement between the property owners.

C. Material and Maintenance.

(1) Fences placed on the property line must comply with all height, material, and design standards outlined in this Code.

(2) Both property owners shall be jointly responsible for maintaining the fence in good repair unless otherwise stated in the recorded agreement.

A. D. Disputes and Removal.

(1) If ownership of either property changes, the new owner assumes responsibility for the shared fence.

(2) Any disputes regarding maintenance or removal of the fence shall be resolved between property owners or, if necessary, through mediation facilitated by the City.

4. Allowable Materials. All materials used to construct fences should be new or like-new and in sound condition without visible deterioration.

A. Wood (pressure-treated, cedar, redwood, or other approved lumber).

B. Vinyl or PVC.

C. Masonry (brick, stone, or concrete block).

D. Composite materials specifically designed for fencing.

E. Metal (wrought iron, aluminum, or galvanized steel).

(1) Must be galvanized steel, aluminum-coated steel, or vinyl-coated wire.

(2) Standard wire gauge between nine and 11.5 gauge (heavier gauge for added durability).

- (3) Openings in the mesh should not exceed two inches per side.
- (4) Top rail and tension wire are required to stabilize the fence and maintain tension. Use galvanized or coated steel rails and tension wires.

F. Posts.

- (1) Made of galvanized or powder-coated steel, aluminum, or treated wood.
- (2) Diameter width of posts must meet structural standards based on fence height.
- (3) Makeshift posts are prohibited.

5. Prohibited Materials.

- A. Pallets.
- B. Scrap wood or untreated lumber.
- C. Corrugated metal panels not designed for fencing.
- D. Tires, tarps, or other unconventional materials.
- E. Rusted, corroded, or structurally unsound materials
- F. Recycled materials not approved for structural integrity.
- G. Salvaged materials.

6. Electric Fences. No electric fence, except for underground animal control fencing, also known as invisible fencing, shall be constructed or maintained within the City.

7. Barbed Wire Fences. The use of barbed wire in the construction of any fence is prohibited except:

- A. Perimeter security fencing of buildings constructed in an industrial district. The plans and specifications for any such fencing must be approved by the City before commencement of construction.
- B. Farm fencing constructed for agricultural purposes on parcels of land 10 acres or more in size, located in the Agricultural District (A-1).

8. Regulations for All Fences.

A. The finished surfaces of any fence shall face toward adjacent properties and street frontage.

B. All fences must have at least a three-foot setback from all property lines, except in the case of the mutual agreement to place the fence on a property line, as outlined in this chapter.

C. Structural Requirements.

- (1) Posts must be securely anchored in concrete or a similarly durable material. Posts must be set at least 24 inches below ground to ensure durability and wind resistance.
- (2) Panels or slats must be evenly spaced, securely attached, and aligned.
- (3) No leaning or visibly unstable fences allowed.

D. All fences must be constructed to withstand local weather conditions.

E. Fences should maintain consistent design, color, and material use throughout. It is discouraged to use improvised or makeshift styles that detract from neighborhood aesthetics.

F. All fences should be maintained in good repair, free of rust, peeling paint, or missing components, and meet up-keep standards established in corresponding nuisance abatement ordinances and regulations approved and enacted by the City.

G. No fence shall be constructed within the zoning jurisdiction of the City unless a Fence Permit is approved by the Zoning Administrator and is constructed in accordance with the standards in this Code.

165.22 PROPOSED USE NOT COVERED. Any proposed use not covered in this chapter as a permitted use or special exception shall be referred to the Planning and Zoning Commission for a recommendation as to the proper district in which such use should be permitted and the chapter amended, as provided in this chapter, before a Building or Fence Permit is issued for such proposed use.

165.23 ACCESS REQUIRED. Every building hereafter erected or structurally altered shall be on a lot having frontage on a public street.

165.24 APPLICATION OF REGULATIONS. The regulations set by this chapter within each district shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

1. Permitted Uses. Use is permitted in all zoning districts for the purpose of the distribution of essential services. However, design and placement of said equipment and devices may be reviewed by the Board of Adjustment and approved by the Council. All other uses are permitted only as listed under each specific zoning district.

2. Special Exception. A request for a Special Exception Permit for a special use or modification of a conditional use may be initiated by a property owner or their authorized agent by filing an application with the Zoning Administrator. The application shall be accompanied by a site plan and other corresponding plans and data showing the dimensions, arrangement, descriptive data, and other materials constituting a record essential to understanding the proposed use and modification in relation to the standards outlined herein. The application shall also be accompanied by a fee outlined in the separately approved fee schedule.

3. Abandonment. If any principal or accessory structure is abandoned for a period of 12 consecutive months or more, such structure shall not be resettled or restored unless it shall thereafter conform to this Codes for the zoning district for which it is located.

4. Temporary Use Permits.

A. The following uses may be permitted by a Temporary Use Permit, valid for 10 days or less to the applicant, subject to the review and approval of the application by the Board of Adjustment:

- (1) Carnival, circus.
- (2) Festivals, auctions.

B. In determining whether a Temporary Use Permit shall be granted, the Board of Adjustment shall give consideration to:

- (1) Health, safety, morals, and comfort of area residents.
- (2) Adverse impact on land uses.
- (3) Possibility of traffic congestion.

- (4) Harm to public roads.
- (5) Erosion of adjacent property.
- (6) Threat to any source of water supply.

C. Conditions and restrictions, as determined necessary to protect the public health, safety, morals, and comfort, may be attached to the Temporary Use Permit. The above events listed do not constitute the complete list, as other similar events of a temporary nature may also be permitted.

165.25 BULK REQUIREMENTS. All new buildings shall conform to the zoning regulations established herein for the district in which each building shall be located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted, or relocated in such a manner as to conflict or to further conflict with the bulk regulations of this chapter for the district in which such buildings shall be located. Minimum bulk requirements are as follows.

Table 1 – Bulk Requirements

Light Industrial	45 feet	No minimum	No minimum	25 feet	No minimum, 10 feet***	20 feet	30 feet
Heavy Industrial District (M-2)							
Heavy Manufacturing	No limit	No minimum	No minimum	25 feet	No minimum, 25 feet ***	25 feet	30 feet
Floodplain District (FP)							
All Uses	No Limit	No Minimum	No Minimum	No Minimum	No Minimum	No Minimum	No Minimum
Accessory Buildings							
R-1 and R-3	15 feet or one story, whichever is lower				3 feet		10 feet

*Each yard abutting on a public street shall be a front yard.
 **When fronting on the right-of-way of a major thoroughfare on the Official Thoroughfare Plan
 ***When adjacent to residential district or street right-of-way.
 ****When the rear lot line adjoins a railroad right-of-way, no minimum is required

165.26 DWELLING: MINIMUM SIZE. No building or structure in the City shall be designed, adapted, constructed, or used for a dwelling unless such building or structure is fully 24 feet in length at the longest extent of the enclosure and 24 feet in width at the widest extent of the enclosure, with at least a footprint of 576 square feet. No tent, cabin, or trailer may be occupied as a dwelling. No individual unit may be occupied by a household numbering more than four members, unless household is a family.

1. *When approved by the Board of Adjustment, an economy efficient dwelling shall be allowed on substandard lots not suitable for development of the minimum dwelling size outlined in this section. An economy efficient dwelling shall be placed on a permanent foundation and no less than 250 square feet and no more than 500 square feet. The length at the longest extent of the enclosure shall be no less than 20 feet and no more than 30 feet, with a minimum sidewall elevation of no less than 12 feet and no more than 20 feet. Economy efficient dwellings must be built in compliance with all building and sanitary codes to qualify for a Certificate of Occupancy.*

165.27 HOME OCCUPATIONS. To qualify as a permitted use in any district under this chapter, any and all home occupations must satisfy all of the following criteria:

1. Use of the property for home occupation must be clearly incidental and secondary to the use of the dwelling unit as a residence (as shown by comparative amounts of square footage used for home occupation and for living space).
2. The occupation must be conducted entirely within an existing dwelling unit or entirely within an accessory building.
3. The occupation must be conducted by members of the family or household residing within the dwelling unit, and employing no more than two nonresident employees.
4. The occupation must show no evidence of its existence on the premises, perceivable at or beyond the lot lines, by virtue of outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbance or excessive generation of customer traffic.
5. Water, sewer, and waste disposal systems shall be subject to approval of the City.
6. Customer parking shall be provided and be inconspicuous as possible on the premises.

7. Only one identification sign may be displayed upon the lot, subject to the following requirements:

- A. The sign may not display more than the name of the occupant and the nature of the occupations.
- B. The sign shall not contain more than six square feet and shall be no more than two feet high or not more than three feet in width.
- C. The sign shall be non-illuminated.

165.28 WAREHOUSE RESTRICTIONS. All warehouses within the City shall store only non-toxic, non-combustible materials. No warehouse may store agricultural products, such as grain, hay, livestock, or manure. No warehouse may offer any product or merchandise for direct sale to the public, nor shall any processing of stored materials take place in any warehouse. No warehouse may, by its activities, cause any noxious or offensive odors or noise.

165.29 FLOODPLAIN DISTRICT (FP). The Floodplain District (FP) is intended to protect floodways and floodplains from encroachment; to prevent future losses to property by prohibiting construction in floodways, and to control construction in floodplains.

1. Principal Uses Permitted. Property and buildings in an FP Floodplain District (FP) shall be used only for purposes allowed in accordance with Section 165.36, Use Matrix.
2. Conditional Uses. The uses identified as conditional uses in the Agricultural District (A-1) are as shown in Section 165.36, Use Matrix.
3. Sign Regulations. Sign regulations shall be those regulations as specified in Section 165.37 Permit Required. The applicant must secure a Floodplain Permit from the State Department of Natural Resources and not be in a floodplain district prior to a permit being considered by the Zoning Administrator. No construction is allowed in the Floodplain District.
4. Development in the Floodplain shall occur in accordance with the Floodplain Management Regulations in Chapter 160.

165.30 AGRICULTURAL DISTRICT (A-1). The Agricultural District (A-1) is intended to provide regulations for land situated on the fringe of the urban area that is used primarily for agricultural purposes, but which will be undergoing urban development in the near future. Many tracts in this district will be in close proximity to developing residential, commercial, or industrial uses. The purpose of this district is to restrict the permitted uses to those which are compatible with both agricultural uses and the developing residential, commercial, or industrial use.

1. Principal Uses Permitted. Property and buildings in an A-1 Agricultural District (A-1) shall include those uses identified in Section 165.36, Use Matrix.
2. Conditional Uses. The uses identified as conditional uses in the Agricultural District (A-1) are as shown in Section 165.36, Use Matrix.
3. Bulk Requirements. Height regulations, lot area, frontage, and yard requirements shall be those regulations specified in Section 165.25.
4. Signs. Sign regulations shall be those regulations as specified in Section 165.37.

165.31 RESIDENTIAL DISTRICT (R-1). The principal use of land is for single-family and multi-family dwellings and related recreational, religious, and educational institutions and facilities normally required to provide an orderly residential area. These residential areas are intended to be defined and protected from encroachment of uses that are not appropriate to a residential environment. Internal stability,

order, and efficiency are encouraged by providing adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

1. Principal Uses Permitted. Permitted uses in the Residential District (R-1) shall include but are not limited to those identified in Section 165.36, Use Matrix.
2. Accessory uses that are customarily incidental to any of the above stated uses, but not involving the conduct of business other than a home occupation.
3. Conditional Uses. The uses identified as conditional uses in the Residential District (R-1) are as shown in Section 165.36, Use Matrix 4. Bulk Requirements. Height regulations, lot area, frontage, and yard requirements shall be those regulations specified in Section 165.25.
3. Signs. Sign regulations shall be those regulations as specified in Section 165.37.
4. Special Use Regulations. Garage sales, yard sales, flea markets, auctions, or other similar methods of selling tangible personal property shall not extend longer than two consecutive days in a calendar year. On any lot, such sales may occur no more than a total of six days in any calendar year. Nothing in this chapter shall be construed to broaden the prohibitions set forth in this section.

165.32 MOBILE HOME PARK DISTRICT (R-3). The Mobile Home District (R-3) is intended and designed for high density mobile home development. Internal stability, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

1. Principal Uses Permitted. Property and buildings in an R-3 Mobile Home District shall be used only for the purposes outlined in Section 165.36, Use Matrix.
2. Conditional Uses. The uses identified as conditional uses in the Residential District (R-1) are as shown in Section 165.36, Use Matrix.
3. Bulk Requirements. Height regulations, lot area, frontage and yard requirements shall be as specified in Section 165.25. Each yard abutting on a public street shall be a front yard and shall be a minimum of 20 feet. The minimum space for each mobile home shall be 3,000 square feet and shall measure at least 40 by 75 feet. Mobile homes shall be located on each space so that there will be at least a 20-foot clearance between each mobile home, a five-foot open space between mobile homes including any permanent enclosed appendage, and any driveway, walkway, or mobile home space boundary; and 10-foot open space at the rear of the mobile home.
4. Signs. Sign regulations shall be those regulations as specified in Section 165.37.
5. Use Limitation. Notwithstanding any other provision of this Code, this section shall govern location, placement and use of mobile homes within the City. Mobile homes used as dwelling or for any other use may be located only within an Mobile Home District (R-3). Mobile homes unoccupied and held for commercial sale may be placed for temporary storage on lots within an Agricultural District (A-1) or Commercial District (C-1) District. Any other location or use of mobile homes within the City is prohibited. Mobile homes validly placed or located within other districts prior to enactment of the Zoning Code may continue as a non-conforming use subject to Sections 165.39 and 165.40.

165.33 COMMERCIAL DISTRICT (C-1). The Commercial District (C-1) is intended to accommodate a broad range of retail, service, and general business establishments that serve the community. This district supports both pedestrian-oriented businesses and those requiring off-street parking and loading spaces.

1. Principal Uses Permitted. Property and buildings in the Commercial District (C-1) shall include, but are not limited to, the uses identified in Section 165.36, Use Matrix.
2. Conditional Uses. The uses identified as conditional uses in the Agricultural District (A-1) are as shown in Section 165.36, Use Matrix.
3. Performance Standards.
 - A. Retail businesses or service establishments must be open to the public a minimum of three days a week. Each day must include at least four consecutive hours of operation.
 - B. Storage shall be limited to those inventories, supplies, and equipment necessary to support the principal use and shall not exceed 40 percent of the total gross floor area; further provided that storage shall be wholly contained within the principal building.
3. Bulk Requirements. Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 165.25.
4. Signs. Sign regulations shall be those regulations as specified in Section 165.37.

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

1. Principal Uses Permitted. Property and buildings in the Light Industrial District (M-1) shall include, but are not limited to, the uses identified in Section 165.36, Use Matrix.
2. Conditional Uses. The uses identified as conditional uses in the Agricultural District (A-1) are as shown in Section 165.36, Use Matrix.
3. Bulk Requirements. Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 165.25.
4. Signs. Sign regulations shall be those regulations as specified in Section 165.37.

165.35 HEAVY INDUSTRIAL DISTRICT (M-2). The Heavy Industrial District (M-2) is intended primarily for the conduct of activities and an environment suitable for heavy industrial activities so as not to create appreciable nuisances or hazards. The uses permitted in this district make it most desirable that they be separated from residential uses.

1. Principal Uses Permitted. Property and buildings in the Heavy Industrial District (M-2) shall be used only for the uses identified in Section 165.36, Use Matrix.
2. Conditional Uses. The uses identified as conditional uses in the Agricultural District (A-1) are as shown in Section 165.36, Use Matrix.
3. Bulk Requirements. Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 165.25.
4. Signs. Sign regulations shall be those regulations as specified in 165.37.

165.36 USE MATRIX. The following use types are designated as a permitted use (P), conditional use (C), or a temporary use (T), within each zoning district as indicated within the following chart.

1. Accessory Uses.

	ZONING DISTRICTS
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ACCESSORY USES	A-1	C	F P	M-1	M-2	R-1	R-3
Accessory Dwelling Unit	P					P	P
Awnings		P		P	P	P	P
Barns	P						
Bins, Grain Storage, or Other Agricultural	P						
Carports		P				P	
Decks, Gazebos, Enclosed Porch (Elevated or On-Grae)	P					P	P
Fuel Tanks and Dispensing Equipment	C	P		P	P		
Garages, Private	P	C		P	P	P	
Greenhouses	P					C	
Home Occupation or Home Based Business	P					P	
Portable On-Demand Storage	T	T				T	T
Patio, Unenclosed	P	P				P	P
Roadside Stand	T						
Silos	P						
Storage Shed, Private	P			P		P	
Swimming Pool, Private	P					P	

2. Agricultural Uses.

AGRICULTURAL USES	ZONING DISTRICTS						
	A-1	C	FP	M-1	M-2	R-1	R-3
Agricultural Crops	P						

Agricultural Sales and Service	C	P					
Community Garden	P					P	P
Dairy Farming	C						
Forests and Forestry	P						
Livestock and General Farming	C						
Livestock Sales	C						
Pastures	P						
Plant Nurseries	P			P			
Poultry Farms	C						
Product Storage and Drying Facilities	P			P			
Recreational Livestock	P						
Stables or Riding Academies	C						

3. Civic Uses.

CIVIC USES	ZONING DISTRICTS						
	A-1	C	FP	M-1	M-2	R-1	R-3
Campground or Recreational Vehicle (RV) Park	P					C	
Cemetery	P						
Club and Community Center		P		P		C	
Daycare Facility	C	P				P	
Detention Facility	C			C			
Emergency Residential Facility		P				C	
Group Care and Nursing Facility	C	P				P	
Health Care Office	C	P				P	
Hospital	C	P				C	
Maintenance Facility	P	P		P			
Parks	P	P	P			P	
Recreational Facility	P	P				P	
Public Facility	P	P				P	
Primary Education Facility	P	P				P	
Religious Assembly	P					P	
Public Safety Facility	P	P		P		C	
Secondary Educational Facility	P	P				P	
Swimming Pool, Public		P				P	

4. Commercial Uses.

COMMERCIAL USES	ZONING DISTRICTS						
	A-1	C	FP	M-1	M-2	R-1	R-3
Adult Entertainment Business				C	C		
Auction House		P					
Auto Body Repair		P		P			
Auto Service		P		P			
Automobile Washing Facility		P		P			
Automotive Rental and Sales		P		P			
Bed and Breakfast						P	P
Brew Pub and Bar		P					
Brewery, Distillery, Winery	C	P		P			
Barber Shop or Hair Salon		P				P	
Carnival		C			P		
Circus					P		
Commercial Recreation	T	P					
Communication Services		P		P			
Construction Sales and Service		P		P			
Crematorium		P					
Equipment Rental and Sales		P					
Equipment Repair Services		P					
Food Sales		P					
Funeral Services		P					
Gas Station and Truck Stop	C	P		P	P		
General Offices		P					
Golf Course, Public or Private	P					C	
Hotel or Motel		P		P			
Kennels	C			P			
Kennels, Breeding	C			P			
Laundry Service		P		P			
Liquor Sales (Retail Establishment)		P		P			
Research Services		P		P			
Restaurants		P		P			
Retail Services, General		P		P			
Self-Storage Units		P		P			
Surplus Sales		P		P			
Veterinary Services		P					