

City of Kingsley, Iowa

Municipal Zoning Ordinance 2000

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City of Kingsley, Iowa Municipal Zoning Ordinance

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City of Kingsley, Iowa Municipal Zoning Ordinance

ARTICLE I

TITLE, PURPOSE, NATURE, AUTHORITY AND DEFINITIONS

Section 1.00.

TITLE:

This Ordinance shall be known as and may be referred to and cited as the "Zoning Ordinance of the City of Kingsley, Iowa."

Section 1.01.

PURPOSE:

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

- 1.01.01 Carrying out the Comprehensive Plan for the City of Kingsley, Iowa;
- 1.01.02 Promoting the public health, safety, morals, comfort, general welfare, and preserving the natural, scenic and historically significant areas of the City;
- 1.01.03 Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities which have similar needs and are compatible;
- 1.01.04 Encouraging such distribution of population, classification of land use, and distribution of land development throughout the City that will tend to facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;
- 1.01.05 Lessening or avoiding congestion in the public streets and highways;
- 1.01.06 Protecting against fire, explosion, noxious fumes, flood, panic, and other dangers in the interest of public health, safety, comfort, and general welfare;
- 1.01.07 Helping to insure that all residential, commercial, and manufacturing structures as well as other types of structures will be accessible to fire fighting and other emergency equipment;

- 1.01.08 Prohibit the formation or expansion of nonconforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district;
- 1.01.09 Promoting the development of residential neighborhoods, which are free of noise, dust, fumes, and heavy traffic volumes in which each dwelling unit is assured of light, air, and open spaces;
- 1.01.10 Helping to prevent land development activities which lead to roadside blight, and to minimize the effects of nuisance producing activities;
- 1.01.11 Promoting and guiding the continued growth and expansion of the City while protecting the natural, economic, historic and scenic resources of the City;
- 1.01.12 Conserving the taxable value of land and buildings throughout the City;
- 1.01.13 Defining the powers and duties of the Zoning Officer and other bodies as provided herein.

Section 1.02. NATURE

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

Section 1.03. AUTHORITY

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

Section 1.04. DEFINITIONS

For the purpose of the Ordinance and in order to carry out the provisions contained herein, certain words, terms, phrases, and illustrations are to be interpreted and defined herein.

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

- 1.04.01 Accessory building or use. An "accessory building or use" is a building or use on the same lot with and of a nature customarily incidental and subordinate to the principal building or use.
- 1.04.02 Alley. A public way, other than a street, twenty (20) feet or less in width affording secondary means of access to abutting property.
- 1.04.03 Alterations. structure. "Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
- 1.04.04 Apartment. "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 (3) or more such rooms or suites.
- 1.04.05 Auto/car wash. An "Auto/Car Wash" is a building, or portion thereof, containing facilities for washing more than one (1) 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 hand-washing of such automobiles, whether by operator or by a customer.
- 1.04.06 Automobile service station. An "automobile service station" is 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.

- 1.04.07 Basement. Means any enclosed area of a building which has its floor or lowest level below ground level (sub-grade) on at least three sides.
- 1.04.08 Billboard. A "billboard" is a type of sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.
- 1.04.09 Board of Adjustment. "Board of Adjustment" shall mean the Zoning Board of Adjustment of the City of Kingsley, Iowa.
- 1.04.10 Boarding, rooming and lodging house. "Boarding, rooming, and lodging house" means a building other than a hotel where, for compensation and by arrangement, meals, lodging, or lodging and meals are provided for three (3) or more persons on a weekly or monthly basis.
- 1.04.11 Building. "Building" means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.
- 1.04.12 Building height. "Building height" means the vertical distance from the first story sill to the highest point of the roof.
- 1.04.13 Building length. "Building Length" means greatest horizontal distance measurable between the exterior 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.
- 1.04.14 Building width. "Building Width" means the greatest horizontal distance measurable between exterior 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.
- 1.04.15 Carport. A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides. For the purpose of this ordinance a carport attached to a principal building shall be considered a part of the principal building and subject to all yard requirements therein.

- 1.04.16 Child care center. A "child care center" is any place, home, or institution which receives four (4) or more children under the age of sixteen (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.
- 1.04.18 Clinic. A building or buildings used by physicians, dentists, veterinarians, osteopaths, chiropractors, and allied professions for outpatient care of persons requiring such professional service.
- 1.04.19 Consignment and auction sales operation. "Consignment and auction sales operations" means a business, which on an ongoing basis, stores and sells personal property to the public indoors.
- 1.04.20 Developmentally disabled. A disability of a person which has continued or can be expected to continue indefinitely and which is one of the following:
- (1) Attributable to mental retardation, cerebral palsy, epilepsy, or autism.
 - (2) Attributable to any other condition found to be closely related to mental retardation.
 - (3) Attributable to dyslexia resulting from a disability.
 - (4) Attributable to a mental or nervous disorder.
- 1.04.21 Drive-in restaurant or refreshment stand. A "drive-in restaurant or refreshment stand" is 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.
- 1.04.22 Driveway. A private roadway, providing access for vehicles to a parking space, garage, dwelling or other structure.
- 1.04.23 Dwelling. A "dwelling" is any building or structure (or portion thereof) designed or adapted to serve as a place of abode for one (1) or more persons, or one (1) or more households. In this ordinance the term "dwelling" and "residence" shall have the same meaning.
- 1.04.24 Dwelling condominium. A multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common

ownership solely by the owners of the units with each owner having an undivided interest in the common real estate.

- 1.04.25 Dwelling, row. Any one of three (3) 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. Also referred to as a "townhouse".
- 1.04.26 Dwelling, unit. A "dwelling unit" is a dwelling which consists of one (1) or more rooms which are arranged, designed, or used as living quarters for one (1) family or household only. Ordinarily a dwelling unit will include accommodations for sleeping, for eating, for preparing and storing food, for bathing, and for other necessary life activities, and will be a location where such life activities may be expected to occur.
- 1.04.27 Dwelling, single-family. A "single-family dwelling" containing one (1) dwelling unit, designed or adapted for occupancy by not more than one (1) family or household.
- 1.04.28 Dwelling, two-family. A "two-family dwelling" is a detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families or households, with separate housekeeping and cooking facilities for each.
- 1.04.29 Dwelling, multiple-family. A "multiple-family dwelling" is a residential building designed for occupancy by three (3) or more families or households, with separate housekeeping and cooking facilities for each.
- 1.04.30 Dwelling, detached. A dwelling which is not attached to any other dwelling by any means. The detached dwelling does not have any roof, wall, or floor in common with any other dwelling unit.
- 1.04.31 Easement. A grant of one (1) 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.
- 1.04.32 Economic base. The production, distribution and consumption of goods and services within a planning area.
- 1.04.33 Egress. An exit.

- 1.04.34 Eminent domain. The authority of a government to take, or to authorize the taking of, private property for public use for just compensation.
- 1.04.35 Environmental Impact Statement (EIS). A statement on the effect of development proposals and other major activities which significantly affect the environment.
- 1.04.36 Essential service. "Essential services" are 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.
- 1.04.37 Family. A group of immediate-kindred persons, related by blood, marriage, or adoption. A "Family" is considered a "Household" for purposes of this ordinance.
- 1.04.38 Family home. A community based residential home which is licensed as a residential care facility under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. A "family home" does not mean an individual foster care family as licensed under Chapter 237 of the Code of Iowa.
- 1.04.39 Farm or farmland. 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.
- 1.04.40 Farm animal. 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.

- 1.04.41 Feasibility study. An analysis of a specific project or program to determine if it can be successfully carried out.
- 1.04.42 Feedlot. Any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs, sheep or poultry. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.
- 1.04.43 Fence, residential. A barrier and/or structure erected in an "R" District intended to provide security, mark a boundary, or as a means of landscaping with the centerline of said barrier to be located 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 shall not include corrugated sheet metal, barbed wire or salvage material.
- 1.04.44 Fence, non-residential. A barrier and/or structure erected in a district other than an "R" 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 provided no such fence is constructed of salvaged material or uses barbed wire closer than six (6) feet to the ground except a fence used purely for agricultural purposes.
- 1.04.45 Flag lot. A "flag lot" is 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.
- 1.04.46 Flood. The temporary overflowing of water onto land which is usually devoid of surface water.
- 1.04.47 Floodplain. The channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater. (See Figure I below)
- 1.04.48 Floodway. 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.

- 1.04.49 Flood fringe. Those portions of the floodplain, 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

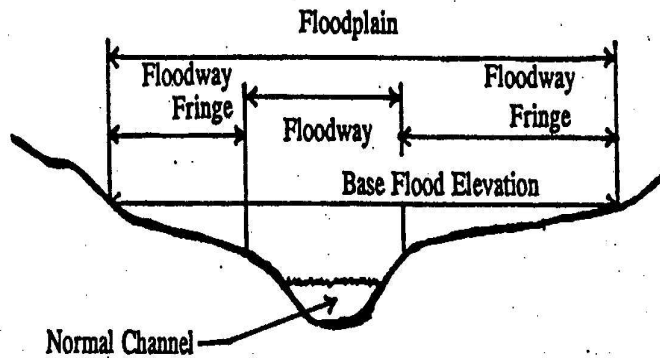


Figure 1 - Floodplain Cross Section

- 1.04.50 Frontage. That side of a lot abutting on a street; the front lot line.
- 1.04.51 Garage, private. "Private garage" means an accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.
- 1.04.52 Garage, public. "Public garage" 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.
- 1.04.53 Garage, storage. "Storage garage" 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.

1.04.54 Grade. The degree of rise or descent of a sloping surface. (See Figure 2 below)

Figure 2: Grade

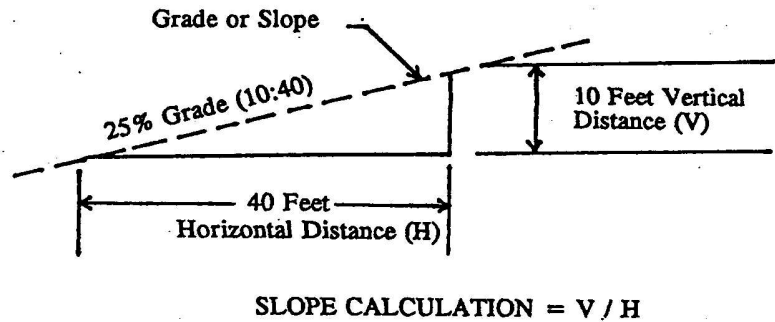


Figure 2 - Grade

1.04.55 Grade, finished. The final evaluation of the ground surface after development. (See Figure 3 below)

Figure 3: Cut and Fill Cross Section

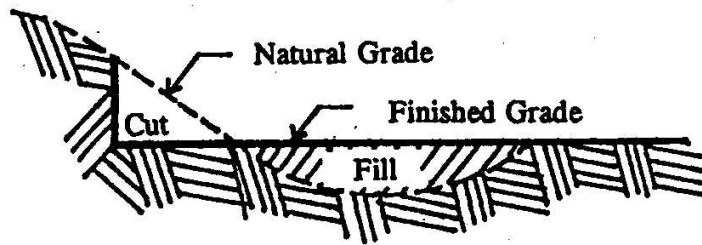


Figure 3 - Cut and Fill Cross Section

1.04.56 Grade, natural. The evaluation of the ground surface in its natural state before manmade alterations. (See Figure 2 above)

1.04.57 Group care facility. A facility which provides resident services to nine (9) or more individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category includes any licensed or supervised federal, state or county health/welfare agencies, such as group homes (all ages), halfway houses, resident schools, resident facilities, and foster or boarding homes.

- 1.04.58 Historic preservation. The protection, rehabilitation, and restorations of districts, sites, buildings, structures, and artifacts significant in American history, architecture, archaeology or culture.
- 1.04.59 Home occupation. Any gainful occupation or profession conducted entirely within an enclosed dwelling unit, which is clearly incidental and secondary to residential occupancy and does not change the character thereof. (See Section 3.20)
- 1.04.60 Household. 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.
- 1.04.61 Ingress. Access or entry.
- 1.04.62 Institution. An "institution" is 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 ordinance, "institution" shall include the building, structures or land owned or used for public purposes, by such organizations.
- 1.04.63 Junkyard. "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.
- 1.04.64 Kennel, dog. (Commercial). Any parcel of land on which three (3) or more dogs, six (6) months old or older are kept for the purposes of breeding, grooming, boarding or other activities associated with the care of dogs for commercial purposes.
- 1.04.65 Kennel, dog. (Private). Any parcel of land on which no more than two (2) dogs are kept, however, this shall not include breeding, grooming, boarding or other activities associated with the care of dogs other than the owner's dogs.
- 1.04.66 Laundromat. An establishment providing washing, drying and/or dry cleaning machines on the premises for rental use to the general public for family laundering and/or dry cleaning purposes.

- 1.04.67 Loading space. An off-street space or berth used for the loading or unloading of vehicles.
- 1.04.68 Lot. For the purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area to provide such yards and other open space as are herein required. Such lot shall have frontage on a public street or private street and may consist of: (a) A single lot of record; (b) A portion of a lot of record; (c) A combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and (d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.
- 1.04.69 Lot, area. The total area within the lot lines of a lot, excluding any street right-of-way.
- 1.04.70 Lot, corner. "Comer lot" means a lot abutting upon two (2) or more streets at their intersections.
- 1.04.71 Lot, depth. "Lot depth" means the mean horizontal distance between the front and rear lot lines. (See Figure 4)
- 1.04.72 Lot, double frontage. "Double frontage lot" means a lot having a frontage on two (2) nonintersecting streets, as distinguished from a comer lot.
- 1.04.73 Lot, frontage. The length of the front line measured at the street right-of-way line. (See Figure 4.) With a comer lot, the primary lot frontage of a comer lot or a double frontage lot is the frontage abutting the street which provides the lot's County E-911 address.
- 1.04.74 Lot, interior. "Interior lot" means a lot other than a corner lot.
- 1.04.75 Lot, line. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space. (See Figure 4)
- 1.04.76 Lot line, front. The lot line abutting a platted street or highway (or, if the street or highway is un-platted the centerline thereof.) A lot line abutting upon a public alley is not a front lot line, unless the lot abuts no other public way. If the lot abuts two (2) or more streets the front lot line is that line abutting the street which provides the lots County E-911 address.

- 1.04.77 Lot line, rear. The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, are ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. (See Figure 4)
- 1.04.78 Lot line, side. Any lot line other than a front or rear lot line. (See Figure 4).
- 1.04.79 Lot, minimum area of. The smallest lot area established by the Zoning Ordinance on which a use or structure may be located in a particular district.
- 1.04.80 Lot of record. "Lot of record" means a lot which is a part of a subdivision, the plat of which has been recorded at or before the effective date of this Ordinance in the office of the Plymouth County Recorder.
- 1.04.81 Lot, width. "Lot width" means the horizontal measure of a lot at the point of its greatest linear extent, measured at right angles to a line measuring lot length. (See Figure 4)

Figure 4: Yard Definitions

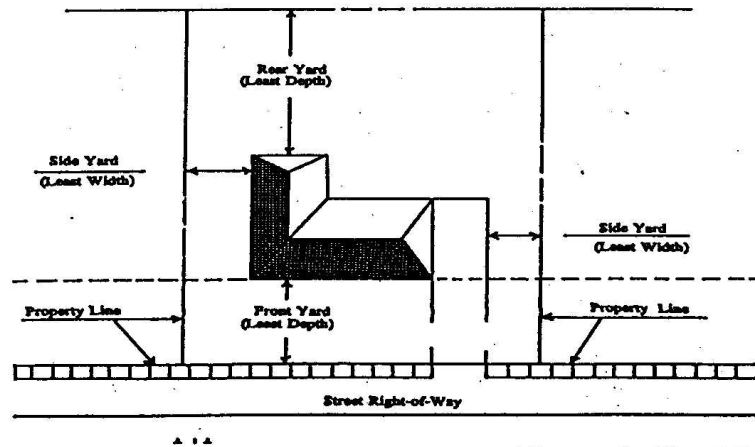


Figure 4 - Yard Definitions

- 1.04.82 Massage establishment. A "massage establishment" shall be construed and deemed to mean 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.

- 1.04.83 Manufactured Home. Means a factory-built single-family structure, which is manufactured or constructed under the authority of the 42 U.S.C. Code Section 5403, National Manufactured Home construction and Safety Standards Act of 1974 and is to be used exclusively as a place for human habitation, but which is not constructed with permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame and wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site dwelling. For the purpose of these regulations, a manufactured home shall be built after June 15, 1976, and bear a seal certifying that it is in compliance with the National Manufactured Home Construction and Safety Standards act of 1974. A manufactured home meeting the preceding requirements shall be considered the same as a site-built, single-family detached dwelling.
- 1.04.84 Manufacturing. 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.
- 1.04.85 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 not also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. Nothing in this definition shall be construed as permitting a mobile home in other than an approved mobile home park.
- 1.04.86 Mobile home park. Means a tract of land that is used, designed, maintained, or held out for rent to accommodate one or more mobile homes. Mobile homes located in a mobile home park shall not include an automobile or mobile home sales lot on which unoccupied mobile home homes are parked for inspection or sale.

- 1.04.87 Modular home. Means a factory built housing unit certified as meeting the State of Iowa Building Code as applicable to modular housing. Once certified by the state, modular housing shall be subject to the same regulations as site-built homes.
- 1.04.88 Motor court or motel. A "motor court or motel" is 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.
- 1.04.89 Nonconforming use. A use or activity which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.
- 1.04.90 Nursing home. "Nursing home" means a home for the aged, chronically ill or incurable persons in which three (3) 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.
- 1.04.91 Overhang. The part of a roof or wall which extends beyond the facade of a lower wall.
- 1.04.92 Planning Commission. "Planning Commission" shall mean the Planning and Zoning Commission of the City of Kingsley, Iowa.
- 1.04.93 Parking space. "Parking space" means a surfaced area, enclosed in the principal building, exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with an accessory building, or an unenclosed area having an area of not less than one hundred eighty (180) square feet street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.
- 1.04.94 "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.
- 1.04.94.1 Princip
al building is a single family dwelling in an R-1 or R-2 district.

- 1.04.95 Recreational vehicle. 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.
- 1.04.96 Satellite dish antenna. A "satellite dish antenna" shall mean 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.
- 1.04.97 Sidewalk. A paved or surfaced area, paralleling and usually separated from the street, used as a pedestrian walkway.
- 1.04.98 Sign. "Sign" means any structure or part thereof or device attached thereto or painted, or represented thereon, which displays or includes any letter, work, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement. "Sign" includes "billboard" but doesn't include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.
- 1.04.99 Site plan. A plan (to scale) showing uses and structures proposed for a parcel of land as required by the regulations involved.
- 1.04.100 Story. "Story" means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.
- 1.04.101 Story half. A space under a sloping roof which has the line of intersection of roof decking and exterior wall face not more than four (4) feet above the top floor level.
- 1.04.102 Street. A "street" is a general term used to describe a public right-of-way which 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).

- 1.04.103 Structure. Anything constructed or erected, other than sidewalks or driveways, with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards and poster panels.
- 1.04.104 Swimming pool. A "swimming pool" is a tank of water either above or below grade level in which the depth of the container exceeds twenty-four (24) inches. "swimming pools", hot tubs, whirlpool baths and tubs, jacuzzi type tubs or baths, shall be considered "swimming pools" if they are located outdoors.
- 1.04.105 Trailer camp or tourist camp. "Trailer camp" or "tourist camp" means an area providing spaces for two (2) or more recreational vehicles, or tent sites for temporary occupancy, with necessary incidental services, sanitation and recreation facilities to serve the traveling public.
- 1.04.106 Warehouse storage facility. A building or portion of a building where goods are stored for hire.
- 1.04.107 Yard. "Yard" means an open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from thirty (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)
- 1.04.108 Yard, front. A yard extending across the full width of the lot and measured between the front lot line and the building.
- 1.04.109 Yard, rear. "Rear yard" means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard. (See Figure 4)
- 1.04.110 Yard, side. "Side yard" means a yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto. (See Figure 4)

1.04.111 Zoning Administrator. The "Zoning Administrator" for the City of Kingsley shall be appointed by the City Council.

1.04.112 Zoning Commission. "Zoning Commission" shall mean the Planning and Zoning Commission of the City of Kingsley, Iowa”.

ARTICLE II

ESTABLISHMENT OF DISTRICTS, ZONING MAP, BOUNDARY INTERPRETATIONS AND ANNEXED TERRITORY

Section 2.00 ESTABLISHMENT OF DISTRICTS:

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

Floodplain District

"FP" District

Agricultural District

"A" District

Residential Districts

"R-1" Single Family Residential District

"R-2" Mixed Residential District

"R-3" Mobile Home Park District

Commercial District

"C" District

Light Industrial District

"ML" Industrial District

Heavy Industrial District

"MH" Industrial District

Section 2.01 ZONING MAP:

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

RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES:

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

- 2.02.01 Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the center lines of such streets, highways, or alleys;
- 2.02.02 Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to follow said boundary lines;
- 2.02.03 Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines;
- 2.02.04 Boundaries shown as following or approximately following the center lines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel center line of such water courses taken at a mean low water mark;
- 2.02.05 Boundaries shown as following or closely following the City limits of Kingsley shall be construed as following such city limit lines;
- 2.02.06 Boundaries indicated as parallel to or extensions of features indicated in subsections 2.02.01 through 2.02.06 shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;
- 2.02.07 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 Kingsley Subdivision Ordinance, the Board of Adjustment shall interpret the district boundaries;
- 2.02.08 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.

Section 2.02

ANNEXED TERRITORY:

Before a Petition for Annexation of Territory to the City of Kingsley, Iowa, shall be presented to the City Council for action, the Petition shall first be submitted to the Kingsley Planning and Zoning Commission. The Planning and Zoning Commission shall review the Petition and make a recommendation with regard to the appropriate zoning classification for the property set forth in the Petition. In the event the City Council shall approve the annexation of the territory, the property shall be annexed pursuant to the classification recommended by the Planning and Zoning Commission.

ARTICLE III

GENERAL PROVISIONS

Section 3.00 ZONING AFFECTS EVERY STRUCTURE IN EVERY DISTRICT:

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.

Section 3.01 MINIMUM STREET FRONTAGE, LOT OF RECORD, NUMBER OF BUILDINGS ON LOT AND LOTS UNSERVED BY SEWER OR WATER:

3.01.01 Minimum street frontage. No lot shall be created after the adoption of this Ordinance unless it abuts at least twenty-five (25) feet on a public street.

3.01.02 Use of lot of record. In any Residence District on a lot of record at the time of enactment of this Ordinance, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this Ordinance are met.. However, where two (2) or more vacant and contiguous substandard recorded lots are held in common ownership, they shall be combined into zoning lots 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.

3.01.03 Lots unserved by sewer and/or water. In any residential district where neither public water supply or public sanitary sewer are reasonably available, one (1) single dwelling may be constructed, provided the otherwise specified lot area and width requirements shall be a minimum of one (1) acre.

Section 3.02 ACCESSORY BUILDINGS, STRUCTURES AND USES:

- 3.02.01 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.
- 3.02.02 Permit required. A permit is required for all detached accessory building or buildings with a permanent foundation.
- 3.02.03 Height of accessory building. No detached accessory building or structure shall exceed eighteen (18) feet in height, and the side walls shall not exceed twelve (12) feet in height.
- 3.02.04 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 (3) feet from any main buildings.

Section 3.03 MORE THAN ONE PRINCIPAL STRUCTURE ON LOT:

In any District more than one principal structure, housing a permitted principal use, may be erected on a single lot provided that the area, yard and other requirements shall be met for each structure as though it were on an individual lot.

Section 3.04 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 Ordinance, 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.

Section 3.05 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 the Ordinance, 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 hereinafter within the article applying to such district.

Section 3.06 YARD AND PARKING SPACE RESTRICTION:

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

Section 3.07 TRAFFIC VISIBILITY ACROSS CORNER LOTS:

In a residential, manufacturing, or agricultural 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 (2½') 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 twenty-five (25) feet distant from the point of intersection of the right-of-way lines.

Section 3.08 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 Ordinance.

Section 3.09 VALIDITY OF EXISTING BUILDING 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 this Ordinance, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Ordinance and the completion thereof carried on in a normal manner within the subsequent six (6) month period, and not discontinued until completion, except for reasons beyond the builder's control.

Section 3.10 HEIGHT EXCEPTIONS:

The height limitations contained in Section 3.18 (bulk requirements) 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 (see Article XIII).

Section 3.11 PUBLIC RIGHT-OF-WAY USE:

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

Figure 5: Traffic Visibility Across Corner Lots

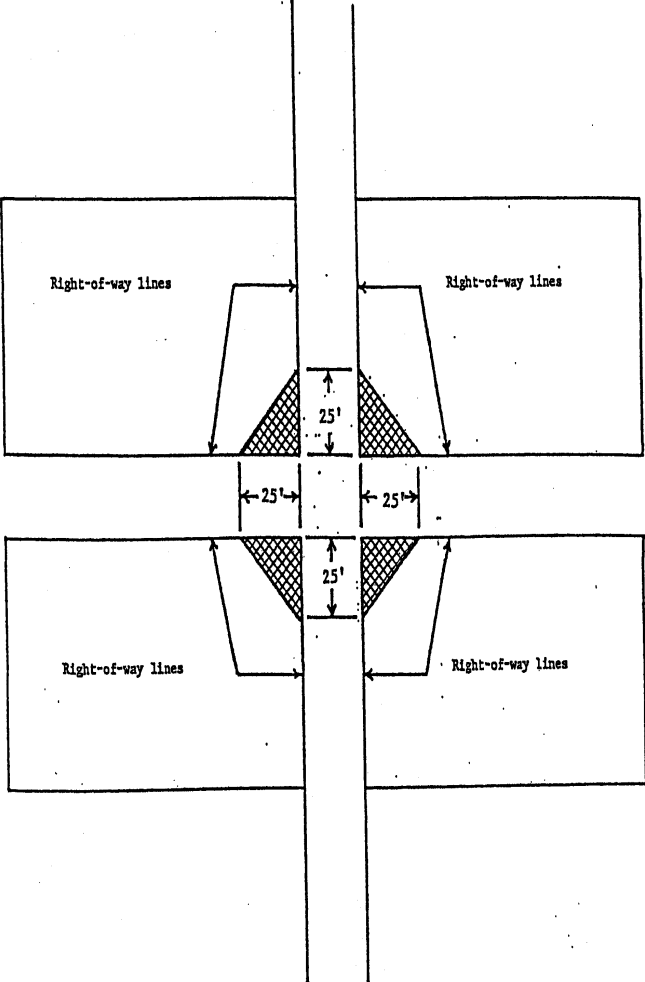


Figure 5 - Traffic Visibility across Corner Lots

Section 3.12. FENCES:

Fences in an "R" district. Residential fences or landscape features such as sculpture or walls must be erected or constructed twenty-four (24) inches from the center of the property line, unless a variance is approved, or on the centerline with appropriate easements. No portion of any fence shall extend onto adjacent property or right-of-way, provided no such fence in any front, side, or rear yard having street frontage exceeds four (4) feet in height and six (6) feet in height in the case of side and rear yards not having street frontage. In front and side yards having street frontage, fence materials shall allow for adequate visibility. All residential fences shall be properly maintained.

Fences in districts other than an "R" district. Non-residential fences located in a district other than an "R" district must be located with the centerline of said fence at least six (6) inches from the property line and cannot exceed eight (8) feet in height.

Section 3.13. PROPOSED USE NOT COVERED BY:

Any proposed use not covered in this title 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 title amended as provided in Section 15.04, before a permit is issued for such proposed use.

Section 3.14 ACCESS REQUIRED:

Every building hereinafter erected or structurally altered shall be on a lot having frontage on a platted street.

Section 3.15 APPLICATION OF REGULATIONS:

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

Section 3.16 PERMITTED USES:

Use is permitted in all zoning districts for the purposes 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 City Council.

All other uses are permitted only as listed under each specific Zoning District.

Section 3.17 TEMPORARY USE EXCEPTIONS:

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

3.17.01 Carnival, circus.

3.17.02 Festivals, auctions

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

3.17.02.01 Health, safety, morals, and comfort of area residents

3.17.02.02 Adverse impact on land uses

3.17.02.03 Possibility of traffic congestion

3.17.02.04 Harm to public roads

3.17.02.05 Erosion of adjacent property

3.17.02.06 Threat to any source of water supply

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

Section 3.18 BULK REQUIREMENTS:

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

Minimum bulk requirements are listed on Table 1 Bulk Requirements, Kingsley, Iowa, on the following page.

Table 1: Bulk Requirements

DISTRICT USE	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Side Street, Corner Lot	Minimum Rear Yard
A-1 SINGLE FAMILY	35 Ft. or 3 Stories	9,000 Sq. Feet	75 Feet	20 Feet	6 Feet	20 Feet	20 Feet
Other Permitted Uses							
R-1 SINGLE FAMILY	35 Ft. or 3 stories	9,000 Sq. Ft.	75 Feet	20 Feet	6 Feet	20 Feet	20 Feet
Other Permitted Uses							
R-2 MIXED RESIDENTIAL	35 Ft. or 3 Stories	9,000 Sq. Ft.	75 Feet	20 Feet	6 Feet	20 Feet	20 Feet
Other Permitted Uses							
3 Plex or Larger- (Minimum Per Unit)	35 Feet or 3 Stories	4,000 Sq. Ft.	75 Feet	20 Feet	6 Feet	20 Feet	20 Feet
R-3 MOBILE HOME PARK	18 Feet	3,000 Sq. Ft. (40 x 75) lot	50 Feet	50 Feet Each yard abutting on a public street shall be a front yard	10 Feet	50 Feet	10 Feet
C-1 COMMERCIAL	35 Feet or 3 Stories						
M-1 MANUFACTURING	35 Feet or 3 Stories						
ACCESSORY BUILDINGS for R-1, R-2, R-3 Districts	18 Feet or One Story which ever is lower				6 Feet		6 Feet

Section 3.19 DWELLING: MINIMUM SIZE:

No building or structure in the City shall be designed, adapted, constructed, or used for a dwelling unless that building or structure contains a minimum of 576 square feet. No tent, cabin or travel trailer may be occupied as a dwelling. No individual unit may be occupied by a household numbering more than four (4) members, unless household is a family.

Section 3.20 HOME OCCUPATIONS:

To qualify as a permitted use in any District under this Ordinance, any and all home occupations must satisfy all of the following criteria:

- 3.20.01 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);
- 3.20.02 The occupation must be conducted entirely within an existing dwelling unit or entirely within an accessory building.
- 3.20.03 The occupation must be conducted by a member(s) of the family or household residing within the dwelling unit, and employing no more than one (1) non-resident employees;
- 3.20.04 The occupation must show minimal 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;
- 3.20.05 Water, sewer, and waste disposal systems shall be subject to approval of the City of Kingsley, Iowa;

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

3.20.07.01 The sign may not display more than the name of the occupant and the nature of the occupations;

3.20.07.02 The sign shall not contain more than six (6) square feet and shall be no more than two feet (2') high or not more than three feet (3') in width; and

3.20.07.03 The sign shall be non-illuminated.

ARTICLE IV

“FP” FLOODPLAIN DISTRICT

Section 4.00 LEGISLATIVE AUTHORITY:

The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the city or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents. (Ord. 90 §1 (A), 1987).

Section 4.01 GENERAL DESCRIPTION:

The “FP” Floodplain District 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.

Section 4.02 PURPOSE:

It is the purpose of this chapter to protect and preserve the rights, privileges and property of the city and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 4.01 with provisions designed to:

- 4.02.01 Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities;
- 4.02.02 Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement;
- 4.02.03 Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard;
- 4.02.04 Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program. (Ord. 90 §1 (C), 1987).

Section 4.03 FINDING OF FACT:

4.03.01 The flood hazard areas of the city are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

4.03.02 These flood losses, hazards, and related adverse effects are caused by:

4.03.02.01 The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding; and

4.03.02.02 The cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities. (Ord. 90 §1 (B), 1987).

Section 4.04 APPLICABILITY:

The provisions of this chapter shall apply to all areas having special flood hazards within the jurisdiction of The City of Kingsley, Iowa. For the purpose of this chapter, the special flood hazard areas are those areas designated as zone A on the flood insurance rate map (FIRM map #190477, 27th September 85) for the City of Kingsley, Iowa, as amended, which is adopted and made a part of this chapter. (Ord. 90 §2 (A), 1987).

Section 4.05 RULES FOR INTERPRETATION OF FLOOD HAZARD BOUNDARIES:

The boundaries of the special flood hazard areas shall be determined by scaling distances on the official flood insurance rate map(FIRM map #190477, 27th September 85). When an interpretation is needed as to the exact location of the boundary, the city council shall make the necessary interpretation. (Ord. 90 §2 (B), 1987).

Section 4.06 STANDARDS FOR FLOODPLAIN DEVELOPMENT GENERALLY:

All uses shall meet the applicable performance standards set out in Sections 4.14 through 4.21 Where needed, the Department of Natural Resources shall be contacted to compute one-hundred-year flood elevation and floodway data.

Section 4.07

PRINCIPAL USES:

Property and buildings in a “FP” Flood Plain District shall be used only for the following purposes:

- 4.07.01 Agricultural crops.
- 4.07.02 Pastures
- 4.07.03 Parks
- 4.07.04 Golf courses
- 4.07.05 Extraction of sand and gravel

Section 4.08

DEVELOPMENT REQUIREMENTS:

All development within the special flood hazard areas shall:

- 4.08.01 Be consistent with the need to minimize flood damage;
- 4.08.02 Use construction methods and practices that will minimize flood damage;
- 4.08.03 Use construction materials and utility equipment that are resistant to flood damage;
- 4.08.04 Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources. (Ord. 90 §3 (A) , 1987).

Section 4.09

PERMIT REQUIRED:

The applicant must secure a permit from the Department of Natural Resources (DNR) and not be in a flood plain district prior to a permit being considered by the Zoning Administrator. No construction is allowed in the floodway.

Section 4.10

COMPLIANCE REQUIRED:

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter. (Ord. 90 §2 (C), 1987).

Section 4.11 GREATER RESTRICTIONS:

It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other ordinances inconsistent with this chapter are repealed to the extent of the inconsistency only. (Ord. 90 §2 (D), 1987).

Section 4.12 INTERPRETATION OF PROVISIONS:

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes. (Ord. 90 §2 (E), 1987).

Section 4.13 FLOODPLAIN DEVELOPMENT PERMIT:

- 4.13.01 Permit Required. A floodplain development permit issued by the administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to, buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory built homes.
- 4.13.02 Application for Permit. Application shall be made on forms furnished by the administrator and shall include the following:
 - 4.13.02.01 Description of the work to be covered by the permit for which application is to be made;
 - 4.13.02.02 Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done;
 - 4.13.02.03 Indication of the use or occupancy for which the proposed work is intended;
 - 4.13.02.04 Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings;
 - 4.13.02.05 For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements;

- 4.13.02.06 For developments involving more than five acres, the elevation of the one-hundred-year flood;
- 4.13.02.07 Such other information as the administrator deems necessary for the purpose of this chapter.
- 4.13.03 Procedure for Acting on Permit. The Administrator shall make a determination as to whether the floodplain development, as proposed, meets the applicable provisions of Sections 4.14 through 4.21 and shall approve or disapprove the application. In reviewing proposed development, the Administrator shall obtain, review and reasonably utilize any available floodplain information or data from federal, state or other sources. (Ord. 90 §4 (B), 1987).

Section 4.14 REQUIREMENTS FOR STRUCTURES:

- 4.14.01 New or substantially improved residential structures shall have the first floor (to include basement) elevated a minimum of one foot above the one-hundred-year flood level.
- 4.14.02 New or substantially improved non-residential structures shall have the first floor (including basement) elevated a minimum of one foot above the one-hundred-year flood level, or together with attendant utility and sanitary systems, be flood-proofed to such a level. When flood-proofing is utilized, a professional engineer registered in the state of Iowa shall certify that the flood-proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one-hundred-year flood; and that the structure below the one-hundred-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to the National Geodetic Vertical Datum) to which any structures are flood-proofed shall be maintained by the administrator.
- 4.14.03 All new and substantially improved structures shall meet the following:
 - 4.14.03.01 Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (b) The bottom of all openings shall be no higher than one foot above grade.
- (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4.14.03.02 New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

4.14.03.02 New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Ord. 90 §3 (B), 1987).

Section 4.15 FACTORY BUILT HOMES:

4.15.01 Factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement.

4.15.02 Factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the one-hundred-year flood level. (Ord. 90 §3 (C), 1987).

Section 4.16 REQUIREMENTS FOR SUBDIVISIONS:

Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damage and shall provide adequate drainage to reduce exposure to flood hazards. Development associated with subdivisions shall meet the applicable standards of this chapter. (Ord. 90 §3 (D), 1987).

Section 4.17 MATERIAL AND EQUIPMENT STORAGE:

Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the one-hundred-year flood level. Other material and equipment must either be similarly elevated or:

- 4.17.01 Not be subject to major flood damage and be anchored to prevent movement due to flood waters; or;
- 4.17.02 Be readily removable after flood warning. (Ord. 90 §3 (G), 1987).

Section 4.18 SIGN REGULATIONS:

Sign regulations are as follows:

- 4.18.01 Traffic and official signs
- 4.18.02 Roadside stands for sale of farm produce raised on the premises
- 4.18.03 Signs pertaining to the sale or lease of property, or to activities conducted on the property; provided, however that these shall not exceed thirty (30) square feet in area.

Section 4.19 UTILITY AND SANITARY SYSTEMS:

- 4.19.01 All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of floodwaters into the system as well as the discharge of effluent into floodwaters.
- 4.19.02 On-site waste disposal systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- 4.19.03 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- 4.19.04 Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the systems and the risk associated with such flood damaged or impaired systems. (Ord. 90 §3 (E), 1987).

Section 4.20 WATER COURSE ALTERATIONS:

Water course alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. (Ord. 90 §3 (F), 1987).

Section 4.21 SPECIAL EXCEPTIONS:

Special exceptions may be applied for per Article XIV. The Board of Adjustment may approve, deny or table an application in accordance with provisions contained therein.

Section 4.22 FLOODPLAIN ADMINISTRATOR (ZONING ADMINISTRATOR):

- 4.22.01 Floodplain Administrator will be Zoning Administrator and will administer the provisions of this chapter and will be referred to in this chapter as the administrator.
- 4.22.02 The Administrator shall review all subdivision proposals within the special flood hazard areas to assure that such proposals are consistent with the purpose and spirit of this chapter and shall advise the City Council of potential conflicts. Floodplain development in connection with a subdivision (including installation of public utilities) shall require a floodplain development permit as provided in Section 4.13 for proposals greater than fifty lots, the sub-divider shall be responsible for providing flood elevation data. (Ord. 90 §4 (C), 1987).
- 4.22.02 Duties of the administrator shall include, but not necessarily be limited to the following:
 - 4.22.02.01 Review all floodplain development permit applications to assure that the provisions of this chapter will be satisfied;
 - 4.22.02.02 Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies, including approval when required from the Department of Natural Resources for floodplain construction;
 - 4.22.02.03 Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area;

- 4.22.02.04 Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) to which all new or substantially improved structures have been flood-proofed;
- 4.22.02.05 Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency;
- 4.22.02.06 Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter. (Ord. 90 §4 (A), 1987).

Section 4.23

LIABILITY DISCLAIMER:

The standards required by this chapter are considered reasonable for regulatory purposes. The chapter does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Kingsley, Iowa or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administration decision lawfully made there under. (Ord. 90 §2 (F), 1987).

Section 4.25

DEFINITIONS:

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this chapter its most reasonable application:

- 4.25.01 Basement. Means any enclosed area of a building which has its floor or lowest level below ground level (sub-grade) on all sides. Also see "lowest floor."
- 4.25.02 Development. Means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- 4.25.03 Factory-built home. Means any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter, factory-built homes including mobile homes, manufactured homes and modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.

- 4.25.04 Factory-built home park or subdivision. Means a parcel (or contiguous parcels) of land divided into two or more factory-built home lots for sale or rent.
- 4.25.05 Flood. Means a temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff or surface waters from any source.
- 4.25.06 Flood-proofing. Means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
- 4.25.07 Floodway. Means the channel of a river or stream and those portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.
- 4.25.08 Lowest floor. Means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
- 4.25.08.01 The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 4.15;
 - 4.25.08.02 The enclosed area is unfinished (not carpeted, dry-walled, etc.) and used solely for low damage potential uses such as building access, parking or storage; machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the one-hundred-year flood level;
 - 4.25.08.03 The enclosed area is not a "basement" as defined in this section. In cases where the lowest enclosed area satisfies criteria in subdivisions 1, 2, 3 and 4 of this sub-section, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria in this subsection.

- 4.25.09 One-hundred-year flood. Means a flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred years.
- 4.25.10 Special flood hazard area. Means the land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified as zone A-on the flood insurance rate map.
- 4.25.11 Structure. Means anything constructed or erected on the ground or attached to the ground including but not limited to buildings, factories, sheds, cabins, factory-built homes, storage tanks and other similar uses.
- 4.25.12 Substantial improvement. Means any improvement to a structure which satisfies either of the following criteria:
- 4.25.12.01 Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:
- (a) before the improvement or repair is started, or
 - (b) if the structure has been damaged and is being restored, before the damage occurred. 'For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use.
- 4.25.12.02 Any addition which increases the original floor area of a building by twenty-five percent (25%) or more. All additions constructed after September 27, 1985 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent. (Ord. 90 §5, 1987).

ARTICLE V

“A” AGRICULTURAL DISTRICT

Section 5.00 GENERAL DESCRIPTION:

The "A" Agricultural District 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.

Section 5.01 PRINCIPAL USES PERMITTED:

Property and buildings in an "A" Agricultural District shall be used only for the following purposes:

5.01.01 Agricultural crops only. Other agricultural uses, see Section 5.02.

Section 5.02 SPECIAL EXCEPTIONS:

The following special exceptions may be applied for per Section 15.03. The Board of Adjustment may approve, deny or table an application in accordance with provisions contained therein:

5.02.01 Public utilities.

5.02.02 Cemetery or mausoleum.

Section 5.03 HEIGHT REGULATIONS: LOT AREA, FRONTAGE AND YARD REQUIREMENTS:

Shall be those regulations as specified in Section 3.18.

Section 5.04 SIGN REGULATIONS:

Shall be those regulations as specified in Article XII.

ARTICLE VI

“R-1” SINGLE FAMILY RESIDENTIAL DISTRICT

Section 6.00 GENERAL DESCRIPTION:

The "R-1" is the most restrictive Residential District. The principal use of land is for single family dwellings and related recreational, religious and educational institutions and facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from encroachment of uses which are not appropriate to a residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

Section 6.01 PRINCIPAL USES PERMITTED:

Property and buildings in a "R-1" Single Family Residential District shall be used only for the following purposes:

- 6.01.01 Single family detached dwellings.
- 6.01.02 Duplexes.
- 6.01.03 Family homes, as defined herein.
- 6.01.04 Churches and temples.
- 6.01.05 Public schools, elementary, junior high and high schools.
- 6.01.06 Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes.
- 6.01.07 Public, semi-public parks, and playgrounds.
- 6.01.08 Child care centers.
- 6.01.09 Home occupations.
- 6.01.10 Group care facilities.

6.01.11 Accessory uses which are customarily incidental to any of the above stated uses, but not involving the conduct of business other than a home occupation. Accessory uses shall include private garages and carports, private swimming pools and private greenhouses not operated for commercial purposes.

Section 6.02 SPECIAL EXCEPTIONS:

The following special exceptions may be applied for per Section 15.03. The Board of Adjustment may approve, deny or table an application in accordance with provisions contained therein:

6.02.01 Hospitals, family homes, nursing homes, convalescent homes, public buildings, and/or community buildings, with the same off-street parking and yards as those required for other institutional uses under this ordinance.

6.02.02 Essential services.

6.02.03 Swimming pools, golf courses and country clubs, except miniature courses or driving ranges operated for a profit.

6.02.04 The taking of boarders or the leasing of rooms by a resident family, providing total number does not exceed two (2) per building.

6.02.05 Funeral homes

Section 6.03 HEIGHT REGULATIONS: LOT AREA, FRONTAGE AND YARD REQUIREMENTS:

Shall be those regulations as specified in Section 3.18.

Section 6.04 SIGN REGULATIONS:

Shall be those regulations as specified in Article XII.

Section 6.05 PROHIBITIONS:

Garage sales, yard sales, flea markets, auctions or other similar methods of selling tangible personal property shall not extend longer than two (2) consecutive days in a calendar year. On any particular lot, such sales may occur no more than a total of eight (8) days in any calendar year. Nothing in this Chapter shall be construed to broaden the prohibitions set forth in this Section.

ARTICLE VII

“R-2” MIXED RESIDENTIAL DISTRICT

Section 7.00 GENERAL DESCRIPTION:

The "R-2" Mixed Residential District is to provide for two-family and medium high population density. The principle use of land may range from single family to multiple-family dwelling units. Certain uses are permitted which are more compatible functionally with intensive residential uses than with commercial uses. The recreational, religious and educational institutions and facilities normally required to provide an orderly and attractive residential area are included. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

Section 7.01 PRINCIPAL USES PERMITTED:

Property and buildings in a "R-2" Mixed Residential District shall be used only for the following purposes:

- 8.01.01 Any use permitted in the "R-1" Single Family Residential District.
- 8.01.02 Multiple, condominium and row dwellings.
- 8.01.03 Boarding and lodging houses.
- 8.01.04 Child care centers.
- 8.01.05 Religious and educational institutions.
- 8.01.06 Family home.
- 8.01.07 Private club or lodge, excepting one where the major activities are a service customarily carried on as a business.
- 8.01.08 Accessory uses and buildings which are customarily incidental to any of the above stated uses.

Section 7.02 SPECIAL EXCEPTIONS:

The following special exceptions may be applied for per Section 15.03. The Board of Adjustment may approve, deny or table an application in accordance with provisions contained therein:

- 7.02.01 Private kindergartens and day nurseries, and child care centers.
- 7.02.02 Hospitals, family homes, nursing homes, convalescent homes, public buildings, and/or community buildings, with the same off-street parking and yards as those required for other institutional uses under this ordinance.
- 7.02.03 Essential services.
- 7.02.04 Mortuary or funeral homes.
- 7.02.05 Medical and dental clinics.
- 7.02.06 Group care facilities.

Section 7.03 HEIGHT REGULATIONS: LOT AREA, FRONTAGE AND YARD EXCEPTIONS:

Shall be those regulations as specified in Section 3.18.

Section 7.04 SIGN REGULATIONS:

Shall be those regulations as specified in Article XII.

ARTICLE VIII

“R-3” MOBILE HOME PARK DISTRICT

Section 8.00 GENERAL DESCRIPTION:

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

Section 8.01 PRINCIPAL USES PERMITTED:

Property and buildings in a "R-3" Mobile Home District shall be used only for the following purposes:

8.01.01 Mobile home parks.

8.01.02 Accessory uses and buildings which are customarily incidental to the above stated uses, but not involving the conduct of business.

Section 8.02 SPECIAL EXCEPTIONS:

Any other uses deemed by the Board of Adjustment to be appropriate to this District and incidental to the uses listed in Section 8.01 may be approved by the Board, in its discretion, following its review of application for a special use permit as defined in Section 15.03.

Section 8.03 HEIGHT REGULATIONS: LOT AREA, FRONTAGE AND YARD REQUIREMENTS:

Such regulations as specified in Section 3.18.

Section 8.04 SIGN REGULATIONS:

Shall be those regulations as specified in Section Article XII.

Section 8.05

USE LIMITATIONS:

Notwithstanding any other provision of this Code of Ordinances, this Section shall govern location, placement and use of mobile homes within the City of Kingsley, Iowa. Mobile homes used as dwelling or for any other use may be located only within an R-3 Mobile Home District. Mobile homes unoccupied and held for commercial sale may be placed for temporary storage on lots within A-I or C-1 Districts. Any other location or use of mobile homes within the City of Kingsley, Iowa is forbidden. Mobile homes validly placed or located within other Districts prior to enactment of this ordinance may continue as a nonconforming use subject to Article XIII of this ordinance.

ARTICLE IX

“C” COMMERCIAL DISTRICT

Section 9.00 GENERAL DESCRIPTION:

The "C" Commercial District is intended and designed for business, professions and occupations which are located in the Commercial District and require off street parking areas and loading spaces.

Section 9.00.1 ACCESSORY BUILDINGS, STRUCTURES AND USES:

9.00.01 Permit required. A permit and permanent foundation is required for all detached accessory building or buildings.

9.00.02 Height of accessory building. No detached accessory building or structure shall exceed eighteen (18) feet in height, and the side walls shall not exceed twelve (12) feet in height.

9.00.03 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 (3) feet from any main buildings.

Section 9.01 PRINCIPAL USES PERMITTED:

Property and buildings in a "C" Commercial District shall be used only for the following purposes:

9.01.01 Antique shops.

9.01.02 Apartments above first story level of a store or shop, with off-street/on site parking.

9.01.03 Apparel shops.

9.01.04 Art shops.

9.01.05 Automobile accessory and parts stores.

9.01.06 Bakeries, bakery outlets or catering service, retail sales only.

9.01.07 Banks, savings and loan associations, and similar financial institutions.

- 9.01.08 Barbershops and beauty parlors.
- 9.01.09 Bicycle shops, sales and repair.
- 9.01.10 Bowling alleys.
- 9.01.11 Business offices, professional offices and studios.
- 9.01.12 Business and vocational schools
- 9.01.13 Camera stores.
- 9.01.14 Carpenter and cabinet making shops.

- 9.01.15 Car wash with truck bay.
- 9.01.16 Child care centers.
- 9.01.17 Churches and temples.
- 9.01.18 Clothes cleaning and laundry pick-up stations.
- 9.01.19 Clothing stores.
- 9.01.20 Collection office of public utility.
- 9.01.21 Confectionery stores, including ice cream or snack bars.
- 9.01.22 Dairy stores, retail only.
- 9.01.23 Dance studio.
- 9.01.24 Delicatessens.
- 9.01.25 Dental and medical clinics.
- 9.01.26 Department stores.
- 9.01.27 Drug stores.
- 9.01.28 Dry goods stores.
- 9.01.29 Florist shops.
- 9.01.30 Furniture stores.
- 9.01.31 Gift shops.
- 9.01.32 Grocery stores, frozen food lockers, including supermarkets.
- 9.01.33 Hardware stores.
- 9.01.34 Hobby shops.
- 9.01.35 Household appliances, sale and repair.
- 9.01.36 Jewelry stores and watch repair shops.
- 9.01.37 Libraries.

- 9.01.38 Launderettes, coin-operated dry cleaning establishments, and dry-cleaning or pressing establishments using only non-flammable solvents.
- 9.01.39 Lawn mower repair shops.
- 9.01.40 Locker plant for storage and retail sales only.
- 9.01.41 Leather goods store.
- 9.01.42 Medical and dental clinics
- 9.01.43 Music stores and music studios.
- 9.01.44 Office supply shops
- 9.01.45 Paint and wallpaper stores.
- 9.01.46 Personal service and repair shops.
- 9.01.47 Pet shops.
- 9.01.48 Photographic studios, printing and developing establishments.
- 9.01.49 Plumbing and heating shops.
- 9.01.50 Post offices.
- 9.01.51 Printing and lithographing shops.
- 9.01.52 Publishing and engraving establishments.
- 9.01.53 Radio and television sales and repair shops.
- 9.01.54 Restaurants and taverns.
- 9.01.55 Shoe and hat repair shops.
- 9.01.56 Sporting goods stores.
- 9.01.57 Tailor and dressmaking shops.
- 9.01.58 TV and appliance repair and sales.
- 9.01.59 Theatres.

- 9.01.60 Toy stores.
- 9.01.61 Upholstering shops.
- 9.01.62 Used car lots.
- 9.01.63 Variety stores.
- 9.01.64 Video/movie film and equipment rental and sales.
- 9.01.65 Accessory uses and buildings which are customarily incidental to the above stated uses.

Section 9.02

SPECIAL EXCEPTIONS:

The following special exceptions may be applied for per Section 15.03. The Board of Adjustment may approve, deny or table an application in accordance with provisions contained therein:

- 9.02.01 Agricultural feed and seed sales, but excluding grinding, mixing, and bleeding.
- 9.02.02 Animal hospitals and veterinary clinics.
- 9.02.03 Apartments on first and second story level with off-street/on site parking.
- 9.02.04 Automobiles, trailer, motorcycle, boat and farm implement establishments for display, hire, rental, and sales (including sales lots). This paragraph shall not be construed to include automobile, tractor or machinery wrecking and rebuilding and used parts yards.
- 9.02.05 Automobile, trailer, motorcycle, boat and farm implement service/repair establishments.
- 9.02.06 Convenience Stores w/ Fuel Sales.
- 9.02.07 Book stores.
- 9.02.08 Unattended Fuel Sales Sites.
- 9.02.09 Drive-in restaurants.
- 9.02.10 Funeral homes and mortuaries.

- 9.02.11 Liquor stores.
- 9.02.12 Lumber yards.
- 9.02.13 Private clubs and lodges.
- 9.02.14 Public buildings, parks, playgrounds and community buildings.
- 9.02.15 Public utilities and offices.
- 9.02.16 Rental storage buildings.
- 9.02.17 Roadside stands for the sale of fresh fruits, vegetables, nursery stock and plant food.
- 9.02.18 Service stations.
- 9.02.19 Sheet metal shops.
- 9.02.20 Wholesale display and sales rooms and offices.
- 9.02.22 Welding and machine shops.
- 9.02.23

Section 9.03 HEIGHT REGULATIONS: LOT AREA, FRONTAGE AND YARD REQUIREMENTS:

Shall be those regulations as specified in Section 3.18.

Section 9.04 SIGN REGULATIONS:

Shall be those regulations as specified in Section Article XII.

ARTICLE X

“ML” LIGHT INDUSTRIAL DISTRICT

Section 10.00 GENERAL DESCRIPTION:

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

Section 10.01 PRINCIPAL USES PERMITTED:

Property and buildings in an "ML" Light Industrial District shall be used only for the following purposes:

10.01.01 Bottling works.

10.01.02 Cleaning and dyeing plants.

10.01.03 Creamery and/or dairy processing plant.

10.01.04 Truck or bus garage and repair shop.

10.01.05 Farm implement sales, service, repair and assembly.

10.01.06 Freight terminal and grain elevator.

10.01.07 Building material sales and storage.

10.01.08 Wholesaling and warehousing.

10.01.09 Public utilities.

10.01.10 Automobile body repair and paint shop.

10.01.11 Clothing manufacture.

10.01.12 Welding shop.

10.01.13 Light manufacturing and assembly plants.

- 10.01.14 Consignment and auction sales operations having no more than four (4) public sales per month, but excluding the sale of livestock, fish, fowl, or animals of any kind.
- 10.01.15 Brick and clay products and central mixing and proportioning plant.
- 10.01.16 Concrete products and central mixing and proportioning plant.
- 10.01.17 Flour, feed and grain milling and storage.
- 10.01.18 Tool and die shops, and machine shops.
- 10.01.19 Structural iron and steel fabrication.
- 10.01.20 Machinery manufacture.
- 10.01.21 Mini-steel plants.
- 10.01.22 PVC products manufacturing.
- 10.01.23 Cleaning and dyeing plants.
- 10.01.24 Accessory uses and buildings which are customarily incidental to the above stated permitted uses and including temporary buildings used in conjunction with construction work, provided such buildings are removed promptly upon completion of the construction work.

Section 10.02

SPECIAL EXCEPTIONS:

The following special exceptions may be applied for per Section 15.03. The Board of Adjustment may approve, deny or table an application in accordance with provisions contained therein:

- 10.02.01 Contractor's shop and storage yard enclosed by presentable solid fence eight (8) feet high.
- 10.02.02 Animal pound or kennel.
- 11.02.03.
Carnivals, circuses, fairs, road shows.
- 10.02.04 Radio and television broadcasting tower or station.

10.02.05 Accessory uses and buildings which are customarily incidental to the above stated permitted uses and including temporary buildings used in conjunction with construction work, provided such buildings are removed promptly upon completion of the construction work.

Section 10.03 HEIGHT REGULATIONS: LOT AREA, FRONTAGE AND YARD REQUIREMENTS:

Shall be those regulations as specified in Section 3.18.

Section 10.04 SIGN REGULATIONS:

Shall be those regulations as specified in Article XII.

ARTICLE XI

“HM” HEAVY MANUFACTURING DISTRICT

Section 11.00 GENERAL DESCRIPTION:

The “HM” Heavy Manufacturing District is intended primarily for the conduct of activities and environment suitable heavy industrial activities that so not create appreciable nuisances or hazards. The uses permitted in this District make it the most desirable that they be separated from residential uses.

Section 11.01 PRINCIPAL USES PERMITTED:

Property and buildings in an “HM” Manufacturing District shall be used only for the following purposes:

- 11.01.01 Any use permitted in the “ML” Light Industrial District.
- 11.01.02 Acids and derivatives
- 11.01.03 Acetylene
- 11.01.04 Ammonia
- 11.01.05 Carbide
- 11.01.06 Caustic soda
- 11.01.07 Cellulose and cellulose storage
- 11.01.08 Chlorine
- 11.01.09 Coke oven products (including fuel gas) and coke oven products storage
- 11.01.10 Creosote
- 11.01.11 Distillation, manufacture, or refining of coal, tar, asphalt, wood and bones
- 11.01.12 Explosives (including ammunition and fireworks) and explosive storage
- 11.01.13 Fertilizer (organic)

- 11.01.14 Fish oils and meal
- 11.01.15 Glue, gelatin (animal)
- 11.01.16 Hydrogen and oxygen
- 11.01.17 Lamp black, carbon black, and bone black
- 11.01.18 Nitrating of cotton or other materials
- 11.01.19 Petroleum, gasoline, and lubricating oil refining and wholesale storage
- 11.01.20 Plastic materials and synthetic resins
- 11.01.21 Potash
- 11.01.22 Pyroxyline
- 11.01.23 Rendering and storage of dead animals, offal, garbage, or waste products
- 11.01.24 Wells, gas and oil
- 11.01.25 Clay, stone and glass products
- 11.01.26 Brick, Firebrick, Refractories and Clay products (coal fired)
- 11.01.27 Cement, lime, gypsum. or plaster of Paris
- 11.01.28 Minerals and earths: quarrying, extracting grinding, crushing and processing
- 11.01.29 Fat rendering
- 11.01.30 Fish curing, packing and storage
- 11.01.31 Slaughtering of animals
- 11.01.32 Starch manufacture
- 11.01.33 Aluminum powder and paint manufacture
- 11.01.34 Blast furnace, cupolas

- 11.01.35 Blooming mill
- 11.01.36 Metal and metal ores, reduction, refining, smelting, and alloying
- 11.01.37 Scrap metal reduction or smelting
- 11.01.38 Steel works and rolling mill (ferrous)
- 11.01.39 Match manufacturing
- 11.01.40 Wood pulp and fiber, reaction and processing
- 11.01.41 Hair, hides, and raw fur, curing, tanning, dressing, dyeing and storage
- 11.01.42 Stockyards

Section 11.02

SPECIAL EXCEPTIONS:

The following special exceptions may be applied for per Section 15.03. The Board of Adjustment may approve, deny or table an application in accordance with provisions contained therein:

- 11.02.01 Contractor's shop and storage yard enclosed by presentable fence eight (8) feet high.
- 11.02.02 Animal pound or kennel.
- 11.02.03 Carnivals, circuses, fairs, road shows
- 11.02.04 Radio and television broadcasting tower or station.
- 11.02.05 Accessory uses and buildings which are customarily incidental to the above stated permitted uses and including temporary buildings used in conjunction with construction work, provided such buildings are removed promptly upon completion of the construction work.

Section 11.03 HEIGHT REGULATIONS: LOT AREA, FRONTAGE AND YARD REQUIREMENTS:

Shall be those regulations as specified in Section 3.18

Section 11.04 SIGN REGULATION:

Shall be those regulations as specified in Article XII

ARTICLE XII

SIGNS

Section 12.00 GENERAL PROVISIONS:

All signs and billboards shall be maintained in a neat and presentable condition and in the event their use will cease, they shall be removed within 30 days and the surrounding area restored to a condition free from refuse and debris.

All temporary, illuminating, flashing, portable signs must secure a sign placement permit from the City Clerk, allowable only in commercial and industrial/manufacturing districts and valid for a maximum time limit of seventy-two (72) hours. Such permit will not be renewed to the same person or business for fourteen (14) days. The fourteen (14) day period is calculated from the first day as written on the sign placement permit.

Section 12.01 AGRICULTURAL DISTRICTS:

In an Agricultural District the following signs are permitted:

12.01.01 Name plates not to exceed a three (3) square foot area.

12.01.02 Church or public bulletin boards.

12.01.03 Temporary signs advertising the lease or sale of the premises, not to exceed thirty two (32) square feet in area.

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

Section 12.02 RESIDENTIAL DISTRICTS:

In a Residential District the following signs are permitted:

- 12.02.01 Name plates not to exceed three (3) square feet.
- 12.02.02 Church or public bulletin boards.
- 12.02.03 Temporary sign advertising the lease or sale of the premises not to exceed twelve (12) square feet in area.
- 12.02.04 Facilities, other than single family dwellings, normally required to provide an attractive "R-1" residential area may illuminate signs, bulletin boards and name plates only with indirect not-intermittent light that do not exceed sixty (60) watts.
- 12.02.05 Signs for home occupations, and signs attached to a residence not exceeding six (6) square feet in area.

Section 12.03 COMMERCIAL DISTRICTS:

The following signs are permitted in all Commercial Districts:

- 12.03.01 Signs permitted in the residential districts.
- 12.03.02 Any exterior sign shall pertain only to a use conducted within the building and be integral or attached thereto. No sign may project over any street line (back of curb) or extend more than six (6) feet over any building line whether fixed to the building or any other structure. In no case shall any sign project more than from (4) feet above the roof line, and the total area of all signs pertaining to the business conducted in an building shall not exceed two (2) square feet in area for every lineal foot occupied by the front of the building displaying such sign, but not to exceed lot frontage. Where the lot adjoins an "R" District, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" district, however, this does not apply to the side of the building which is opposite that side adjoining the "R" District;
- 12.03.03 One (1) "post sign" or business identification sign provided, however, that said "post sign" shall not have a surface area of greater than forty (40) square feet on any one (1) side thereof and more than two (2) sides of "post sign shall be used for advertising purposes. The bottom of said post sign or surface area thereof shall not be less than twelve (12) feet above the sidewalk or above the surface of the

ground upon which it is erected, and the total vertical dimension of twelve (12) feet or horizontal dimension of said sign shall not be greater than seven (7) feet. Total maximum height of said sign shall not be over twenty-four (24) feet.

12.03.04 The term "post sign" as herein defined shall not be deemed to include any sign advertising the trade name, merchandise or service of any person, firm, or corporation who pays a consideration for the privilege of placing, maintaining, or using any portion of said sign to the owner or occupant of the premises upon which said sign is erected or placed. Said "post sign" shall not extend over street right-of-way lines nor otherwise obstruct or impair the safety of pedestrians or motorists.

Section 12.04 MANUFACTURING DISTRICTS:

All signs allowed within the Commercial District are allowed with the Light and Heavy Manufacturing Districts.

Section 12.05 OUTDOOR ADVERTISING SIGNS:

In all districts where permitted, signs shall be set back from the proposed right-of-way line of any state or federal highway, any major City thoroughfare so designated by the Official Major Street Plan, and from the right-of-way line of any other street or highway. Signs erected in a manner as to obstruct free and clear vision of streets, alleys or driveways or erected, designed or positioned to interfere with, obstruct, or be confused with any authorized traffic sign, signal or device which may mislead or confuse traffic shall not be permitted in all zoning districts.

No sign shall be permitted which faces the front or side lot line of any lot in any "R" Residential District used for residential purposes within one hundred (100) feet of such lot lines, or which faces any public parkway, public square or entrance to any public park, public parochial school, church, cemetery or similar institution, within three hundred (300) feet thereof, unless said sign is a single-faced wall (fascia) sign which is parallel to its supporting wall and not extending more than twelve (12) inches from the wall.

Figure 6: Sign Types

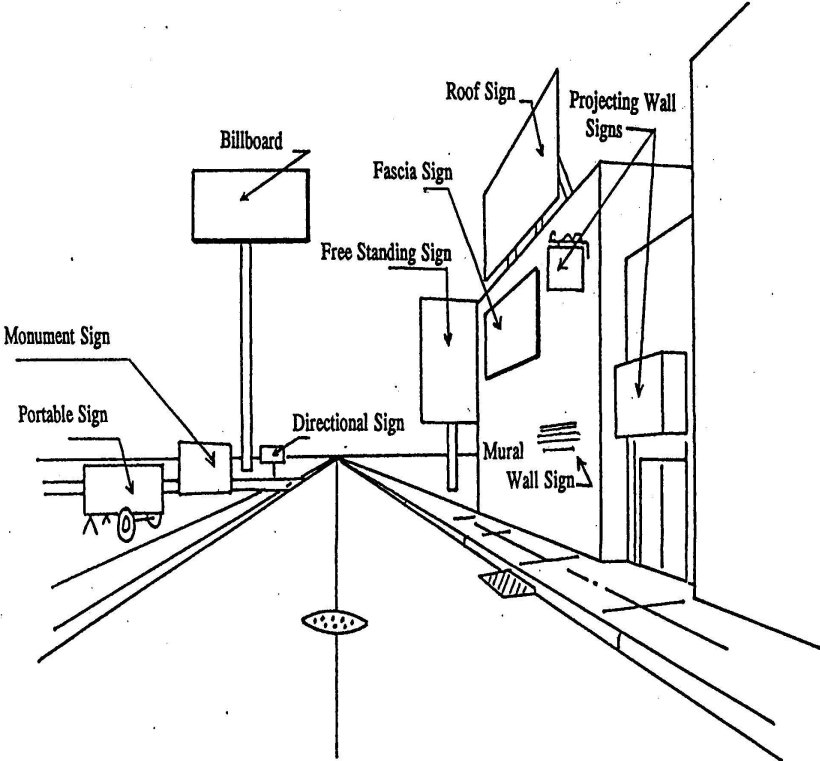


Figure 6 - Sign Types

ARTICLE XIII

NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND

Section 13.00 NONCONFORMING BUILDINGS AND STRUCTURES:

- 13.00.01 General. A nonconforming building or structure existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe.
- 13.00.02 Alteration or Enlargement of Building and Structure. A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure including additions and enlargements, is made to conform to all the regulations of the District in which it is located; provided, however, that if a building or structure is conforming as to its use, but nonconforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the District in which said building or structure is located. No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the District in which it is located.
- 13.00.03 Building Vacancy. A building or structure or portion thereof, which is nonconforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the District in which it is located.
- 13.00.04 Destruction of Nonconforming Building or Structure. Any nonconforming building or structure which has been or may be damaged by fire, flood, explosions, earthquake, war, riot, or any other act of God, may be reconstructed and used as before if it can be done within twelve (12) months of such calamity, unless damaged more than fifty (50) percent of its fair market value, as determined by the Board of Adjustment, at the time of the damage, in which case reconstruction shall be in accordance with the provisions of this Ordinance.

13.00.05 Change of Uses. A nonconforming use of a conforming building or structure may be expanded or extended into any other portion of the structure provided the structure was manifestly arranged or designed for such use at the time of adoption or amendment of the Ordinance, but no such use shall be extended to occupy any land outside such building.

If such a nonconforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant conforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of this Ordinance, but otherwise it shall be used in conformity with the regulations of the district in which it is located.

The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of nonconforming building or structure is changed to a use of a more restricted district classification it thereafter shall not be changed to a use of a less restricted district classification; provided, however, that a building or structure that is nonconforming at the time of adoption of this Ordinance is not in violation. For the purpose of this subsection only, the "R-1" District shall be considered the most restrictive and the "HM" District the least restrictive District.

13.00.06 Swimming Pool Fences. The lawful use of a swimming pool existing at the effective date of this Ordinance may be continued, provided that twelve (12) months after the effective date of this Ordinance all nonconforming pools shall conform to Section 3.12.

Section 13.01 NONCONFORMING USES OF LAND:

A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than five hundred dollars (\$500), existing at the time of adoption of this Ordinance, may be continued three (3) years there from provided that:

13.01.01 Said nonconforming use may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of this Ordinance.

13.01.02 If said nonconforming use or any portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the District in which said land is located.

ARTICLE XIV

ADDITIONAL REQUIREMENTS, EXCEPTIONS, MODIFICATIONS AND INTERPRETATIONS

Section 14.00 GENERAL:

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

Section 14.01 HEIGHT AND SIZE LIMITS:

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

14.01.01 To church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts, and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if in the opinion of the Zoning Administrator, such structure would adversely effect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustment.

14.01.02 To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height than specified, such may be authorized by the Board of Adjustment.

Section 14.02 FRONT YARD EXCEPTIONS AND MODIFICATIONS:

14.02.01 Front yard requirements do not apply to bay windows or balconies that do not project more than two (2) feet into the front yard.

14.02.02 In any District where the average depth of two (2) or more existing front yards on lots within two hundred (200) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average depth of said existing front yards or the average depth of the two (2) lots immediately adjoining or, in the case of a comer lot, the depth of the front yard on the lot immediately adjoining; provided, however,

that the depth of the front yard on a lot in any "R" District shall be at least ten (10) feet.

14.02.03 For the purpose of determining lot width, that portion of a flag lot used for ingress and egress shall not be included as a part of the required front yard.

Section 14.03 SIDE YARD EXCEPTIONS AND MODIFICATIONS:

14.03.01 Along any district boundary line, any abutting side yard on a lot in the less restricted District shall have a least width equal to that required in the more restricted district. Where a building is proposed for a lot in the "M" District, and a line of such lot abuts an "R" District, the side yard in the "M" District shall be increased by three (3) feet for each foot that the proposed building will exceed the height limit of the said "R" district.

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

14.03.03 The following projections or structures may be permitted in side yards:

14.03.04 Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.

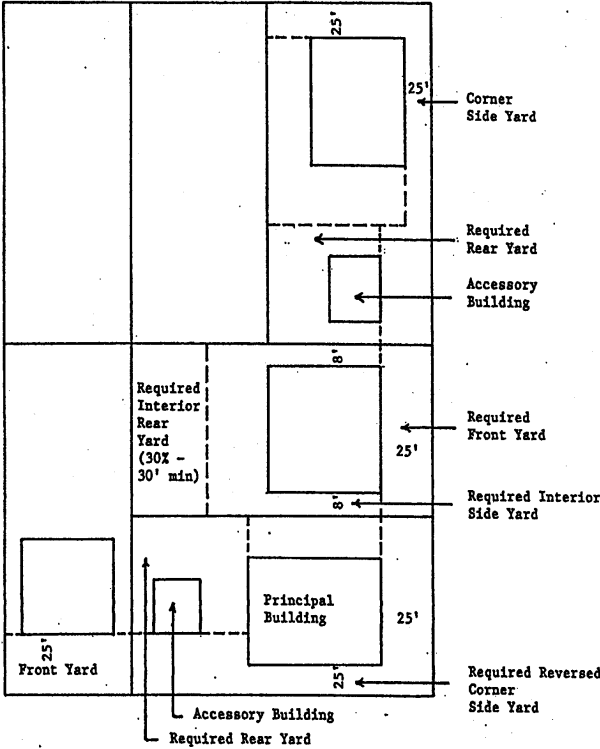
14.03.05 Fences or walls not over six (6) feet above the average natural grade except as noted in Section 3.12.

14.03.06 Fire escapes, three (3) feet from side lot line. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall. The sum of the lengths of such projection shall not exceed one third (1/3) of the length of the wall of the main building.

14.03.07 Chimneys, flues, belt courses, leaders, sills, pilasters, and lintels, ornamental features, cornices, gutters and the like into or over a required side yard not more than one and one-half (1½) feet.

14.03.08 Terraces, steps, uncovered porches, stoops or similar features, not higher than the elevation of the ground story of the building and distant three (3) feet from the side lot line.

Figure 7: Corner & Reverse Corner Side Yards, R-1 One and Two Family Residence District



Section 14.04 REAR YARD EXCEPTIONS AND MODIFICATIONS:

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

- 14.04.01 Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.
- 14.04.02 Fences or walls, not over six (6) feet above the average natural grade.
- 14.04.03 Fire escapes, not more than six (6) feet, and bays and balconies, not more than three (3) feet.
- 14.04.04 Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, and the like, into or over a required rear yard not more than one and one-half (1½) feet.
- 14.04.05 Terraces, steps, uncovered porches, stoops, or similar features not more than ten (10) feet into a required rear yard, nor closer than six (6) feet of an alley or within ten (10) feet of a rear lot line.
- 14.04.06 Swimming pools.

ARTICLE XV

ADMINISTRATION AND ENFORCEMENT

Section 15.00 ORGANIZATION:

The administration of this Ordinance is vested in the following four (4) offices of the government of the City of Kingsley, Iowa: City Council, Planning and Zoning Commission, Board of Adjustment and Zoning Administrator.

Section 15.01 BASIS OF REGULATIONS:

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

Section 15.02 MAYOR AND CITY COUNCIL:

Jurisdiction. The Mayor and City Council of the City of Kingsley, Iowa, shall discharge the following duties under this Ordinance:

- 15.02.01 Appoint a Zoning Administrator whose responsibilities it will be to enforce the provisions of this Ordinance.
- 15.02.02 Appoint members of the Board of Adjustment as provided for in this Ordinance.
- 15.02.03 Appoint members to the Planning and Zoning Commission as provided for in this Ordinance.
- 15.02.04 Receive and decide upon all recommendations concerning amendments, supplements, and changes presented by the Planning and Zoning Commission.
- 15.02.05 Receive from the Planning and Zoning Commission all recommendations on the effectiveness of this Ordinance.

15.02.06 To decide all matters upon which it is required to pass under this Ordinance.

Section 15.03

BOARD OF ADJUSTMENT:

15.03.01 Creation. The Board of Adjustment, as established under applicable provisions of the Iowa State Statutes, is the Board of Adjustment referred to in this Ordinance.

15.03.02 Appintment-Terms-Removal. The Board shall consist of five (5) members to be appointed by the Mayor, subject to City Council approval by majority vote for a term of five (5) years excepting that when the board shall first be created one (1) member shall be appointed for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year. A majority of the members of the Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling -real estate. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by the City Council for the unexpired term of the member affected.

15.03.03 Powers and Duties. The Board of Adjustment is hereby vested with the following powers and duties:

15.03.03.01 To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.

15.03.03.02 To hear and pass on all applications for special exceptions in the manner prescribed in this Ordinance.

15.03.03.03 To hear and pass on all applications for variances from the terms provided in the Ordinance in the manner prescribed and subject to the standards herein.

15.03.04 Meetings and Rules. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this article. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public.

- 15.03.04.01 The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Zoning Administrator.
- 15.03.04.02 The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in application of this title.
- 15.03.05 Finality of Decisions of the Board of Adjustment. All decisions and findings of the Board of Adjustment on appeals applications for a variance, or application for a special exception, after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as by law may be provided.

Section 15.04

PLANNING AND ZONING COMMISSION:

- 15.04.01 Creation. The Planning and Zoning Commission of the City of Kingsley, as established under the applicable provisions of the Iowa State Statutes, is the Planning and Zoning Commission referred to in this Ordinance.
- 15.04.02 Membership. Said Planning and Zoning Commission shall consist of five (5) members, residents of the City of Kingsley, Iowa, and qualified by knowledge or experience to act in matters pertaining to the development of a city plan and who shall not hold any elective office in the municipal government, shall be appointed by the mayor, subject to the approval of the City Council by majority vote.
 - 15.04.02.01 Of the five (5) members, one (1) shall serve for a period of one (1) year, one (1) shall serve for a period of two (2) years, one (1) for a period of three (3) years, one (1) for a period of four (4) years, and one (1) for a period of five (5) years. Vacancies shall be filled by appointments for unexpired terms only. All members of the Commission shall serve without compensation except for actual expenses, which shall be subject to the approval of the City Council.
 - 15.04.02.02 Immediately following their appointment the members of the Planning and Zoning Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later

change or alter, rules and regulations of organization and procedure consistent with City Ordinances and state laws.

15.04.02.03 The Commission shall keep written records of its proceedings which shall be open at all times to public inspection. The Commission shall also file an annual report to the Mayor and City Council setting forth its transactions and recommendations.

15.04.03 Powers and Duties. The Planning and Zoning Commission shall hold the following powers and discharge the following duties under this Ordinance:

15.04.03.01 Make such surveys, studies, maps, plans, or charts of the whole of the municipality or any land outside thereof, which in the opinion of the Commission bears relation to the Comprehensive Plan and shall bring to the attention of the Council, and may publish its studies and recommendations.

15.04.03.02 Review all public improvement plans. No such improvements shall be made site obtained, nor permit issued until the design and proposed location of any such improvement has been submitted to the Planning and Zoning Commission and its recommendations obtained. Should the Commission fail to make recommendations within thirty (30) day's written notice, these requirements shall not act as a stay upon action for any improvement.

15.04.03.03 Review all plans, plats, or re-plats or subdivision or re-subdivision of land embraced in the municipality or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions intended for public dedication to the municipality.

15.04.03.04 Make careful and comprehensive studies of present conditions and future growth of the municipality with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environment which will promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.

- 15.04.03.05 Hold at least one (1) public hearing before the adoption of any such comprehensive plan, notice of which shall be given by local newspaper not less than seven (7) nor more than twenty (20) days before the date of the hearing. The adoption of the plan shall be by resolution of the Commission carried by the affirmative vote of a simple majority of the members.
- 15.04.03.06 Consider any proposed amendments or modifications of the adopted Comprehensive Plan. If the Planning and Zoning Commission disapproves the proposed change it may be adopted by the Council only by the affirmative vote of at least three-fourths ($\frac{3}{4}$) of the Council members.
- 15.04.03.07 Recommend to the City Council changes in the zoning regulations or districts. (See Zoning Map.)
- 15.04.03.08 File recommendations, within thirty (30) days, in connection with any proposed zoning regulations or districts made by the City Council.
- 15.04.03.09 Expend all sums of money appropriated, and expend all gifts, donations or payments received by the city for city plan purposes.
- 15.04.03.10 Contract debts within the limits of income for the present year.

Section 15.05

ZONING ADMINISTRATOR:

- 15.05.01 Designation of Zoning Administrator. The Zoning Administrator will be the City Clerk, unless another person is appointed by the Mayor subject to City Council approval by majority vote.
- 15.05.02 Powers and Duties of the Zoning Administrator. The Zoning Administrator shall enforce this Ordinance and in addition thereto and in furtherance of said authority, shall:
 - 15.05.02.01 Issue all zoning permits upon approval of the Planning and Zoning Commission and collect any fees.
 - 15.05.02.02 Process all applications for variances, special exceptions, and rezoning for referral to the Board of Adjustment.
 - 15.05.02.03 Respond to complaints of alleged violations to the Ordinance.

- 15.05.02.04 Provide and maintain a public information service relative to all matters arising out of this Ordinance.
- 15.05.02.05 Provide proper forms to the public for the zoning process.
- 15.05.02.06 Review site plans for conformance with the Ordinance.
- 15.05.02.07 Carry out the administrative duties for both the Planning and Zoning Commission and the Board of Adjustment.
- 15.05.02.08 Shall act as the Secretary to the Planning and Zoning Commission and the Board of Adjustment.
- 15.05.02.09 Insure that public notices of hearings are properly advertised in the local newspapers, and notice to the parties of interest is provided.

Section 15.06

SECRETARY OF THE PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT:

- 15.06.01 Jurisdiction. The Secretary of the Planning and Zoning Commission and the secretary of the Board of Adjustment shall be the Zoning Administrator.
 - 15.06.01.01 The Secretary of the Planning and Zoning Commission shall attend all meetings of the Commission, take full and accurate minutes of the proceedings, prepare all necessary reports and documents for and on behalf of the Commission, and perform such duties and functions as may be necessary for the orderly recording of the business of the Commission.
 - 15.06.01.02 The Secretary of the Board of Adjustment shall attend all meetings of the Board, take full and necessary reports and documents for and on behalf of the Board, and perform such other duties and functions as may be necessary for the orderly recording of the business of the Board.

Section 15.07

VARIANCES:

- 15.07.01 Purpose and Findings of Fact. The Board of Adjustment, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment makes written findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are no

practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.

- 15.07.02 Application for Variance. An application for a variance shall be filed in writing with the Zoning Administrator. Said application shall contain such information as the Board of Adjustment may, by rules, require.
- 15.07.03 Standards for Variance. The Board of Adjustment shall not vary the regulations of this Ordinance, as authorized in this Section, unless there is evidence presented to it in each specific case that:
- 15.07.03.01 Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - 15.07.03.02 Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - 15.07.03.03 Special conditions and circumstances do not result from the actions of the applicant.
 - 15.07.03.04 Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- 15.07.04 Further Requirements:
- 15.07.04.01 The Board of Adjustment shall make a finding, that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - 15.07.04.02 The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

15.07.04.03 In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under Article XVII.

15.07.04.04 Under no circumstances shall the Board of Adjustment grant a variance to allow for use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the District.

15.07.04.05 If a variance is sought to permit building within six (6) feet or less of a property line, the request must be accompanied by a certified survey.

Section 15.08 APPEALS:

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

Section 15.09 USE EXCEPTIONS AND OTHER POWERS OF THE BOARD OF ADJUSTMENT:

15.09.01 Purpose The development and administration of this Ordinance is based upon the division of the City into Zoning Districts, within which Districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular District or Districts, without consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular locations. Such use exceptions fall into two categories:

15.09.01.01 Uses publicly operated or traditionally affected with a public interest, and:

- 15.09.01.02 Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- 15.09.02 Initiation of Use Exception: Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one (1) or more of the special exceptions provided for in this Ordinance in the zoning district in which the land is located.
- 15.09.03 Application for Special Exception: An application for a special exception shall be filed with the Zoning Administrator on a form as the Zoning Administrator shall prescribe. The application shall be accompanied by such plans and/or data prescribed by the Board of Adjustment and shall include a statement indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
- 15.09.04 Hearing on Application: Upon receipt in proper form of the application and statement referred to in Section 15.03, the Board of Adjustment shall hold at least one (1) public hearing on the proposed special exception. Notice of time and place of such hearing shall be published not less than seven (7) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in the City of Kingsley. Before an appeal is filed with the Board of Adjustment, the appellant shall pay to the City of Kingsley the non-refundable sum of one hundred dollars (\$100) to cover the publishing and administration costs of said appeal.
- 15.09.05 Authorization: For each application for a special exception the Zoning Administrator shall prepare and file with the Board of Adjustment finding and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.

15.09.06 Standards No special exception shall be granted by the Board of Adjustment unless such Board shall find:

- 15.09.06.01 That the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- 15.09.06.02 That the special exception will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood;
- 15.09.06.03 That the establishment of special exceptions will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- 15.09.06.04 That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- 15.09.06.05 That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- 15.09.06.06 That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment.

- 15.09.07 Conditions and Guarantees: Prior to the granting of any special use, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this section and Section 15.08 above. In all cases in which special exceptions are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be compiled with.
- 15.09.08 Denial of Special Exception: No application for a special exception that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.
- 15.09.09 Revocation of a Special Exception: In any case where special exception has not been established within one (1) year after the date of granting thereof, then, without further action by the Board of Adjustment the use on review or authorization shall be null and void.
- 15.09.10 Other Powers of the Board of Adjustment": The Board of Adjustment is hereby vested with the following additional authority and jurisdiction:
- 15.09.10.01 Interpretation of Zoning Map: Where the application of the rules for interpretation of district boundaries contained in Section 2.02 leaves a reasonable doubt to the boundary between two (2) Zoning Districts the Board of Adjustment after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purposes of this Ordinance.
- 15.09.10.02 Temporary Uses and Permit: The Board of Adjustment may issue a permit for the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this Ordinance, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

Section 15.10 AMENDMENT:

- 15.10.01 Procedure: The regulations, restrictions, and boundaries may from time to time, be amended, supplemented, changed, modified, or repealed, but no such amendments shall be made without public hearing before the Council and after a report has been made upon the amendment by the Planning and Zoning Commission. However, the regulation, restriction, or boundary shall not become effective until after a public hearing at which parties in interest and citizens shall have an opportunity to be heard. The notice of the time and place of the hearing shall be published not less than seven (7) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general local circulation, but in no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice.
- 15.10.02 Amendment may be passed by the favorable vote of a simple majority of all members of the City Council. However, such amendment must pass by a three-fourths (3/4) favorable vote of all members of the City Council, if any of the following occurs:
- 15.10.02.01 In case the Planning and Zoning Commission has not approved the change;
- 15.10.02.02 A protest is filed with the City Council against such change, signed by the owners of at least twenty percent (20%) of the area to be rezoned; or
- 15.10.02.03 A protest is filed with the City Council against the change, signed by the owners at least twenty percent (20%) of all lots abutting, adjoining or lying directly across any streets from the perimeter of the area to be rezoned (such immediately adjacent lots extending the depth of one (1) lot or a maximum of two hundred (200) feet, (whichever is less).
- 15.10.03 As part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the City Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owners before the public hearing required under this section or any adjournment of that hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change in zoning district.

Section 15.11 REZONING APPLICATIONS:

An application for rezoning shall contain the following items:

- 15.11.01 The legal description and local address of the property.
- 15.11.02 The present zoning classification and the zoning classification requested for the property.
- 15.11.03 The existing use and proposed use of the property.
- 15.11.04 The names and addresses of the owners of all property within two hundred (200) feet of the property for which the change is requested.
- 15.11.05 A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
- 15.11.06 A plat showing the locations, dimensions, and use of the applicant's property and all property within two hundred (200) feet thereof, including streets, alleys, railroads, and other physical features.

Section 15.12 FEES:

Before any action is taken upon an application as provided in this section, the applicant shall pay the Zoning Administrator the sum of one hundred dollars (\$100) to cover the approximate cost of the procedure and the applicant shall forthwith pay over in this amount to the credit of the general revenue fund of the City. The failure to approve the request will not be construed as any reason for refunding the fee to the applicant.

ARTICLE XVI

BUILDING CONSTRUCTION, CERTIFICATES

Section 16.00 BUILDING CONSTRUCTION:

No buildings shall hereafter be erected, reconstructed, or structurally altered nor shall any work be started upon buildings until a building permit for the work has been issued by the Zoning Administrator which permit shall state that the proposed building complies with all provisions of this Ordinance.

Section 16.01 BUILDING PERMIT:

Any person or entity shall file a building permit prior to construction or remodeling with the City Clerk on a form approved by the City Council of Kingsley, Plymouth County, Iowa.

Section 16.02 CONSTRUCTION:

No construction shall be commenced without the permit being on file with the City Clerk of Kingsley and approved by the City Council at a scheduled Council meeting. And the following shall apply to all structures;

16.02.01 No part of any structure shall extend to within six (6) feet of applicants property line excluding overhang, which is not to exceed thirty (30) inches.

16.02.02 The area of structures shall be no larger than fifty percent (50%) of the property area.

Section 16.04 PENALTY:

Any person or entity not obtaining a building permit prior to construction shall be fined two hundred dollars (\$200.00).

ARTICLE XVII

VIOLATIONS AND LEGAL STATUS PROVISIONS

Section 17.00 NOTICE TO VIOLATORS:

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

Section 17.01 RESPONSIBILITY:

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

Section 17.02 CITY REMEDIES:

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the City of Kingsley may, in addition to other remedies, institute injunction, mandamus, or other appropriate lawful action necessary to prevent, correct, or abate such violation.

Section 17.03 REPEALER:

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

Section 17.04 SERVABILITY:

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

Section 17.05 EFFECTIVE DATE:

This Ordinance shall take effect and be in full force from and after its adoption, publication, and recordation as provided by Iowa state law.

APPENDIX I

To promote a systematic review of major considerations, every proposed Zoning Amendment or Appeal shall be analyzed by answering the following questions in relation to the facts presented. The individual must also ask himself/herself the reasons for his/her conclusions and express them from for the record.

1. Will the reasoning fulfill a public need for the type of land use?

___YES ___NO

2. Have procedural requirements been met?

___YES ___NO

3. Would the public interest be better served by rezoning another area of the community?

___YES ___NO

4. Is the requested change contrary to the established land use patterns?

___YES ___NO

5. Does the change conform to the future land use map in the Comprehensive Plan?

___YES ___NO

6. Will the change contribute to dangerous traffic patterns or congestion?

___YES ___NO

7. Will the new land use complement the present and future traffic flows?

___YES ___NO

8. Can adequate off-street parking be provided if the rezoning request is granted?

___YES ___NO

9. Can the owner of the property realize an economic benefit from uses in accord with existing zoning?

___YES ___NO

10. Have the adjacent landowners been fully informed of the rezoning request?

___YES ___NO

11. Are the adjacent landowners in favor of the change?

___YES ___NO

12. Have the potential hardships and nuisances (such as noise, neon lights, odors, etc.) of the rezoning request on adjacent landowners been adequately considered?

___YES ___NO

13. Will the property values in the vicinity be inflated by the change?

___YES ___NO

14. Will property values in the vicinity be adversely affected by the change?

___YES ___NO

15. Can you assure yourself that this is not spot zoning, a violation of precedent, or arbitrary and capricious?

___YES ___NO

16. Will the change result in private investments, which would be beneficial to the redevelopment of a deteriorated area?

___YES ___NO

17. Is the change needed, or is it merely for the convenience of the applicant?

___NEEDED ___CONVENIENCE

APPENDIX II
KINGSLEY, IOWA
ZONING MAP

Zoning Regulation Revisions:

Date	Pg #	Description
12-17-02	15	Definition Added (1.04.94.1)
12-17-02	22	Section 3.00 (Every District)
12-17-02	42	Ag (remove 5.01.02-5.01.10)
12-17-02	43	Ag (remove 5.02.01 & 5.02.04-5.02.09)
12-17-02	55	Commercial (Remove 9.02.23)
12-17-02	70	Remove first sentence of 14.01.01 up to church spires