

The Town of Thornton, Iowa, Zoning Ordinance

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NORTH IOWA AREA COUNCIL OF GOVERNMENTS
525 6th St. SW
MASON CITY, IOWA 50401

TITLE VII SPECIAL ORDINANCES

CHAPTER 2 ZONING REGULATIONS

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7-2-1 TITLE AND PURPOSE. This chapter shall be known and may be cited as "The Town of Thornton, Iowa, Zoning Ordinance." The purpose of this chapter is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, morals, safety, and general welfare in the City.

7-2-2 RULES. All measured distances, expressed in feet, shall be to the nearest integral foot. If a fraction is one-half foot or more, the integral foot next above shall be taken.

7-2-3 DEFINITIONS. The following words and terms, wherever they occur in this chapter, shall be construed as herein defined:

1. "Administrative Officers" means the Mayor and City Council who shall be the officials responsible for the administration and enforcement of this chapter.

2. "Alley" means a way or passage open to public travel which affords generally a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

3. "Apartment House" means a dwelling, multiple-family.

4. "Basement" means a story, partly underground but having at least one-half ($\frac{1}{2}$) of its height above the curb level or street grade and the highest level of the adjoining ground. A basement shall be counted as a story.

5. "Block" means that property abutting on one side of a street and lying within the two nearest intercepting or intersecting streets or nearest intercepting or intersecting streets and un-subdivided acreage or railroad right-of-way.

6. "Buildable Width" means the distance between the inner boundaries of the two required side yards.

7. "Buildings" means any structure having a roof supported by walls or by columns intended for enclosure, shelter, or housing of persons, animals, or chattel. When any portion thereof is separated by party walls without any windows, doors, or other openings, each portion so separated shall be deemed a separate building.

8. "Building Accessory" means a subordinate building, the use of which is incidental to that of the main building on the same lot. Private garages are accessory buildings.

9. "Cellar" means a story partly underground and having more than one-half of its clear height below the curb line or street grade. A cellar shall not be considered in determining the permissible number of stories.

10. "Dwelling" means a building which is designed for or occupied as an abode by one or more persons.

11. "Filling Station" means a place where deliveries of gasoline, or any other fuel for operating motor vehicles, are made through measuring pumps or meters into the tanks of motor vehicles and where such fuel is offered for sale to the public.

12. "Garage, Private" means an accessory building or portion of a building in which one or more motor vehicles are housed, but in which no business service or industry connected with motor vehicles is carried on, other than leasing of space for the housing of vehicles. Space for not more than three (3) motor vehicles may be leased to other than residents on the premises.

13. "Garage, Public" means a space or building other than a private garage, used for storage, hiring, repairing, selling or equipping of motor-driven vehicles.

14. "Junk Yard" means an area of any lot two hundred (200) square feet or more in size, which is used for the storage, abandonment, or keeping of junk, including scrap metals or scrap materials, or for the abandonment or dismantling of machinery, automobiles, or other vehicles, or parts thereof.

15. "Lot" means a parcel of land having its principal frontage on a public street, or on a private residence street whose area, occupied or to be occupied by a building and its accessory buildings, is of sufficient size to meet the open space requirements of this chapter.

16. "Lot Area" means total horizontal area within lot lines.

17. "Lot, Corner" means a lot upon which at least two adjacent sides abut upon a street.

18. "Lot, Depth" means the minimum horizontal distance between the front lot line and the mid-point of the rear lot line.

19. "Lot, Interior" means a lot other than a corner lot.
20. "Lot Lines" means property lines bounding a lot.
21. "Nonconforming Use" means lawful use of a building or land at the time of the enactment of this Zoning Ordinance or amendment hereto, which use does not conform with the provisions of this chapter for the district in which it is located,
22. "Parking Area" means a space open and unoccupied, required or permitted exclusively for automobile parking.
23. "Street" means any public or private thoroughfare other than an alley which affords access to abutting property, including boulevard, highway, road, avenue, drive or lane.
24. "Structural Alterations" means any change in the supporting members of a building, such as columns, bearing walls, girders or beams.
25. "Structure" means anything erected or constructed, the use of which requires location on the ground or attachment to something having location on the ground.
26. "Yard" means an open space other than a court, of uniform width or depth on the same lot with a building or group of buildings, which open space lies between building or group of buildings and the nearest lot line and is unoccupied by a building or portion thereof from the ground upward. In measuring a yard to determine the depth of the front or rear yard, or the width of a side yard, the measurements shall be the shortest horizontal distance between the lot line and the main building.
27. "Yard, Front" means a yard extending across the full width of the lot lying between the front line of the lot and the nearest line of the main building other than unenclosed porches, steps or unenclosed balconies.
28. "Yard, Rear" means a yard extending across the full width of the lot, and lying between the rear line of the lot and the nearest line of the main building, other than unenclosed porches, steps or unenclosed balconies.
29. "Yard, Side" means a yard between the side lot line and the building, extending from the front yard to the rear yard.

7-2-4 GENERAL PROVISIONS.

1. Except as hereinafter provided, no building, structure or premises shall hereafter be used, and no building shall be erected, extended, converted, moved, rebuilt or altered, except in conformity with all the District Regulations established by this chapter for the district in which it is located.
2. No building shall be erected for or converted to residence purposes upon a lot, tract or

parcel of land in the Residence District, which is less than 8,000 square feet in area or of an average width of less than 80 feet, nor moved upon such lot, tract or parcel for such purpose.

3. No building in the rear of any principal building on the same interior lot shall hereafter be erected or reconverted for residence purposes.

4. No yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot, and no yards or other open space about an existing building or any building hereafter constructed for the purpose of complying with the provisions of this chapter, shall be considered as providing a yard or open space for any other building.

5. Vacant land in the residence district shall be used only for cultivation purposes.

6. Should any use, structure, or building existing at the time of the adoption of this Zoning Ordinance be in nonconformity with the provisions of this chapter for the district in which it is located, the same may be continued. Whenever a district shall be changed hereafter, the then existing lawful use may be continued.

7. All territory annexed to the City after the effective date of the Zoning Ordinance, and which is not zoned by this chapter, shall automatically be classed as lying in the Agriculture District until such classification shall have been changed by an amendment to the Zoning Ordinance, as provided by law.

8. The provisions of this chapter shall be deemed to be minimum requirements, adopted for the purpose stated in Section 121.01. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing higher standards, shall govern.

9. These regulations shall not be construed to provide control over the type or location of poles, towers, wires, cables, conduits or any similar distributing equipment of a telephone, telegraph, light, power or railroad company, except as provided in the subdivision regulations of this chapter. However, gas main construction shall be in alleys and back lot easements where possible.

10. All structures, including, but not limited to, fences, garages and outbuildings which are constructed on property abutting designated alleys, shall be constructed or placed not less than five feet from said alley, other provisions of this chapter notwithstanding.

7-2-5 ZONING DISTRICTS. For the purpose of this chapter, the City is hereby divided into four (4) districts:

1. Agriculture District
2. Residence District
3. Commercial District

4. Light Industry District

7-2-6 OFFICIAL ZONING MAP. The boundaries of these districts are hereby established and designated on the accompanying map entitled, "Zoning Map of Thornton, Iowa," which map shall be filed in the office of the Clerk. Said map, with all notations, data and other information shown thereon, is hereby made a part of this chapter as if the same was fully set forth herein. Where there is uncertainty as to the boundaries of districts as shown on the Zoning Map of Thornton, the following rules shall apply:

1. Where boundaries are shown as approximately following street and alley lines, such street and alley lines shall be interpreted to be the boundaries.
2. Where boundaries are not shown as approximately following street and alley lines, and unless the boundary is indicated by dimensions shown on the Zoning Map, the boundary shall be determined by the use of the scale appearing thereon.

(See EDITOR'S NOTE at the end of this chapter relative to amendments to the Official Zoning Map.)

7-2-7 AGRICULTURE DISTRICT.

1. Uses Permitted. Farms including the usual farm buildings and structures.
2. Change in Use. When any intended use of land in the Agriculture District varies from any normal farm use, or height or use of buildings varies from any normally concerned with and considered as a normal farm use, such variation shall not be allowed until approved by the Council after receiving the recommendations of the Planning and Zoning Commission.
3. Dwelling. The owner of a farm may set aside a plot of ground on the farm and construct on said plot a single family dwelling to be occupied only by a member of the immediate family or the family of a hired hand. Any other residence construction shall be governed by the regulations of Section 7-2-8.

7-2-8 RESIDENCE DISTRICT.

1. Uses Permitted. Within any Residence District, as indicated on the Zoning Map, only the following premises or building uses shall be permitted:
 - A. Dwellings.
 - B. Public and parochial schools.
 - C. Golf courses, country clubs, tennis courts, and similar recreational uses, all noncommercial.

D. Churches, hospitals, public libraries, social or community center buildings (except those whose chief function is an activity conducted for gain).

E. Personal service occupations located in the private dwelling of the proprietor.

F. Public parks and public playgrounds.

G. Offices of professional persons, such as physicians, surgeons, dentists, lawyers, architects, engineers, accountants, chiropractors, osteopaths and artists; provided such office is located in the building which is used as a private dwelling of the proprietor; provided, further, that there shall be no advertising on the premises other than a small sign not to exceed two (2) square feet in area and carrying only the name and occupation of the professional person; and provided, further, that any building where such office is located shall include no features of design not customary in buildings for residential use.

H. Accessory buildings, including a private garage or a private garage constructed as a part of the principal building.

I. Temporary buildings used incident to construction work and which shall be removed upon abandonment or completion of construction.

J. Real estate signs, announcement signs and bulletin boards as provided in Section 7-2-12.

K. Apartment houses.

L. Boarding houses and lodging houses, provided there is no advertising sign exceeding two (2) square feet in area.

M. Clubs and lodges, all noncommercial, provided the written consent of the owners of seventy-five (75) per cent of all the privately owned land within 100 feet of any part of the area to be actually covered by the structure of such club or lodge, is on file in the office of the Clerk.

N. Clinics, sanitariums, dispensaries, convalescent homes and charitable institutions (except penal or correctional institutions) provided that, before a permit is issued for any such use by the Administrative Officer, there shall be on file in the office of the Clerk the written consent of the owners of seventy-five (75) per cent of all the privately owned land within two hundred (200) feet of any portion of the premises to be occupied by such use and further provided that after public hearing, the establishment of any such use with respect to location or site shall meet the approval of the Council.

2. Height Regulation. No building hereafter erected or structurally altered shall exceed two and one-half (2½) stories or thirty-five (35) feet.

3. Required Lot Area.

A. Single Family Residence. Every building hereafter erected or structurally altered for dwelling purposes shall provide a lot area of not less than eight thousand (8,000) square feet per family.

B. Two-Family Dwelling. Every two-family dwelling hereafter erected or structurally altered shall provide a lot area of not less than four thousand (4,000) square feet per family.

C. Apartments or Multiple Dwellings. Every building hereafter erected or structurally altered for multiple dwelling purposes shall provide a lot area of not less than two thousand (2,000) square feet per family: provided, however, that these regulations shall not apply to hotels or apartments where no cooking is done in an individual room, suite or apartment.

4. Yards Required.

A. Front Yard. There shall be a front yard of not less than twenty-five (25) feet to the front line of the building and not less than fifteen (15) feet to the front line of an open porch or paved terrace. Bay windows, vestibules or similar projections may be allowed in the front yard provided that such projection is not more than thirty (30) inches into the front yard. Open porches existing on the effective date of this Zoning Ordinance may be enclosed even though such porch extends into the front yard, provided that sixty (60) per cent of the wall area of the enclosed porch is constructed of transparent material and provided the written consent of the property owners owning lots on either side is filed with the Clerk.

Provided that where lots comprising forty (40) percent or more of the frontage are developed with buildings having front yards with a variation in depth of not more than ten (10) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established; provided, further that this regulation shall not be so interpreted as to require a front yard depth more than fifty (50) feet.

B. Side Yard. On interior lots there shall be a side yard on each side of the building having a width of not less than seven and one-half ($7\frac{1}{2}$) per cent of the average width of the lot; provided, however, that such side yard shall not be less than five (5) feet in width.

Provided further, that on lots having a width of twenty-five (25) feet or less, the side yard may be reduced to a width of not less than three (3) feet.

C. Rear Yard. There shall be a rear yard having a depth of not less than twenty (20) per cent of the depth of the lot; provided, however, that such rear yards shall not be less than twenty-five (25) feet but need not exceed thirty-five (35) feet, except as provided in Section 7-2-9.

D. Yards on Corner Lots. On corner lots, the width of the side yard on that side of a lot adjoining an interior lot shall be the same as required for interior lots, and the width of the side yards adjoining a street shall be one-half of the front yard requirements for the districts in which the lot is located; provided, however, that these requirements shall not be construed to reduce the buildable width of any lot, if of record at the time of the passage of this Zoning Ordinance, to

less than eighteen (18) feet.

E. Dwellings on Large Lots. There shall be only one family dwelling on each lot or acreage of record, even when the erection of a second one-family dwelling on a particular lot or acreage would not violate the yard and area requirements of this chapter, except as stated in Section 7-2-7(3).

7-2-9 COMMERCIAL DISTRICT.

1. Uses Permitted. Within any Commercial District, as indicated on the Zoning Map, only the following uses of land or building uses shall be permitted.

A. A retail or wholesale store or trade shop where goods are stored or displayed for sale, or services rendered.

B. Automobile parking lots.

C. Public garages.

D. Theaters.

E. Offices.

F. Automobile service stations for the sale of gasoline, oil and accessories provided they meet the requirements of Subsection 7 of this section.

G. Restaurants and lunch counters.

H. Machine and implement sales and repairs.

I. Pool halls, bowling alleys and other commercial or recreation enterprises meeting requirements of this Code

J. Hotels.

K. Soft drink manufacture and sales.

L. Animal hospital provided no outdoor kennels are installed.

M. Stone or monument works, display or sales only.

N. Funeral homes.

O. Clubs and lodges.

P. Motels.

Q. Bus depots.

R. Locker plants, provided that a use permit shall have been secured for such use from the Council.

S. Any uses similar to the above, provided approval is granted by the Planning and Zoning Commission and a permit is granted by the Council.

2. Height Regulations. No building hereafter erected or structurally altered shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as provided in Section 7-2-13.

3. Front Yard. None required.

4. Side Yard. None required.

5. Rear Yard. None required.

6. Lot Area Per Family. Where dwellings are erected above stores there shall be a lot area of not less than one thousand (1,000) square feet per family.

7. Location of Filling Stations. No gasoline filling station shall hereafter be erected within the Commercial District or any other district so that any entrance or exit for vehicles is within fifty (50) feet of any Residential District or within two hundred (200) feet of any entrance or exit of any previously existing assembly hall, theater, public library, church, public or denominational or private school, public playground or community building, hospital, children's or old people's home or similar institution.

Provided, however, that the Board of Adjustment shall have authority to permit filling stations within such limits if the proprietors of the real estate used for any of the foregoing uses file written consent to the granting of such permit.

7-2-10 LIGHT INDUSTRY DISTRICT.

1. Uses Permitted.

A. Animal hospital where open kennels are operated.

B. Stone or monument works.

C. Millworks.

D. Hatcheries.

E. Building and storage yards, including lumber and building material yards, but not junk yards.

- F. Coal yards.
- G. Grain elevators.
- H. Graineries.
- I. Creameries, milk collection depots, dairies and butter fat processing plants.
- J. Railroad freight stations, passenger stations and service tracks.
- K. Storage warehouses.
- L. Produce procurement establishments.
- M. Truck terminals.
- N. Grist mills.
- O. Wholesale establishments.
- P. Blacksmith shops.
- Q. Machine and implement sales and repairs.
- R. Bulk oil and petroleum products storage.
- S. Greenhouses and horticulture nurseries.

T. Any uses similar to the above, provided approval is granted by the Planning and Zoning Commission and a permit is secured from the Council.

2. Height Regulations. No building hereafter erected or structurally altered shall exceed a height of two and one-half (2½) stories or thirty-five (35) feet, except special consideration shall be given to the height of grain elevators and storage bins.

3. Yards Required. Each lot shall have front, side and rear yards not less than the depths or widths following:

- A. Front yard depth - twenty (20) feet.
- B. Side yard depth - ten (10) feet.
- C. Rear yard depth - thirty (30) feet.

7-2-11 NONCONFORMING BUILDINGS AND USES. The lawful use of any building or land existing at the time of the enactment of this Zoning Ordinance may be continued although such

use does not conform with the provisions of this chapter, except in the case of trailers used for dwelling or sleeping quarters.

1. Change. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.

A nonconforming use of land existent at the time of adoption of this Zoning Ordinance may continue to be used for such nonconforming use. Upon cessation of this nonconforming use for a period of three (3) months, the use of the land shall revert to the regulations of the district in which it is located. Whenever a nonconforming use of a building or land has been changed to a more restrictive use or to a conforming use, such use shall not thereafter revert to a less restricted use.

2. Restoration. No building damaged by fire, act of God, or other causes to the extent of sixty (60) per cent of its value shall be restored except in conformity with the regulations of the district in which it is located.

3. Abandonment. Whenever a nonconforming use of a building has been discontinued for a period of one (1) year, the use of the same shall thereafter conform to the use permitted in the district in which it is located.

4. Extension. A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this Zoning Ordinance shall not be deemed the extension of such nonconforming use.

5. Special Permit. The Council may, by special permit after public hearing, authorize the location of any building or any use in any district from which they are prohibited by this chapter.

6. Cessation. Notwithstanding any other provisions of this chapter:

A. Any automobile wrecking or junk yard in existence in a district in which it is a nonconforming use, prior to the effective date of this Zoning Ordinance, shall within three (3) years from such date become a prohibited and unlawful use and shall be discontinued.

B. Any trailer used for dwelling or sleeping quarters in any trailer court existing prior to the effective date of this Zoning Ordinance shall within one (1) year after such date become an unlawful and prohibited use unless full compliance with this chapter and with the provisions of the State Department of Health have been met.

7-2-12 ADVERTISING, SIGNS, POSTERS AND BULLETIN BOARDS.

1. In the Residence District, real estate signs not exceeding nine (9) square feet in area, advertising the sale, lease or rental of premises or buildings on which they are located are permitted. Such signs shall be a distance of not less than twenty (20) feet from the street line or more than five (5) feet from the building line of the structure located on the lot.

2. In the Residence District announcement signs or bulletin boards are permitted, provided such signs are erected upon the premises of a charitable, religious or public institution for its own use.

7-2-13 EXCEPTIONS AND VARIATIONS OF THE USE, HEIGHT AND AREA REGULATIONS. The district regulations appearing elsewhere in this chapter shall be subject to such exceptions, variations, additions and modifications as set forth in this section.

1. Height.

A. Public, semi-public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet and churches and temples may be erected to a height not exceeding seventy-five (75) feet, provided, that the building is set back from side and rear yard lines here-to-fore established an additional foot for each two (2) feet of building height above the height limit otherwise imposed in the district in which the building is located.

B. Single-family and two-family dwellings may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the district in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height.

C. Buildings that are to be used for storage purposes only may exceed the maximum number of stories permitted in the district in which they are located, but such buildings shall not exceed the number of feet of building height permitted in such districts.

2. Yards.

A. For the purpose of side yard regulations, a two family dwelling or a multiple family dwelling shall be considered as one building occupying one lot.

B. Where more than thirty (30) per cent of the frontage in a block has been built up, then the building lines of the buildings to be erected shall conform to the natural building line of the block as determined by the existing buildings.

C. Every part of a required yard shall be open to the sky, unobstructed except for accessory building in the rear yard and except for the ordinary projecting of sills, belt course, cornices and ornamental features projecting not to exceed twelve (12) inches.

3. Lots. A lot or tract having less area or width than herein required and of record, may be occupied by only one main building and accessory buildings of the use or uses permitted for that district in which said lot or tract is located. The side and rear yards may be reduced, provided variation is obtained from the Board of Adjustment as set forth in Section 7-2-15

4. Use.

A. Accessory buildings may be built in a required rear yard but shall not occupy more than thirty (30) per cent of the rear yard.

B. No cellar shall be occupied for dwelling purposes and no basement shall be occupied for dwelling purposes unless at least one (1) story of the house above the basement has been completed.

C. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that work is under way, but such temporary buildings shall be removed upon the completion of the construction work as determined by the Administrative Officer.

7-2-14 BOARD OF ADJUSTMENT.

1. Board Created. A Board of Adjustment, to be hereinafter referred to as the Board, is hereby established. The Board shall consist of five (5) members who shall be free-holders and who shall be appointed by the Mayor, subject to the approval of the Council. The term of office of the members of the Board of Adjustment shall be for five (5) years. Members shall be removable for cause by the appointing authority upon written charges and after public hearing unless waived by the member or if the member shall resign.

Vacancies shall be filled for the unexpired term of any member whose term becomes vacant by appointment. The Board shall elect its own Chairperson, who shall serve for one (1) year. All members of the Board shall serve without compensation.

2. Rules and Regulations. The Board shall adopt, from time to time, subject to the approval of the Council, such rules and regulations as it may deem necessary for the enforcement of the provisions of this chapter.

3. Meetings. Meetings of the Board shall be held at the call of the Chairperson and at such times as the Board may determine. Such Chairperson, or in the Chairperson's absence the acting Chairperson, may administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicate such fact and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Clerk and shall be a public record. All meetings of the Board shall be open to the public.

7-2-15 APPEALS TO THE BOARD OF ADJUSTMENT.

1. In cases in which the Board has original jurisdiction under the provisions of this chapter, an application to the Board may be taken by any property owner, including a tenant, or by any officer, department, board or bureau of the City. Such application shall be first filed with the Clerk, who shall transmit to the Board such application, together with all the plans, specifications and other paper pertaining to the application.

2. An appeal to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decisions of any administrative officer administering any portion of this chapter. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken, and with the Board, a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

3. The Board shall fix a reasonable time for the hearing of an appeal. It shall give public notice of such hearing, as well as due notice to the interested parties. At the hearing any party may appear in person or by an agent or attorney. The Board shall decide the application or appeal within a reasonable time.

4. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal shall have been filed with him, that, by reason of facts stated in the Certificate, a stay would, in the officer's opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Board or by a court of record on notice to the officer from whom the appeal is taken, and on due cause shown.

7-2-16 POWERS OF BOARD OF ADJUSTMENT. The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made in the enforcement of this chapter.

2. To permit the extension of a use district where the boundary line of a district divides a lot in a single ownership as shown of record.

3. To permit the erection and use of an accessory building on a lot which is to be used for residential purposes before the erection of the residence on such lot, provided such use is for a period of time not to exceed one (1) year.

4. To permit the erection and use of a building, or the use of a premises in any location for public utility purposes only, which the Board finds to be reasonably necessary for public convenience or welfare.

5. Where the street or lot layout on the ground actually varies from the street and lot lines as shown on the Zoning Map, the Board shall interpret the Map and the provisions of this chapter in such a way as to carry out the intent and purpose of this chapter for the particular district or section in question.

6. To authorize upon appeal in specific cases, such variance from the terms of the provisions of this chapter as will not be contrary to public interest, where a property owner can show by reason of exceptional topographical conditions or other extraordinary situations, that the

strict application of the regulations of this chapter actually prohibit the use of property in a manner similar to that of other property in the district. The Board shall be satisfied, by the evidence heard before it, that the granting of such variation will alleviate a hardship approaching confiscation; provided, however, that all variations granted under this clause shall not be a direct and obvious amendment of any district boundaries or regulations.

7. To permit the extension or enlargement of an existing use located in a district restricted against such use, either by the extension or enlargement if necessary, incident to the trade, business or industry existing at the time of the adoption of this Zoning Ordinance; provided that such extension or enlargement will not prove detrimental to or tend to alter the character of the neighborhood.

8. To permit the nonconforming use of a building to be changed to another nonconforming use of a more restricted classification.

9. To permit the reconstruction and use as before of a nonconforming building or structure damaged by fire, flood, explosion, or other similar cause.

10. To hear and decide special exceptions to the terms of this chapter upon which the Board is required to pass under this chapter.

11. In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

12. The concurring vote of three members of the Board shall be necessary to verse an order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under the provisions of this chapter, or to effect any variation in this chapter.

13. Any person or persons jointly or severally, aggrieved by any decision of the Board, under the provisions of this chapter, or any taxpayer or any officer, department, board or bureau of the City may present to a court of record a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality; such petition shall be presented to the court within thirty (30) days after the decision in the office of the Board.

7-2-17 CHANGES AND AMENDMENTS.

1. The Council may, from time to time, on its own motion, on petition or on the recommendation of the Planning and Zoning Commission, supplement or change the regulations or the district boundaries herein or subsequently established. No such action shall be taken, however, until after the proposed change has been submitted to the Planning and Zoning Commission and they have submitted their recommendation and report thereon, or until after public notice and hearing as provided by statute.

2. If a written protest against any proposed amendment, supplement or change shall have been presented to the Council signed by the owners of twenty (20) per cent or more, either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending the depth of one (1) lot or not to exceed two hundred (200) feet there from, or of those directly opposite thereto extending the depth of one (1) lot or not to exceed two hundred (200) feet from the street frontage of such opposite lots, such amendment, supplement or change shall not become effective except by the favorable vote of at least three-fourths of all the members of the Council.

3. Whenever a petition requesting an amendment, supplement or change of any regulations prescribed by this chapter has been properly filed, it must be acted upon within one (1) year, and whenever it has been denied by the Council, such petition can not be renewed for one (1) year thereafter,

4. Every petition requesting an amendment shall be accompanied by a deposit of \$10.00 to cover publication costs of notices in connection with such petition. Any balance remaining after payments of such costs shall be refunded to the petitioner.

7-2-18 BUILDING PERMITS. Before any building or structure is erected, constructed, reconstructed, reconditioned or converted in the City, and before any building or structure is moved into the City, the plan therefore, together with the description and dimensions of the lot, tract or parcel of land to be occupied and statement of the proposed use shall be submitted to the Administrative Officers, who shall, if said proposal is in accordance with the provisions of this chapter, issue a permit therefore.

7-2-19 ENFORCEMENT, LEGAL PROCEDURE, PENALTIES.

1. It shall be the duty of the Administrative Officers to enforce this chapter.

2. Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcements of any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not exceeding one hundred dollars (\$100.00) or imprisonment not to exceed thirty (30) days for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, the proper authorities of the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land to prevent any illegal act, conduct, business or use in or about such premises.

EDITOR'S NOTE

The following ordinances have been adopted amending the Official Zoning Map described in Section 121.06 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.

ORDINANCE NO. DATE ADOPTED
1004 July 6, 1976
1009 July 24, 1978