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ZONING ORDINANCE
CITY OF HUMBOLDT, IOWA
1970

COPY

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ORDINANCE NO. 383

AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE CITY OF HUMBOLDT, IOWA AND TO REGULATE AND RESTRICT THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, AND PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY RESIDENCE OR OTHER PURPOSES: AND FOR ALL SUCH PURPOSES TO DIVIDE THE CITY INTO DISTRICTS: TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS: TO PROVIDE FOR CHANGES AND AMENDMENTS: TO PROVIDE FOR ITS ENFORCEMENT: TO PROVIDE FOR A BOARD OF ADJUSTMENT, AND TO PRESCRIBE ITS POWERS AND DUTIES: PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES.

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

ARTICLE I

THAT ORDINANCE NO. 269 OF THE CITY OF HUMBOLDT, IOWA, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, HAVING BEEN PASSED AND APPROVED, BE AND THE SAME IS HEREBY REPEALED.

ARTICLE II

DEFINITIONS AND RULES OF CONSTRUCTION:

FOR THE PURPOSE OF THIS ORDINANCE, CERTAIN WORDS, TERMS AND EXPRESSIONS ARE HEREIN DEFINED. WORDS USED IN THE PRESENT TENSE INCLUDE THE FUTURE; THE SINGULAR NUMBER INCLUDES THE PLURAL, THE PLURAL INCLUDES THE SINGULAR; THE WORD "SHALL" IS ALWAYS MANDATORY.

- (1) ACCESSORY BUILDING: A SUBORDINATE BUILDING, THE USE OF WHICH IS INCIDENTAL TO THAT OF THE PRINCIPAL BUILDING OR TO THE PRINCIPAL USE OF THE PREMISES. AN ACCESSORY USE IS ONE WHICH IS INCIDENTAL TO THE MAIN USE OF THE PREMISES.
- (2) ALLEY: A PUBLIC THOROUGHFARE WHICH AFFORDS ONLY A SECONDARY MEANS OF ACCESS TO ABUTTING PROPERTY.

- (3) ALTERATION, STRUCTURAL: ANY CHANGE IN THE LOAD BEARING MEMBERS OF A BUILDING, SUCH AS BEARING WALLS, PARTITIONS, COLUMNS, BEAMS OR GIRDERS. THE ENLARGEMENT OF THE SIZE OR HEIGHT OF A BUILDING SHALL BE CONSTRUED TO BE A STRUCTURAL ALTERATION.
- (4) APARTMENT: A ROOM OR SUITE OF ROOMS, WITH TOILET AND CULINARY ACCOMMODATIONS, USED OR DESIGNED FOR USE AS A RESIDENCE BY A FAMILY, LOCATED IN A BUILDING CONTAINING TWO (2) OR MORE SUCH ROOMS OR SUITES OR LOCATED IN A BUILDING DEVOTED PRIMARILY TO NONRESIDENTIAL USE.
- (5) APOTHECARY SHOP: A SHOP OPERATED AS A RETAIL USE WHICH SELLS ONLY DRUGS, PRESCRIPTION MEDICINES, MEDICAL SUPPLIES AND APPLIANCES AND PHARMACEUTICAL PRODUCTS.
- (6) ATTIC: A SPACE UNDER A GABLE, HIP OR GAMBREL, OR OTHER ROOF, THE FINISHED FLOOR OF WHICH IS, OR WOULD BE, AT OR ENTIRELY ABOVE THE LEVEL OF THE WALL PLATES OF AT LEAST TWO (2) EXTERIOR WALLS, AND THE HEIGHT OF WHICH FROM THE FLOOR LEVEL TO THE HIGHEST POINT OF THE ROOF, DOES NOT EXCEED TEN (10) FEET.
- (7) BASEMENT: A "BASEMENT" IS A STORY PARTLY UNDERGROUND BUT HAVING AT LEAST ONE-HALF ($\frac{1}{2}$) OF THE HEIGHT OF ONE OR MORE WALLS ABOVE THE HIGHEST LEVEL OF THE ADJOINING GROUND. A BASEMENT SHALL BE COUNTED AS A STORY UNDER THE PROVISIONS OF THIS CHAPTER. (SEE CELLAR).
- (8) BILLBOARD: ANY FLAT SURFACE TWENTY (20) SQUARE FEET OR MORE IN AREA, ERECTED ON A FRAMEWORK, OR ATTACHED TO POSTS, BUILDINGS OR OTHER STRUCTURES, AND USED FOR THE DISPLAY OF BILLS, POSTERS OR OTHER ADVERTISING MATTER, PASTED, TACKED OR FASTENED THERETO.
- (9) BOARDINGHOUSE: A BUILDING OTHER THAN A HOTEL, FRATERNITY HOUSE OR SORORITY HOUSE, WHERE MEALS ARE REGULARLY SERVED FOR COMPENSATION TO MORE THAN THREE (3) PERSONS NOT MEMBERS OF THE FAMILY THERE RESIDING.
- (10) BUILDING: A STRUCTURE HAVING A ROOF SUPPORTED BY COLUMNS OR WALLS FOR SHELTER, SUPPORT, OR ENCLOSURE OF PERSONS, ANIMALS OR CHATTELS. WHEN SEPARATED BY DIVISION WALLS FROM THE GROUND UP WITHOUT OPENINGS, EACH PORTION OF SUCH STRUCTURE SHALL BE DEEMED A SEPARATE BUILDING.

- (11) BUILDING, HEIGHT OF: THE VERTICAL DISTANCE FROM THE AVERAGE GRADE AT THE FRONT BUILDING LINE TO THE HIGHEST POINT OF THE COPING OF A FLAT ROOF OR TO THE DECK LINE OF A MANSARD ROOF, OR TO THE MEAN HEIGHT LEVEL BETWEEN EAVES AND RIDGE FOR GABLE, HIP AND GAMBREL ROOFS.
- (12) BUILDING LINE: A BUILDING SET-BACK LINE SHALL BE A LINE AS ESTABLISHED UNDER THE PROVISIONS OF SECTION 368.10, CODE OF IOWA, 1966.
- (13) BUILDING WALL: THE WALL OF THE PRINCIPAL BUILDING FORMING A PART OF THE MAIN STRUCTURE. THE FOUNDATION WALLS OF UNENCLOSED PORCHES OR PLAZZAS, STEPS AND RETAINING WALL OR SIMILAR STRUCTURE SHALL NOT BE CONSIDERED AS BUILDING WALLS UNDER THE PROVISIONS OF THIS CHAPTER.
- (14) CONVALESCENT HOME: A BUILDING OR PREMISES IN OR ON WHICH CARE IS PROVIDED FOR TWO (2) OR MORE INVALID, INFIRM, AGED, CONVALESCENT, OR PHYSICALLY DISABLED OR INJURED PERSONS, NOT INCLUDING INSANE OR OTHER MENTAL CASES, INEBRIATE, OR CONTAGIOUS CASES. NURSING HOMES ARE CONVALESCENT HOMES.
- (15) CELLAR: A STORY HAVING MORE THAN ONE-HALF ($\frac{1}{2}$) OF THE HEIGHT OF ALL WALLS BELOW THE HIGHEST LEVEL OF THE ADJOINING GROUND. A CELLAR SHALL NOT BE CONSIDERED AS A STORY FOR THE PURPOSE OF THIS CHAPTER.
- (16) CLINIC, DENTAL OR MEDICAL: A BUILDING IN WHICH A GROUP OF PHYSICIANS, DENTISTS OR PHYSICIANS AND DENTISTS AND ALLIED PROFESSIONAL ASSISTANTS ARE ASSOCIATED FOR THE PURPOSE OF CARRYING ON THEIR PROFESSION. THE CLINIC MAY INCLUDE A DENTAL OR MEDICAL LABORATORY. IT DOES NOT INCLUDE IN-PATIENT CARE OR OPERATING ROOMS FOR MAJOR SURGERY.
- (17) CLUB OR LODGE (PRIVATE): AN ASSOCIATION OF PERSONS FOR THE PROMOTION OF SOME NONPROFIT OBJECT, WHO ARE BONA FIDE MEMBERS PAYING ANNUAL DUES.
- (18) DWELLING-SINGLE FAMILY: A BUILDING DESIGNED FOR AND OCCUPIED EXCLUSIVELY BY ONE FAMILY.
- (19) DWELLING-TWO FAMILY: A BUILDING DESIGNED FOR AND OCCUPIED EXCLUSIVELY BY TWO (2) FAMILIES.
- (20) DWELLING-MULTIPLE FAMILY: A BUILDING DESIGNED FOR OR OCCUPIED EXCLUSIVELY BY MORE THAN TWO (2) FAMILIES.

- (21) GARAGE, PRIVATE: AN ACCESSORY BUILDING OR PORTION OF A BUILDING USED ONLY FOR THE SHELTER AND / OR STORAGE OF VEHICLES BY THE OCCUPANTS OF THE DWELLING, OR THE LEASING OF SPACE AS PROVIDED HEREIN, INCLUDING COVERED SPACE OR CARPORT.
- (22) GARAGE, PUBLIC: A BUILDING OR PORTION OF A BUILDING IN WHICH MOTOR VEHICLES ARE EQUIPPED FOR OPERATION, REPAIRED, STORED OR KEPT FOR RENUMERATION, HIRE OR SALE.
- (23) HOME OCCUPATIONS: ANY OCCUPATION OR PROFESSION CARRIED ON BY A MEMBER OF THE IMMEDIATE FAMILY, RESIDING ON THE PREMISES, IN CONNECTION WITH WHICH THERE IS USED NO SIGN OTHER THAN A NAME PLATE NOT MORE THAN ONE SQUARE FOOT IN AREA OR NO DISPLAY THAT WILL INDICATE FROM THE EXTERIOR THAT THE BUILDING IS BEING UTILIZED FOR ANY PURPOSE OTHER THAN THAT OF A DWELLING; THERE IS NO COMMODITY SOLD UPON THE PREMISES; NO PERSON IS EMPLOYED OTHER THAN A MEMBER OF THE IMMEDIATE FAMILY RESIDING ON THE PREMISES; AND NO MECHANICAL EQUIPMENT IS USED EXCEPT SUCH AS IS CUSTOMARY FOR PURELY DOMESTIC, HOUSEHOLD PURPOSES.
- (24) HOSPITAL: AN INSTITUTION PROVIDING HEALTH SERVICES, PRIMARILY FOR IN-PATIENTS, AND MEDICAL AND SURGICAL CARE OF THE SICK AND INJURED, INCLUDING AS AN INTEGRAL PART OF THE INSTITUTION SUCH RELATED FACILITIES AS LABORATORIES, CENTRAL SERVICE FACILITIES AND STAFF OFFICES.
- (25) HOTEL: A BUILDING OCCUPIED AS THE MORE OR LESS TEMPORARY ABIDING PLACE OF INDIVIDUALS WHO ARE LODGED WITH OR WITHOUT MEALS AND IN WHICH THERE ARE MORE THAN TWENTY-FIVE (25) SLEEPING ROOMS USUALLY OCCUPIED INDEPENDENTLY.
- (26) JUNKYARD OR SALVAGE YARD: AN OPEN AREA ON ANY LOT OR PARCEL OF LAND WHICH IS USED FOR STORAGE, ABANDONMENT OR KEEPING OF JUNK INCLUDING SCRAP METALS OR SCRAP MATERIALS, OR FOR THE ABANDONMENT OR DISMANTLING OF MACHINERY, MOTOR VEHICLES, OR OTHER VEHICLES OR PARTS THEREOF.
- (27) LODGING HOUSE: A BUILDING WHERE LODGING OR BOARDING IS PROVIDED FOR COMPENSATION FOR FIVE (5) OR MORE, BUT NOT EXCEEDING TWENTY (20) PERSONS NOT MEMBERS OF THE FAMILY THERE RESIDING.
- (28) LOT: A LOT IS A PARCEL OF LAND UNDER ONE OWNERSHIP ON WHICH A PRINCIPAL BUILDING AND ITS ACCESSORIES ARE OR MAY BE PLACED, TOGETHER WITH THE REQUIRED OPEN SPACES, HAVING ITS FRONTAGE UPON ONE OR MORE STREETS OR PUBLIC PLACE.

- (29) MOBILE HOME: ANY OCCUPIED VEHICLE USED OR SO CONSTRUCTED AS TO PERMIT IT BEING USED AS A CONVEYANCE UPON THE PUBLIC STREETS AND HIGHWAYS AND DULY LICENSED AS SUCH, AND SHALL INCLUDE SELF-PROPELLED VEHICLES SO DESIGNED, CONSTRUCTED, RECONSTRUCTED OR ADDED TO BY MEANS OF AN ENCLOSED ADDITION OR ROOM IN SUCH A MANNER AS WILL PERMIT THE OCCUPANCY THEREOF AS A DWELLING OR SLEEPING PLACE FOR ONE OR MORE PERSONS, HAVING NO PERMANENT FOUNDATION AND SUPPORTED BY WHEELS, JACKS OR SIMILAR SUPPORTS.
- (30) MOBILE HOME PARK: A MOBILE HOME PARK SHALL MEAN ANY SITE, LOT, FIELD OR TRACT OF LAND UPON WHICH TWO (2) OR MORE OCCUPIED MOBILE HOMES ARE HARBORED, EITHER FREE OF CHARGE OR FOR REVENUE PURPOSES, AND SHALL INCLUDE ANY BUILDING, STRUCTURE, TENT, VEHICLE, OR ENCLOSURE USED OR INTENDED FOR USE AS A PART OF SUCH MOBILE HOME PARK.
- (31) NONCONFORMING USE: THE LAWFUL USE OF A BUILDING OR LAND ON THE EFFECTIVE DATE OF THIS ORDINANCE OR AMENDMENT THERETO, WHICH USE DOES NOT CONFORM TO THE PROVISIONS OF THIS ORDINANCE FOR THE DISTRICT IN WHICH IT IS LOCATED.
- (32) OFFICE: A PLACE WHERE BUSINESS OR SERVICES FOR OTHERS IS TRANSACTED AND NOT A PLACE WHERE CHATTELS OR GOODS, WARES OR MERCHANDISE ARE COMMONLY CREATED, EXCHANGED OR SOLD.
- (33) PARKING SPACE: A SURFACED AREA, ENCLOSED OR UNENCLOSED, ON A LOT SUFFICIENT IN SIZE TO STORE ONE STANDARD AUTOMOBILE, TOGETHER WITH A DRIVEWAY CONNECTING THE PARKING SPACE WITH A PUBLIC PLACE, STREET OR ALLEY.
- (34) PRE-SCHOOL NURSERY: THE FACILITIES OF ANY DWELLING, INSTITUTION OR ORGANIZATION WHICH, FOR PROFIT OR NON-PROFIT, ARE USED IN THE TEMPORARY CARE OF SIX (6) CHILDREN OR MORE AT ANY ONE TIME.
- (35) PUBLIC PLACE: AN OPEN OR UNOCCUPIED PUBLIC SPACE MORE THAN TWENTY (20) FEET IN WIDTH WHICH IS PERMANENTLY RESERVED FOR THE PURPOSE OF PRIMARY ACCESS TO ABUTTING PROPERTY.
- (36) SIGN, ADVERTISING OR POSTER BOARD: STRUCTURES, REGARDLESS OF THE MATERIAL USED IN THE CONSTRUCTION OF THE SAME, THAT ARE ERECTED, MAINTAINED OR USED TO ADVERTISE A BUSINESS OR ATTRACTION.
- (37) RETAIL STORE: A PLACE WHERE GOODS ARE FOR SALE TO THE ULTIMATE CONSUMER FOR DIRECT CONSUMPTION AND NOT FOR RESALE.
- (38) SHOP: A USE DEVOTED PRIMARILY TO THE SALE OF A SERVICE OR PRODUCTS, BUT THE SERVICE IS PERFORMED OR THE PRODUCT TO BE SOLD IS PREPARED IN ITS FINISHED FORM ON THE PREMISES. PACKAGING IS NOT CONSIDERED TO BE PREPARATION.

- (39) STORY: A STORY IS THAT PART OF A BUILDING COMPRISED BETWEEN ANY FLOOR AND THE FLOOR OR ATTIC NEXT ABOVE; THE FIRST STORY OF A BUILDING IS THE LOWEST STORY HAVING AT LEAST ONE-HALF ($\frac{1}{2}$) OF ITS HEIGHT OF ONE OR MORE WALLS ABOVE THE HIGHEST LEVEL OF ADJOINING GROUND.
- (40) SETBACK: THE REQUIRED DISTANCE BETWEEN A LOT LINE AND THE CLOSEST WALL OF A CONFORMING STRUCTURE ON THE LOT.
- (41) SURFACED AREA: ANY AREA COVERED BY CONCRETE, ASPHALT, GRAVEL, ROCK, STONE, BRICK OR RELATED MATERIAL NOT INCLUDING VEGETATION OR BUILDING.
- (42) YARD: AN OPEN SPACE EXTENDING ACROSS THE FULL WIDTH OR LENGTH OF THE LOT LYING BETWEEN THE LOT LINE AND THE NEAREST LINE OF THE MAIN BUILDING OTHER THAN UNENCLOSED PORCHES, STEPS, OR UNENCLOSED BALCONIES.

ARTICLE III

GENERAL REGULATIONS

- SECTION 1. GENERAL REGULATIONS: THE FOLLOWING REGULATIONS SHALL APPLY TO ALL DISTRICTS AND ALL OTHER PROVISIONS OF THIS ORDINANCE.
- SECTION 2. RESTRICTIONS ON USE: UNLESS OTHERWISE SPECIFIED NO USE SHALL BE PERMITTED IN ANY DISTRICT WHICH IS PROHIBITED IN ANY LESS RESTRICTED DISTRICT.
- SECTION 3. RESIDENCES TO THE REAR OF PRINCIPAL BUILDING PROHIBITED: NO BUILDING TO THE REAR OF THE PRINCIPAL BUILDING ON THE SAME INTERIOR LOT SHALL BE USED FOR RESIDENTIAL PURPOSES.
- SECTION 4. REQUIRED AREAS MAY NOT BE REDUCED: NO LOT SHALL HEREAFTER BE SO REDUCED IN AREA THAT ANY REQUIRED YARD, COURT, OR OTHER OPEN SPACE WILL BE SMALLER THAN IS PRESCRIBED IN THIS ORDINANCE FOR THE DISTRICT IN WHICH IT IS LOCATED.
- SECTION 5. SUBDIVISION REQUIRED: NOT MORE THAN TWO (2) DWELLINGS ARE PERMITTED ON ANY LOT, TRACT, OR PARCEL OF LAND UNTIL IT HAS BEEN SUBDIVIDED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 409 OF THE CODE OF IOWA, 1966.

SECTION 6. YARD AND AREA REQUIREMENTS: NO YARD OR OTHER OPEN SPACE PROVIDED ABOUT ANY BUILDING FOR THE PURPOSE OF COMPLYING WITH THE PROVISIONS OF THIS ORDINANCE SHALL BE CONSIDERED AS PROVIDING A YARD OR OPEN SPACE FOR ANY OTHER BUILDING, NOR SHALL THE LOT AREA PER FAMILY BE REDUCED IN ANY MANNER EXCEPT IN CONFORMITY WITH THE AREA REGULATIONS HEREIN ESTABLISHED FOR THE DISTRICT IN WHICH SUCH BUILDING IS LOCATED.

SECTION 7. METHOD OF YARD MEASUREMENT: THE SETBACK FOR FRONT, REAR AND SIDE YARDS SHALL IN ALL CASES BE MEASURED AT RIGHT ANGLES FROM THE LOT LINE.

SECTION 8. BUILDING CLASSIFICATION: ANY PORTION OF A BUILDING WHICH IS COVERED BY A ROOF SHALL BE CONSIDERED AS PART OF THE BUILDING.

SECTION 9. FRONTAGE ON CORNER LOTS: THE OWNER OF A CORNER LOT MAY ELECT TO FRONT THE PRINCIPAL BUILDING ON SUCH LOT ON EITHER OF THE TWO (2) STREETS UPON WHICH THE CORNER LOT ABUTTS.

SECTION 10. VISIBILITY AT INTERSECTIONS: NOTHING SHALL BE ERRECTED, PLACED, PLANTED OR ALLOWED TO GROW WHICH WILL IMPEDE VISION BETWEEN A HEIGHT OF 2½ FEET AND 10 FEET ABOVE THE STREET IN THE AREA BOUNDED BY THE STREET RIGHT OF WAY LINE AND A LINE JOINING POINTS 30 FEET FROM THE RIGHT OF WAY LINE INTERSECTION.

SECTION 11. FENCES, WALLS & HEDGES: NO FENCE, WALL, OR HEDGE OVER 4 FEET IN HEIGHT WILL BE PERMITTED ALONG THE FRONT OF ANY RESIDENTIAL LOT OR SIDES OF FRONT YARD.

SECTION 12. SIGNS: THE ONLY SIGNS THAT MAY BE ERRECTED OR PLACED ON A RESIDENTIAL LOT OR BUILDING SHALL BE ONE SIGN NOT EXCEEDING 25 SQUARE FEET IN AREA ADVERTISING ONLY THE SALE OR LEASE OF THE PREMISES OR ONE UNLIGHTED SIGN NOT EXCEEDING 1 SQUARE FOOT IN AREA, ATTACHED FLAT TO THE BUILDING, PERTAINING TO A HOME OCCUPATION. ALSO, OUTDOOR BULLETIN BOARDS FOR CHURCHES AND SCHOOLS.

ARTICLE IV

ESTABLISHMENT OF DISTRICTS

SECTION 1. ESTABLISHMENT OF DISTRICTS: THE VARIOUS DISTRICTS AS SET FORTH IN ARTICLE IV AND THEIR BOUNDARIES AS SHOWN ON THE "OFFICIAL ZONING DISTRICT MAP" OF THE CITY OF HUMBOLDT, IOWA, WHICH IS ON FILE IN THE OFFICE OF THE CITY CLERK WITH ALL AMENDMENTS, CHANGES AND EXTENSIONS THEREOF, AND ALL LEGENDS, SYMBOLS, NOTATIONS, DIMENSIONS, REFERENCES, AND ALL OTHER MATTERS SHOWN THEREON SHALL BE A PART OF THIS

ORDINANCE AND SAID DISTRICTS ARE HEREBY ESTABLISHED. THERE SHALL BE ONLY ONE "OFFICIAL ZONING DISTRICT MAP". IT SHALL BE ATTESTED BY THE ORIGINAL SIGNATURE OF THE MAYOR AND CLERK. ALL COPIES OR REPRODUCTIONS THEREOF SHALL BE JUNIOR THERETO.

SECTION 2. DISTRICT BOUNDARIES: THE BOUNDARIES OF THE VARIOUS DISTRICTS ESTABLISHED BY THIS ORDINANCE ARE STREET LINES, ALLEY LINES, PROPERTY LINES, LOT LINES, OR OTHER LINES SHOWN ON THE "OFFICIAL ZONING DISTRICT MAP". WHERE BOUNDARIES ARE APPROXIMATELY INDICATED AS PROPERTY OR LOT LINES, THE TRUE LOCATIONS OF SUCH LINES SHALL BE TAKEN AS BOUNDARY LINES. WHERE THE DISTANCE TO ANY BOUNDARY LINE FROM A STREET LINE, PROPERTY LINE, OR LOT LINE IS INDICATED BY A DIMENSION ON THE "OFFICIAL ZONING MAP", SUCH MEASUREMENT SHALL CONTROL.

SECTION 3. DISTRICTS: FOR THE PURPOSE OF THIS ORDINANCE THE CITY OF HUMBOLDT, IOWA, IS HEREBY DIVIDED INTO DISTRICTS KNOWN AS:

- A-1 -- AGRICULTURAL
- R-1 -- SINGLE FAMILY DWELLING
- R-2 -- TWO FAMILY DWELLING
- R-3 -- MULTIPLE FAMILY DWELLING
- M-1 -- MOBILE HOME COURT
- PUD -- PLANNED UNIT DEVELOPMENT
- C-1 -- CENTRAL BUSINESS DISTRICT
- C-2 -- GENERAL COMMERCIAL DISTRICT
- I-1 -- GENERAL INDUSTRIAL DISTRICT
- I-2 -- HEAVY INDUSTRIAL DISTRICT

SECTION 4. CLASSIFICATION OF NEWLY ANNEXED TERRITORY: ALL TERRITORY HEREAFTER ANNEXED TO THE CITY SHALL BE CLASSIFIED R-1 UNTIL SUCH CLASSIFICATION IS SUBSEQUENTLY CHANGED BY AN ACTION OF THE PLANNING COMMISSION AND THE CITY COUNCIL.

SECTION 5. NON-CONFORMING USES, BUILDINGS, STRUCTURES: THE FOLLOWING PROVISIONS APPLY TO NON-CONFORMING USES, BUILDINGS AND STRUCTURES IN THE CITY OF HUMBOLDT.

- (A) NON-CONFORMING USE MAY BE CONTINUED: A NON-CONFORMING USE, ALTHOUGH SUCH DOES NOT CONFORM TO THE PROVISIONS HEREOF, MAY BE CONTINUED BUT IF SUCH NON-CONFORMING USE IS DISCONTINUED FOR A PERIOD OF ONE YEAR, ANY FUTURE USE OF SAID PREMISES SHALL BE IN CONFORMITY WITH THE PROVISIONS OF THIS CHAPTER.
- (B) NON-CONFORMING BUILDING OR STRUCTURE MAY NOT BE EXTENDED OR ENLARGED.

- (c) BUILDING OR STRUCTURE USED FOR NON-CONFORMING USE MAY BE RECONSTRUCTED: NOTHING IN THIS CHAPTER PREVENTS THE RECONSTRUCTION OF A BUILDING OR STRUCTURE USED FOR A NON-CONFORMING USE IF 50% OR LESS DESTROYED BY FIRE OR OTHER CALAMITY, OR PREVENT THE CONTINUANCE OF THE USE OF SUCH BUILDING OR STRUCTURE OR PART THEREOF AS SUCH USE EXISTED AT THE TIME OF SUCH DESTRUCTION; PROVIDED THAT ANY RECONSTRUCTION SHALL BE BEGUN WITHIN SIX (6) MONTHS AFTER SUCH DESTRUCTION AND SHALL BE DILIGENTLY PROSECUTED THEREAFTER.
- (d) NON- CONFORMING LOTS: A SINGLE FAMILY DWELLING MAY BE BUILT ON A NON-CONFORMING LOT THAT WAS LEGALLY PLATTED PRIOR TO DATE OF ENACTMENT OF ORDINANCE #269. SUCH LOT MUST BE IN SEPARATE OWNERSHIP AND NOT OF CONTINUOUS FRONTAGE WITH OTHER LOTS OF THE SAME OWNERSHIP. TWO OR MORE CONTINUOUS FRONTAGE LOTS UNDER ONE OWNERSHIP AT THE TIME OF THIS ORDINANCE SHALL BE CONSIDERED AN UNDIVIDED PARCEL. NO PORTION MAY BE USED OR SOLD NOR SHALL ANY PORTION REMAIN AFTER SUCH SALE OR USE THAT DOES NOT CONFORM TO AREA AND WIDTH REQUIREMENTS OF THIS ORDINANCE.
- (e) VIOLATION OF PRIOR ZONING ORDINANCE: USES WHICH WERE IN VIOLATION OF ORDINANCE #269 SHALL ALSO BE IN VIOLATION OF THIS ORDINANCE AND SHALL NOT BECOME NON-CONFORMING USES BY VIRTUE OF REPEAL OF ORDINANCE #269 AND ENACTMENT OF THIS ORDINANCE.

ARTICLE V

"A-1" AGRICULTURAL DISTRICT

USES IN A-1 DISTRICT

THIS DISTRICT IS ESTABLISHED TO ACCOMMODATE AREA PREDOMINATELY AGRICULTURAL IN CHARACTER OR UNDEVELOPED FOR URBAN USE. AS URBAN DEVELOPMENT EXPANDS, AREAS SUITABLE FOR SUCH USE WILL BE REZONED ACCORDING TO THE COMPREHENSIVE PLAN. A BUILDING OR PREMISES SHALL BE USED ONLY FOR THE FOLLOWING PURPOSES:

- ONE-FAMILY DWELLINGS.
- HOME OCCUPATIONS.
- RAILROAD RIGHT OF WAY AND TRACKAGE.
- PRIVATE GARAGE OR ACCESSORY BUILDING.
- UTILITY SUBSTATION.
- GRANARY.
- FARM OR APIARY, NOT TO INCLUDE STORAGE OF LIVESTOCK OR COMMERCIAL POULTRY FARM.
- FOREST.
- PLANT NURSERY.

STABLE, AT LEAST 1000 FT. FROM NEAREST RESIDENTIAL DISTRICT.
 GOLF COURSE, EXCEPT MINIATURE COURSES AND DRIVING TEES OPERATED
 FOR COMMERCIAL PURPOSES.
 COUNTRY CLUBS.
 PARKS.
 OFF-STREET PARKING LOT IN CONJUNCTION WITH A USE PERMITTED IN
 THIS DISTRICT.

MINIMUM LOT SIZE	-----	20,000 SQ. FT.
MINIMUM FRONTAGE	-----	120 FT.
MAXIMUM BUILDING HEIGHT	-----	2½ STORIES OR 35 FT.
MAXIMUM LOT COVERAGE BY BUILDINGS	-----	30%
MINIMUM FRONT YARD	-----	30 FT.
MINIMUM SIDE YARD	-----	20 FT. EACH SIDE
MINIMUM REAR YARD	-----	30 FT. OR 25% OF LOT DEPTH WHICHEVER IS SMALLER

ARTICLE VI

"R-1" SINGLE FAMILY RESIDENTIAL DISTRICT

USES IN R-1 DISTRICT

THIS DISTRICT IS ESTABLISHED TO ACCOMMODATE SINGLE FAMILY DWELLINGS AND
 USES CUSTOMARILY FOUND IN LOW DENSITY RESIDENTIAL AREAS SUCH AS CHURCHES,
 PUBLIC AND PAROCHIAL SCHOOLS, GOLF COURSES AND PARKS. A BUILDING OR
 PREMISES SHALL BE USED ONLY FOR THE FOLLOWING PURPOSES:

- ONE-FAMILY DWELLINGS.
- PRIVATE GARAGE OR ACCESSORY BUILDING.
- HOME OCCUPATION.
- RAILROAD RIGHT OF WAY AND TRACKAGE.
- UTILITY SUBSTATION.
- CHURCH OR SUNDAY SCHOOL.
- PUBLIC SCHOOL.
- PRIVATE SCHOOL HAVING CURRICULUM SIMILAR TO THAT OFFERED BY
PUBLIC SCHOOLS.
- GOLF COURSE, EXCEPT MINIATURE COURSES AND DRIVING TEES
OPERATED FOR COMMERCIAL PURPOSES.
- COUNTRY CLUB.
- PUBLICLY OWNED LIBRARIES, MUSEUMS, PARKS, & PLAYGROUNDS.
- OFF-STREET PARKING LOT IN CONJUNCTION WITH A USE PERMITTED IN
THIS DISTRICT.

MINIMUM LOT SIZE	-----	8,000 SQ. FT.
MINIMUM FRONTAGE	-----	80 FT.
MAXIMUM BUILDING HEIGHT	-----	2½ STORIES OR 35 FT.
MAXIMUM LOT COVERAGE BY BUILDINGS	-----	30%

MINIMUM FRONT YARD - - - - -	30 FT.
MINIMUM SIDE YARD - - - - -	10 FT.
MINIMUM REAR YARD - - - - -	30 FT. OR 25%
	OF LOT DEPTH
	WHICHEVER IS SMALLER

OFF-STREET PARKING

AT LEAST ONE SPACE FOR EACH FAMILY DWELLING.
 CHURCHES--ONE SPACE FOR EACH 10 SEATS.
 COUNTRY CLUBS--ONE SPACE FOR EACH 2 MEMBERS.
 GOLF COURSES--50 SPACES FOR EACH 9 HOLES.

ARTICLE VII

"R-2" TWO FAMILY RESIDENTIAL DISTRICT

USES IN R-2 DISTRICT

THIS DISTRICT IS ESTABLISHED TO ACCOMMODATE SINGLE AND TWO-FAMILY DWELLINGS AND OTHER USES CUSTOMARILY FOUND IN LOW DENSITY RESIDENTIAL AREAS SUCH AS CHURCHES, PUBLIC AND PAROCHIAL SCHOOLS, GOLF COURSES AND PARKS. A BUILDING OR PREMISES SHALL BE USED ONLY FOR THE FOLLOWING PURPOSES:

ANY USE PERMITTED IN THE "R-1" DISTRICT.
 TWO-FAMILY DWELLING.
 TELEPHONE EXCHANGE BUILDING.

MINIMUM LOT SIZE - - - - -	6,500 sq. ft.
MINIMUM FRONTAGE - - - - -	60 FT.
MAXIMUM BUILDING HEIGHT - - - - -	2½ STORIES OR 35 FT.
MAXIMUM LOT COVERAGE BY BUILDINGS - - - - -	40%
MINIMUM FRONT YARD - - - - -	30 FT.
MINIMUM SIDE YARD - - - - -	10 FT.
MINIMUM REAR YARD - - - - -	30 FT. OR 25% OF
	LOT DEPTH, WHICHEVER
	IS SMALLER

OFF-STREET PARKING

SAME AS R-1

ARTICLE VIII

"R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT

USES IN R-3 DISTRICT

IT IS INTENDED THAT THIS DISTRICT IS ESTABLISHED TO PERMIT MEDIUM DENSITY FAMILY DEVELOPMENTS IN THE SUBURBAN AREAS, AND TO SERVE AS A TRANSITION FROM HIGH DENSITY DEVELOPMENTS TO SINGLE FAMILY RESIDENTIAL AREAS. A BUILDING OR PREMISES IN THE "R-3 DISTRICT SHALL BE USED ONLY FOR THE FOLLOWING PURPOSES:

ANY USE PERMITTED IN "R-2" DISTRICT,
 MULTIPLE FAMILY DWELLING.
 APOTHECARY SHOP.
 CLINIC.
 HOSPITAL.
 BOARDING HOUSE.
 LODGING HOUSE.
 NURSING HOME.
 CONVALESCENT HOME.
 RETIREMENT HOMES.
 HOME FOR THE ELDERLY.
 CLUB OR LODGE.
 INSTITUTION OF EDUCATIONAL, RELIGIOUS, CHARITABLE OR
 PHILANTHROPIC NATURE.

MINIMUM LOT SIZE ----- 6,500 sq. ft.
 (IN NO CASE SHALL THERE BE LESS THAN 2000 sq. ft OF LOT FOR
 EACH FAMILY OCCUPANY IN MULTIPLE FAMILY DWELLINGS.)
 MINIMUM FRONTAGE ----- 60 FT.
 MAXIMUM BUILDING HEIGHT ----- 4½ STORIES OR 55 FT.
 MAXIMUM LOT COVERAGE ----- 50%
 MINIMUM FRONT YARD ----- 30 FT.
 MINIMUM SIDE YARD ----- 10 FT.
 MINIMUM REAR YARD ----- 30 FT. OR 25% OF
 LOT DEPTH, WHICHEVER
 IS SMALLER.

OFF-STREET PARKING

SAME AS R-1.

BOARDING HOUSE, LODGING HOUSE, NURSING HOME, CONVALESCENT HOME, RETIREMENT
 HOME, HOME FOR THE ELDERLY -- AT LEAST ONE SPACE FOR EACH 2 GUEST
 SLEEPING ROOMS.

ARTICLE IX

"M-1" MOBILE HOME RESIDENTIAL DISTRICT

USES IN M-1 DISTRICT

THIS DISTRICT IS ESTABLISHED SPECIFICALLY TO PROVIDE AREA FOR MOBILE HOME
 RESIDENTIAL USES AND THOSE USES NORMALLY CONSIDERED AN INTEGRAL PART OF THE
 MOBILE HOME RESIDENTIAL AREA.

ANY USE PERMITTED IN THE R-1 DISTRICT.
 MOBILE HOME PARK, IN ACCORDANCE WITH THE REGULATIONS OF THE
 IOWA STATE DEPARTMENT OF HEALTH AND THE FOLLOWING
 REGULATIONS.
 MOBILE HOME PARK SERVICE BUILDING INCLUDING LAUNDROMAT AND
 EQUIPMENT STORAGE.

SIZE OF TRACT: 4 ACRES MINIMUM.

SIGNS: ONE INDIRECTLY LIGHTED SIGN FACING EACH PUBLIC STREET. MAXIMUM
 SIGN SIZE 100 sq. ft. EACH.

MINIMUM LOT SIZE -----	3,500 sq. ft.
MINIMUM FRONTAGE -----	35 FT.
MAXIMUM BUILDING HEIGHT -----	35 FT.
MAXIMUM LOT COVERAGE BY BUILDINGS -----	-----
MINIMUM FRONT YARD-----	15 FT.
MINIMUM SIDE YARD -----	5 FT.
MINIMUM REAR YARD -----	15 FT.
MINIMUM CLEARANCE BETWEEN TRAILERS -----	20 FT.

EACH YARD ABUTTING ON A PUBLIC STREET SHALL HAVE A MINIMUM BUILDING SETBACK DISTANCE OF 30 FT. THERE SHALL BE A BUFFER ZONE OF AT LEAST 20 FT. AROUND THE PERIPHERY OF THE COURT WHERE IT ABUTTS OTHER PRIVATE PROPERTY.

THIS 20 FT. IS IN ADDITION TO THE FOREGOING FRONT, REAR AND SIDE YARD REQUIREMENTS.

PLAN REQUIRED

MOBILE HOME PARK PLANNING AND DEVELOPMENT SHALL COMPLY WITH THE LAND SUBDIVISION ORDINANCE. EACH PETITION FOR A CHANGE TO THE M-1 ZONING CLASSIFICATION SUBMITTED TO THE CITY COUNCIL SHALL BE ACCOMPANIED BY A MOBILE HOME PARK PRELIMINARY PLAN. SAID PLAN SHALL SHOW EACH MOBILE HOME PARK SPACE, THE WATER, ELECTRICAL AND SEWER LINES, SERVING EACH TRAILER SPACE, THE LOCATION OF GARBAGE CANS, WATER HYDRANTS, SERVICE BUILDINGS, DRIVEWAYS, WALKWAYS, RECREATION AREAS, REQUIRED YARDS, THE PARKING FACILITIES, LIGHTING AND LANDSCAPING. UPON APPROVAL BY THE PLAN COMMISSION AND CITY COUNCIL, DETAILED PLANS SHALL BE SUBMITTED TO THE IOWA STATE DEPARTMENT OF HEALTH AND TO THE CITY COUNCIL FOR APPROVAL.

OFF-STREET PARKING

SAME AS R-1.

ARTICLE X

"PUD" PLANNED UNIT DEVELOPMENT DISTRICT

THIS DISTRICT IS ESTABLISHED TO PERMIT THE PLANNING OF A MIXED DISTRICT WHICH MAY INCLUDE SINGLE AND TWO UNIT RESIDENCES INTERMINGLED WITH MULTIPLE UNIT RESIDENCES, COMMERCIAL AREAS, SHOPPING CENTERS, INDUSTRIAL PARKS AND PUBLIC RECREATION AREAS ON A PLANNED UNIT BASIS.

OBJECTIVES:

1. TO ENCOURAGE FREEDOM OF IDEAS IN CREATIVE APPROACH TO THE USE OF LAND AND RELATED PHYSICAL DEVELOPMENT.
2. TO PROVIDE FOR THE ENHANCEMENT AND PRESERVATION OF PROPERTY WITH UNIQUE FEATURES, SUCH AS AN HISTORICAL SIGNIFICANCE, UNUSUAL TOPOGRAPHY, AND/OR LANDSCAPING FEATURES.
3. TO SIMPLIFY PROCESSING OF DEVELOPMENT PROPOSALS.

PRINCIPLES AND STANDARDS

MINIMUM TOTAL AREA	-----	10 ACRES
MINIMUM LOT SIZE	-----	6,000 SQ. FT.
MINIMUM FRONTAGE	-----	60 FT.
MAXIMUM BUILDING HEIGHT	-----	-----
MAXIMUM LOT COVERAGE BY BUILDING	-----	50%
MINIMUM FRONT YARD	-----	20 FT.
MINIMUM SIDE YARD	-----	5 FT.
MINIMUM REAR YARD	-----	20 FT.

OFF-STREET PARKING

SAME AS FOR EQUIVALENT STRUCTURE IN OTHER ZONED DISTRICTS.

OPEN, PUBLIC SPACE (PARKS, FOOT PATHS, PONDS, GOLF COURSES, ETC.) IN AN AMOUNT EQUIVALENT TO 1200 SQ. FT. PER FAMILY OCCUPANCY IN THE COMPLETED DEVELOPMENT SHALL BE PROVIDED.

PROVISION FOR PERMANENT PRESERVATION AND MAINTENANCE OF THE PUBLIC OPEN SPACE SHALL BE MADE. THIS LAND MAY BE DEEDED TO THE CITY, A SPECIAL GOVERNMENTAL DISTRICT MAY BE FORMED, OR A NON-PROFIT CORPORATION OF HOME OWNERS MAY BE ESTABLISHED.

THE PROCEDURE FOR SUBMISSION AND APPROVAL OF PLANNED UNIT DEVELOPMENT PLANS IS SIMILAR TO THAT FOR ANY OTHER SUBDIVISION AND IS OUTLINED IN CITY OF HUMBOLDT, IOWA, ORDINANCE No. _____ WHICH IS THE SUBDIVISION ORDINANCE.

ARTICLE XI

"C-1" CENTRAL BUSINESS DISTRICT

USES IN C-1 DISTRICT

THIS DISTRICT IS COMPOSED OF LAND AND STRUCTURES USED PRIMARILY TO PROVIDE RETAIL TRADE, PERSONAL AND BUSINESS SERVICES OF ALL KINDS THAT CONTRIBUTE TO THE CONSTRUCTION OF A CONCENTRATED REGIONAL SHOPPING AND BUSINESS CENTER. THE REGULATIONS ARE DESIGNED TO PERMIT A HIGHLY CONCENTRATED DEVELOPMENT OF THE PERMITTED USES WITHIN THE DISTRICT. RESIDENCES WITHIN THE DISTRICT ARE NOT PERMITTED BUT APARTMENTS ABOVE STORES AND PLACE OF BUSINESS WILL BE PERMITTED.

PERMITTED USES: THE FOLLOWING USES ARE PERMITTED IN THIS DISTRICT:

- PRIVATE CLUBS AND LODGES.
- BAKERIES WHOSE PRODUCTS ARE SOLD PRIMARILY AT RETAIL IN THE PREMISES.
- BANKS AND OTHER FINANCIAL INSTITUTIONS.
- BARBER SHOPS OR BEAUTY PARLORS.
- BUSINESS OR COMMERCIAL SCHOOLS.

- DANCING OR MUSIC STUDIO FOR PRIVATE INSTRUCTION.
- ELECTRICAL AND SHOE REPAIR SHOPS WITH RETAIL SALES.
- INTERIOR DECORATING SHOPS.
- MESSENGER OR TELEGRAPH SERVICE STATIONS.
- PHOTOGRAPHIC STUDIOS.
- OFFICES OR OFFICE BUILDINGS.
- GROCERY STORES.
- RESTAURANTS.
- RETAIL STORES
- SALES SHOW ROOMS.
- SHOPS FOR RETAIL SALES
- LAUNDRY, DRY CLEANING, AND DYEING SHOPS OR LAUNDROMATS.
- THEATRES, (EXCEPT OPEN AIR DRIVE-IN THEATRES).
- TAVERNS.
- ADVERTISING SIGN PERTAINING ONLY TO A USE CONDUCTED WITHIN THE BUILDING, WHICH SIGN SHALL NOT EXCEED 100 SQUARE FEET IN AREA UNLESS ATTACHED FLAT AGAINST THE WALL OF A PRINCIPAL STRUCTURE.
- HOTELS OR MOTELS.
- PRINTING SHOP AND NEWSPAPER PRINTING SHOP.

MINIMUM LOT SIZE	-----	No RESTRICTION
MINIMUM FRONTAGE	-----	"
MAXIMUM BUILDING HEIGHT	-----	"
MAXIMUM LOT COVERAGE BY BUILDINGS	-----	"
MINIMUM FRONT YARD	-----	"
MINIMUM SIDE YARD	-----	"
MINIMUM REAR YARD	-----	"

OFF-STREET LOADING SPACE: EVERY PRINCIPAL BUILDING OR PART THEREOF HERINAFTER ERECTED, ENLARGED OR CONVERTED, HAVING A GROSS FLOOR AREA OF TEN THOUSAND (10,000) SQUARE FEET OR MORE, WHICH IS TO BE OCCUPIED BY MANUFACTURING, LIGHT INDUSTRY, STORAGE WAREHOUSE, LAUNDRY, TRUCK TERMINAL, OR OTHER USES, INVOLVING THE FREQUENT RECEIPT OR DISTRIBUTION BY VEHICLES OF MATERIALS OR MERCHANDISE, THERE SHALL BE PROVIDED AND MAINTAINED ON THE SAME LOT WITH SUCH BUILDING, NOT LESS THAN (1) OFF-STREET LOADING SPACE FOR EACH TEN THOUSAND (10,000) SQUARE FEET, OR FRACTION THEREOF, OF GROSS FLOOR SPACE OF THE BUILDING. MINIMUM LOADING SPACE DIMENSIONS SHALL BE 10 FT. BY 25 FT.

ARTICLE XII

"C-2" GENERAL COMMERCIAL DISTRICT

USES IN C-2 DISTRICT

THIS DISTRICT IS COMPOSED OF LAND AND STRUCTURES, PRIMARILY USED AS COMMERCIAL AND LIMITED FABRICATING, WHOLESALING AND WAREHOUSING. THE MAIN PURPOSE OF THIS DISTRICT IS TO CONTAIN COMMERCIAL USES THAT

REQUIRE LARGER PIECES OF LAND THAN GENERALLY NEEDED IN A BUILT UP DOWNTOWN AREA. THEY ALSO REQUIRE MORE SPACE FOR THE MANEUVERING OF VEHICLES EITHER WITHIN THE BUSINESS OR IN CARRYING OUT THE TRANSACTIONS WITHIN THE BUSINESS. THESE REGULATIONS ARE DESIGNED TO PERMIT LIGHTLY CONCENTRATED DEVELOPMENT OF THE PERMITTED USES WITHIN THE DISTRICT. RESIDENCES ARE NOT PERMITTED WITHIN THE DISTRICT AT ALL. THIS DISTRICT MAY BE MORE COMMONLY REFERRED TO AS AN OUTLYING COMMERCIAL DISTRICT.

PERMITTED USES: THE FOLLOWING USES ARE PERMITTED IN THIS DISTRICT.

PRIVATE CLUBS AND LODGES.
 FARM SUPPLY SALES.
 AUTOMOBILE SALES ROOM AND/OR GARAGES.
 BOWLING ALLEYS, DANCE HALLS OR SKATING RINKS.
 DRIVE-IN RESTAURANTS OR THEATRES.
 FARM IMPLEMENT SALES AND SERVICE AND OUTDOOR STORAGE.
 PETROLEUM AUTOMOBILE SERVICE STATIONS.
 FROZEN FOOD LOCKERS
 MILK DISTRIBUTION STATIONS.
 UNDERTAKING ESTABLISHMENTS OR FUNERAL HOMES.
 USED CAR SALES OR STORAGE LOTS WHEN LOCATED AT LEAST FIFTY (50) FEET AWAY FROM ANY RESIDENTIAL DISTRICT.
 VETERINARIAN OR ANIMAL HOSPITALS OR CLINICS, PROVIDED THAT ANY TREATMENT ROOMS, CAGES, PENS OR KENNELS BE LOCATED WITHIN A COMPLETELY ENCLOSED, SOUND PROOF BUILDING AND SO OPERATED AS NOT TO PRODUCE ANY OBJECTIONABLE ODORS OUTSIDE OF ITS WALLS.
 MOTELS.
 FABRICATING STORES.
 GROCERY STORES.
 ACCESSORY BUILDINGS AND USES.
 ANY OTHER BUSINESS OR COMMERCIAL USE SIMILAR TO THE ABOVE INVOLVING PRIMARILY SALES OR SERVICE.
 TAVERNS AND COCKTAIL LOUNGES.

YARD REQUIREMENTS: THERE ARE NO SETBACK OR YARD REQUIREMENTS FOR PRINCIPAL OR ACCESSORY BUILDINGS IN THIS DISTRICT EXCEPT AS OTHERWISE MAY BE REQUIRED ALONG STATE, FEDERAL OR COUNTY ROADS.

OFF-STREET PARKING:

TWO (2) OFF-STREET PARKING SPACES SHALL BE PROVIDED ON THE SIGHT OR WITHIN 200 FT. THEREOF FOR EACH THREE EMPLOYEES REGULARLY EMPLOYED AT THE SAME TIME IN THE BUSINESS HEREINAFTER ERECTED IN THIS DISTRICT.

OFF-STREET LOADINGS

EVERY PRINCIPAL BUILDING OR PART THEREOF HEREINAFTER ERECTED, ENLARGED OR CONVERTED, HAVING A GROSS FLOOR AREA OF TEN THOUSAND (10,000) SQUARE FEET

OR MORE, WHICH IS TO BE OCCUPIED BY MANUFACTURING, LIGHT INDUSTRY, STORAGE WAREHOUSE, LAUNDRY, TRUCK TERMINAL, OR OTHER USES, INVOLVING THE FREQUENT RECEIPT OR DISTRIBUTION BY VEHICLES OF MATERIALS OR MERCHANDISE, THERE SHALL BE PROVIDED AND MAINTAINED ON THE SAME LOT WITH SUCH BUILDING, NOT LESS THAN ONE (1) OFF-STREET LOADING SPACE FOR THE FIRST TEN THOUSAND (10,000) SQUARE FEET, OR FRACTION THEREOF, OF GROSS FLOOR SPACE OF THE BUILDING PLUS ONE (1) ADDITIONAL OFF-STREET LOADING SPACE FOR EACH THIRTY THOUSAND (30,000) SQUARE FEET OR MAJOR FRACTION THEREOF, OF GROSS FLOOR AREA IN EXCESS OF TEN THOUSAND (10,000) SQUARE FEET. EACH SUCH SPACE SHALL BE NOT LESS THAN TEN (10) FEET IN WIDTH AND SIXTY-FIVE (65) FEET IN LENGTH AND SHALL BE A SURFACED AREA.

ARTICLE XIII

"I-1" GENERAL INDUSTRIAL DISTRICT

USES IN I-1 DISTRICT

THIS DISTRICT IS COMPOSED OF LAND NOW OCCUPIED BY LIGHT INDUSTRY OR OTHER LANDS NOT WELL SUITED FOR RESIDENTIAL DEVELOPMENTS, WHERE THE MODES OF OPERATION OF INDUSTRY WOULD NOT LIKELY AFFECT NEARBY RESIDENTIAL AND BUSINESS USE. THE PURPOSE OF THIS DISTRICT IS TO PERMIT THE NORMAL OPERATION OF INDUSTRIES, OTHER THAN THOSE WHOSE OPERATIONS MAY AFFECT THE HEALTH, SAFETY OR WELFARE OF NEARBY RESIDENTIAL AND COMMERCIAL PROPERTY. THIS DISTRICT IS MEANT AS AN ENVIRONMENTAL BUFFER BETWEEN RESIDENTIAL AND HEAVY INDUSTRIAL ZONES. RESIDENTIAL OR APARTMENT USE IN THIS DISTRICT IS NOT PERMITTED.

PERMITTED USE: IN THE I-1 GENERAL INDUSTRIAL DISTRICT, A BUILDING OR PREMISES SHALL BE USED ONLY FOR THE FOLLOWING PURPOSES AND SHALL BE SUBJECT TO THE PROVISIONS ENUMERATED HEREINAFTER.

LABORATORIES, RESEARCH, EXPERIMENTAL OR TESTING.
OFFICES AND OFFICE BUILDINGS.

WHOLESALE MERCHANDISING OR STORAGE WAREHOUSES.
COMPOUNDING OF COSMETICS, TOILETRIES, DRUGS AND
PHARMACEUTICAL PRODUCTS.

MANUFACTURE OR ASSEMBLY OF MEDICAL AND DENTAL EQUIPMENT,
DRAFTING, OPTICAL, AND MUSICAL INSTRUMENTS, WATCHES,
CLOCKS, TOYS, GAMES, AND ELECTRICAL OR ELECTRONIC
APPARATUS.

MANUFACTURE OR ASSEMBLY OF BOATS, BOLTS, NUTS, SCREWS, AND
RIVETS, ORNAMENTAL IRON PRODUCTS, FIREARMS, ELECTRICAL
APPLICANCES, TOOLS, DIES, MACHINERY AND HARDWARE PRODUCTS,
SHEET METAL PRODUCTS, AND VITREOUS ENAMELED METAL PRODUCTS.

MANUFACTURE OR STORAGE OF FOOD PRODUCTS, INCLUDING BEVERAGE
BLENDING OR BOTTLING, BAKERY PRODUCTS, CANDY MANUFACTURE,
DAIRY PRODUCTS AND ICE CREAM, FRUIT AND VEGETABLE PROCESSING
AND CANNING, PACKING AND PROCESSING OF MEAT AND POULTRY
PRODUCTS, BUT NOT DISTILLING OF BEVERAGES OR SLAUGHTERING OF
POULTRY OR ANIMALS.

MANUFACTURE OF RUGS, MATTRESSES, PILLOWS, QUILTS, MILLINERY, HOSIERY, CLOTHING, AND FABRICS, AND PRINTING AND FINISHING OF TEXTILES AND FIBRES INTO FABRIC GOODS.

MANUFACTURE OF BOXES, CRATES, FURNITURE, BASKETS, VENEER, AND OTHER WOOD PRODUCTS OF A SIMILAR NATURE.

GENERALLY, THOSE LIGHT MANUFACTURING USES SIMILAR TO THOSE LISTED IN ITEMS 4 THROUGH 9, ABOVE, WHICH DO NOT CREATE ANY MORE DANGER TO HEALTH AND SAFETY IN SURROUNDING AREAS AND WHICH DO NOT CREATE ANY MORE OFFENSIVE NOISE, VIBRATION, SMOKE, DUST, LINT, ODORS, HEAT, OR GLARE THAN THAT WHICH IS GENERALLY ASSOCIATED WITH LIGHT INDUSTRIES OF THE TYPE SPECIFICALLY PERMITTED.

ACCESSORY BUILDINGS AND USES INCLUDING ACCESSORY SIGNS AND ADVERTISING STRUCTURES RELATED TO THE ACTIVITY CONDUCTED ON THE PREMISES.

RAILROAD SIDING.

SALE AT WHOLESALE OR STORAGE: THE SALE AT WHOLESALE; THE WAREHOUSING AND/OR STORAGE OF ANY COMMODITY, EXCEPT COMMERCIAL EXPLOSIVES.

SALE AT RETAIL: THE SALE AT RETAIL OF ANY COMMODITY MANUFACTURED, PROCESSED, FABRICATED OR WHOLESALED ONLY ON THE PREMISES; EQUIPMENT, SUPPLIES AND MATERIALS (EXCEPT COMMERCIAL EXPLOSIVES) FOR AGRICULTURE, INDUSTRY, BUSINESS.

REPAIR, RENTAL AND SERVICING: THE REPAIR, RENTAL AND SERVICING OF ANY COMMODITY, THE MANUFACTURE, PROCESS, FABRICATION, WAREHOUSING OR SALE OF WHICH COMMODITY IS PERMITTED IN THIS DISTRICT.

GARAGES AND ACCESSORY BUILDINGS: GARAGES AND ACCESSORY BUILDINGS AND MAY OCCUPY ANY PORTION OF A LOT WITH A PRINCIPAL BUILDING WHEN NECESSARY FOR ANY PERMITTED USE.

FARMS, NURSERIES, TRUCK GARDENING, THE RAISING OF LIVESTOCK AND FOWLS AND SIMILAR AGRICULTURAL OPERATIONS INCLUDING COMMERCIAL GREEN HOUSES.

ANY USE PERMITTED IN SECTION "C-2 GENERAL COMMERCIAL DISTRICT" (ARTICLE XII) EXCEPT APARTMENTS ABOVE PLACES OF BUSINESS.

UTILITY SERVICES NOT INCLUDING EXTERIOR STORAGE.

CONTRACTORS PLANTS AND STORAGE YARDS.

RADIO AND TELEVISION STATIONS BUT NOT TRANSMISSION TOWERS.

POSTER BOARDS AND ADVERTISING SIGNS.

THE USES ENUMERATED ABOVE SHALL BE SUBJECT TO THE FOLLOWING PROVISIONS:

- (A) ALL USES SHALL BE CONDUCTED WITHIN AN ENCLOSED BUILDING WITH NO OPEN STORAGE OF RAW, IN PROCESS, OR FINISHED MATERIAL AND SUPPLIES OR WASTE MATERIAL.
- (B) ALL MAIN PLANT BUILDINGS SHALL BE OF CONCRETE, STRUCTURAL STEEL, OR MASONRY CONSTRUCTION AND LIMITED TO 30 FEET IN HEIGHT UNLESS

OTHERWISE RECOMMENDED BY THE CITY PLANNING AND ZONING COMMISSION, AND APPROVED BY THE CITY COUNCIL.

- (c) ADEQUATE PARKING AND LOADING SPACE SHALL BE PROVIDED OFF THE STREET FOR ALL EMPLOYEES AND TRAFFIC TO THE PLANT.
- (d) LOADING OPERATIONS SHALL BE CONDUCTED AT THE SIDE OR REAR OF BUILDINGS.

EXCLUDED USES: ANY USE WHICH IS NOXIOUS OR OFFENSIVE DUE TO THE EMISSION OF ODOR, GAS, SMOKE, DUST OR NOISE, OR WHICH IS A MENACE TO PUBLIC HEALTH OR SAFETY.

YARD REAUREMENTS: THERE ARE NO SETBACK OR YARD REQUIREMENTS FOR PRINCIPAL OR ACCESSORY BUILDINGS IN THE DISTRICT.

OFF-STREET PARKING

TWO (2) OFF-STREET PARKING SPACES SHALL BE PROVIDED ON THE LOT FOR EACH THREE (3) EMPLOYEES REGULARLY EMPLOYED AT THE SAME TIME IN FACTORIES, OFFICES, BUSINESSES AND SHOPS HEREINAFTER ERRECTED IN THIS DISTRICT, BUT IN NO EVENT LESS THAN AN AREA EQUAL TO ONE-FOURTH (1/4) THE GROSS FLOOR AREA OCCUPIED BY THE USE IN THE PRINCIPAL BUILDING OR BUILDINGS.

OFF-STREET LOADING

THE SAME REQUIREMENTS FOR OFF-STREET LOADING AS SPECIFIED IN SECTION "C-2" GENERAL COMMERCIAL DISTRICT SHALL APPLY TO USES IN THIS DISTRICT.

ARTICLE XIV

"I-2" HEAVY INDUSTRIAL DISTRICT

USES IN I-2 DISTRICT

THIS DISTRICT IS COMPOSED OF LANDS NOW OCCUPIED BY INDUSTRY OR OTHER LANDS NOT WELL SUITED FOR RESIDENTIAL DEVELOPMENTS, WHERE THE MODES OF OPERATION OF INDUSTRY WOULD LIKELY AFFECT NEARBY RESIDENTIAL AND BUSINESS USE. THE PURPOSE OF THIS DISTRICT IS TO PERMIT THE NORMAL OPERATIONS OF HEAVY INDUSTRIES, INCLUDING THOSE USES WHOSE OPERATIONS MAY AFFECT THE HEALTH, SAFETY OR WELFARE OF NEARBY RESIDENTIAL AND COMMERCIAL PROPERTY. RESIDENTIAL OR APARTMENT USE IN THIS DISTRICT IS NOT PERMITTED.

USE PERMITTED: THE MANUFACTURE, PROCESSING AND/OR FABRICATION AS ENUMERATED OF ANY COMMODITY EXCEPT THOSE SPECIFICALLY EXCLUDED HEREIN:

ANY USE PERMITTED IN "I-1" GENERAL INDUSTRIAL DISTRICT.
 AIRPORTS AND LANDING FIELDS.
 JUNK YARDS.
 DRIVE-IN OR OUTDOOR THEATRES.
 CIRCUSES, CARNIVALS, FAIRS, AND SHOWS OPERATING FOR A PROFIT.
 SAWMILLS.
 RADIO AND TELEVISION STATIONS AND MASTS.
 STOCKYARDS.

EXCLUDED USE: ANY USE WHICH IS NOXIOUS OR OFFENSIVE DUE TO THE EMISSION OF ODOR, GAS, SMOKE, DUST OR NOISE, OR WHICH IS A MENACE TO PUBLIC HEALTH OR SAFETY, EXCEPT BY AGREEMENT TO SPECIAL CONTROL PROVISIONS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION, AND APPROVED BY THE CITY COUNCIL.

YARD REQUIREMENTS: THERE ARE NO SETBACK OR YARD REQUIREMENTS FOR PRINCIPAL OR ACCESSORY BUILDINGS IN THIS DISTRICT.

OFF-STREET PARKING:

TWO (2) OFF-STREET PARKING SPACES SHALL BE PROVIDED ON THE LOT FOR EACH THREE (3) EMPLOYEES REGULARLY EMPLOYED AT THE SAME TIME IN FACTORIES, OFFICES, BUSINESSES AND SHOPS HEREINAFTER ERECTED IN THIS DISTRICT, BUT IN NO EVENT LESS THAN AN AREA EQUAL TO ONE-FOURTH (1/4) THE GROSS FLOOR AREA OCCUPIED BY THE USE OF THE PRINCIPAL BUILDING OR BUILDINGS.

OFF-STREET LOADING:

THE SAME REQUIREMENTS FOR OFF-STREET LOADING AS SPECIFIED IN SECTION "C-2" GENERAL COMMERCIAL DISTRICT SHALL APPLY TO USES IN THIS DISTRICT.

ARTICLE XV

ADMINISTRATION AND ENFORCEMENT

SECTION 1. PERMIT REQUIRED: NO BUILDING OR PART THEREOF SHALL BE ERECTED, CONSTRUCTED, RECONSTRUCTED, CONVERTED, ALTERED, ENLARGED, EXTENDED, RAISED, MOVED OR USED, AND NO LAND SHALL BE USED EXCEPT IN CONFORMITY WITH THE REGULATIONS HEREIN PRESCRIBED FOR THE DISTRICT IN WHICH SUCH BUILDING OR LAND MAY BE SITUATED AND UNTIL A BUILDING PERMIT HAS BEEN ISSUED BY THE ADMINISTRATIVE OFFICER AS PROVIDED HEREIN.

SECTION 2. APPLICATION FOR BUILDING PERMIT: EACH APPLICATION FOR A BUILDING PERMIT SHALL BE IN WRITING, ON THE STANDARD FORMS OF THE CITY, AND FILED IN THE OFFICE OF THE ZONING ADMINISTRATIVE OFFICER. THE APPLICATION SHALL BE ACCOMPANIED WITH A PLOT PLAN OF THE LOT UPON WHICH THE BUILDING OR STRUCTURE IS TO BE PLACED, RECONSTRUCTED, ENLARGED OR CONVERTED, SHOWING THE SIZE OF THE LOT, FOUNDATION

DIMENSIONS, PROPOSED FRONT, SIDE, AND REAR YARD DEPTHS OF THE PROPOSED BUILDING OR STRUCTURE AND ANY OTHER EXISTING ACCESSORY BUILDING ON THE LOT.

SECTION 3. ISSUANCE OF BUILDING PERMIT: IF AFTER REVIEWING THE APPLICATION THE ZONING ADMINISTRATIVE OFFICER FINDS THE BUILDING OR STRUCTURE IN THE PROPOSED LOCATION COMPLIES WITH ALL OF THE PROVISIONS OF THIS ORDINANCE HE SHALL, UPON PAYMENT OF THE REQUIRED FEE AS PRESCRIBED HEREIN, ISSUE A BUILDING PERMIT THEREFORE AND RETAIN A COPY THEREOF AS A PART OF THE PERMANENT RECORDS OF HIS OFFICE.

SECTION 4. REFUSAL OF BUILDING PERMIT: IF AFTER REVIEWING THE APPLICATION, THE ZONING ADMINISTRATIVE OFFICER FINDS THE BUILDING OR STRUCTURE IN THE PROPOSED LOCATION DOES NOT COMPLY WITH THE PROVISIONS OF THE ORDINANCE HE SHALL FURNISH THE APPLICANT WITH A STATEMENT, SIGNED BY THE ADMINISTRATIVE OFFICER, REFUSING TO ISSUE SUCH PERMIT AND SETTING FORTH THE REASON FOR SUCH REFUSAL. THE REFUSAL BY THE ADMINISTRATIVE ENFORCING OFFICER TO ISSUE A PERMIT MAY BE APPEALED BY THE APPLICANT TO THE ZONING ADJUSTMENT BOARD IN THE MANNER AS PROVIDED HEREIN.

SECTION 5. EXPIRATION OF BUILDING PERMIT: ANY BUILDING PERMIT UNDER WHICH NO CONSTRUCTION WORK HAS BEEN COMMENCED WITHIN SIX (6) MONTHS AFTER THE DATE OF ISSUE OF SAID PERMIT OR UNDER WHICH THE PROPOSED CONSTRUCTION, RECONSTRUCTION OR ALTERATION HAS NOT BEEN COMPLETED WITHIN TWO (2) YEARS OF THE DATE OF ISSUE SHALL EXPIRE BY LIMITATION; AND NO WORK OR OPERATION SHALL TAKE PLACE UNDER SUCH PERMIT AFTER SUCH EXPIRATION. A BUILDING PERMIT MAY BE ONCE EXTENDED FOR A PERIOD NOT EXCEEDING SIX (6) MONTHS BY THE ZONING ADMINISTRATIVE OFFICER.

SECTION 6. ENFORCEMENT: AN ADMINISTRATIVE OFFICER SHALL BE APPOINTED BY THE MAYOR TO HOLD OFFICE FOR SUCH TERM AS THE CITY COUNCIL SHALL DETERMINE, SUCH APPOINTMENT TO BE APPROVED BY THE CITY COUNCIL. SAID ADMINISTRATIVE OFFICER SHALL ISSUE ALL BUILDING PERMITS AND ENFORCE ALL PROVISIONS OF THIS ORDINANCE. APPEALS FROM HIS DECISIONS MAY BE MADE TO THE BOARD OF ADJUSTMENT AS PROVIDED HEREIN.

SECTION 7. RECORDS: THE ZONING ADMINISTRATIVE OFFICER SHALL KEEP A RECORD IN HIS OFFICE OF ALL APPLICATIONS FILED, PERMITS ISSUED, OR REFUSED, AND IF REFUSED THE REASON FOR SUCH REFUSAL AND THE FINAL ACTION THEREON. HE SHALL KEEP A RECORD IN HIS OFFICE OF ALL BUILDING PERMIT FEES COLLECTED AND SHALL REMIT THE AMOUNT OF SUCH FEES TO THE OFFICE OF THE CITY CLERK EACH DAY.

SECTION 8. FEES: THE FOLLOWING SCHEDULE OF FEES ESTABLISHED BY THE CITY COUNCIL SHALL BE CHARGED FOR BUILDING PERMITS ISSUED AFTER THE EFFECTIVE DATE OF THIS ORDINANCE.

BUILDING PERMITS

FOR WORK COSTING UNDER \$10,000 - \$5.00
FOR WORK COSTING OVER \$10,000 - \$10.00

ARTICLE XVI

BOARD OF ADJUSTMENT - PROCEDURE, POWERS, AND DUTIES

SECTION 1. BOARD CREATED: THE BOARD SHALL CONSIST OF FIVE (5) MEMBERS ALL OF WHOM SHALL BE TAXPAYERS AND RESIDENTS OF THE CITY OF HUMBOLDT. THEY SHALL BE APPOINTED BY THE MAYOR AND WITH THE CONSENT OF THE CITY COUNCIL. ONE (1) MEMBER OF THE BOARD MAY BE A MEMBER OF THE CITY PLANNING COMMISSION. ONE (1) MEMBER OF SAID BOARD SHALL BE APPOINTED TO SERVE FOR A PERIOD OF ONE (1) YEAR, ONE (1) 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. THEREAFTER, MEMBERS SHALL BE APPOINTED FOR A TERM OF FIVE (5) YEARS. VACANCIES SHALL BE FILLED BY APPOINTMENT FOR THE UNEXPIRED TERM ONLY. MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION.

SECTION 2. MEETINGS: MEETING OF THE BOARD SHALL BE HELD AT THE CALL OF THE CHAIRMAN, AND AT SUCH OTHER TIMES AS THE BOARD MAY DETERMINE. SUCH CHAIRMAN, OR IN HIS ABSENCE THE ACTING CHAIRMAN, MAY ADMINISTER OATHS AND COMPEL THE ATTENDANCE OF WITNESSES. ALL MEETINGS OF THE BOARD SHALL BE OPEN TO THE PUBLIC. THE BOARD SHALL KEEP MINUTES OF ITS PROCEEDINGS, SHOWING THE VOTE OF EACH MEMBER ON 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 IMMEDIATELY FILED IN THE OFFICE OF THE BOARD AND SHALL BE A PUBLIC RECORD. THE PRESENCE OF THREE (3) MEMBERS SHALL BE NECESSARY TO CONSTITUTE A QUORUM.

SECTION 3. APPEALS: APPEALS TO THE BOARD MAY BE TAKEN BY ANY PERSON AGGRIEVED, OR BY ANY OFFICER, DEPARTMENT, BOARD OR BUREAU OF THE CITY OF HUMBOLDT, AFFECTED BY ANY DECISION OF THE ADMINISTRATIVE OFFICER. SUCH APPEAL SHALL BE TAKEN WITHIN TEN (10) DAYS BY FILING WITH THE ADMINISTRATIVE OFFICER AND WITH THE BOARD A NOTICE OF APPEAL SPECIFYING THE GROUNDS THEREOF. THE ADMINISTRATIVE OFFICER SHALL FORTHWITH TRANSMIT TO THE BOARD ALL PAPERS CONSTITUTING THE RECORD UPON WHICH THE ACTION APPEALED FROM IS TAKEN.

AN APPEAL STAYS ALL PROCEEDINGS IN FURTHERANCE OF THE ACTION APPEALED FROM, UNLESS THE ADMINISTRATIVE OFFICIAL CERTIFIES TO THE BOARD AFTER NOTICE OF APPEAL SHALL HAVE BEEN FILED WITH HIM, THAT BY REASON OF THE FACTS STATED IN THE CERTIFICATE TO STAY WOULD, IN HIS 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 APPLICATION ON NOTICE TO THE ADMINISTRATIVE OFFICER, AND ON DUE CAUSE SHOWN.

SECTION 4. HEARINGS, NOTICE: THE BOARD SHALL FIX A REASONABLE TIME FOR THE HEARING ON THE APPEAL, GIVE PUBLIC NOTICE THEREOF AS WELL AS DUE NOTICE TO THE PARTIES IN INTEREST, AND DECIDE THE SAME WITHIN A REASONABLE TIME. AT THE HEARING, ANY PARTY MAY APPEAR IN PERSON OR BY AGENT, OR BY ATTORNEY.

SECTION 5. POWERS - ADMINISTRATIVE REVIEW: TO HEAR AND DECIDE APPEALS WHERE IT IS ALLEGED THERE IS ERROR IN ANY ORDER, REQUIREMENT, DECISION, OR DETERMINATION MADE BY THE ADMINISTRATIVE OFFICER IN THE ENFORCEMENT OF THIS ORDINANCE.

SECTION 6. POWERS - SPECIAL EXCEPTIONS: TO PERMIT THE FOLLOWING EXCEPTIONS TO THE DISTRICT REGULATIONS SET FORTH IN THIS ORDINANCE SUBJECT TO THE REQUIREMENTS OF THIS SECTION:

- (A) TO PERMIT ERECTION AND USE OF A BUILDING OR THE USE OF PREMISES OR VARY THE HEIGHT AND THE REGULATIONS IN ANY LOCATION FOR A PUBLIC SERVICE CORPORATION FOR PUBLIC UTILITY PURPOSES OR FOR PURPOSES OF PUBLIC COMMUNICATION, WHICH THE BOARD DETERMINES IS REASONABLY NECESSARY FOR THE PUBLIC CONVENIENCE OR WELFARE.
- (B) TO PERMIT THE EXTENSION OF A USE INTO A DISTRICT WHERE IT WOULD BE OTHERWISE PROHIBITED, IN A CASE WHERE A DISTRICT BOUNDARY LINE IS SO LOCATED THAT A LOT OR PLOT IS IN MORE THAN ONE DISTRICT.

TO HEAR AND DECIDE ONLY SUCH OTHER SPECIAL EXCEPTIONS AS THE BOARD IS SPECIFICALLY AUTHORIZED TO PASS ON BY THE TERMS OF THIS ORDINANCE; TO DECIDE SUCH QUESTIONS AS ARE INVOLVED IN DETERMINING WHETHER SPECIAL EXCEPTIONS SHOULD BE GRANTED; AND TO GRANT SPECIAL EXCEPTIONS WITH SUCH CONDITIONS AND SAFEGUARDS AS ARE APPROPRIATE UNDER THIS ORDINANCE, OR TO DENY SPECIAL EXCEPTIONS WHEN NOT IN HARMONY WITH THE PURPOSE AND INTENT OF THIS ORDINANCE. A SPECIAL EXCEPTION SHALL NOT BE GRANTED BY THE BOARD UNLESS AND UNTIL:

- (A) A WRITTEN APPLICATION FOR SPECIAL EXCEPTION IS SUBMITTED INDICATING THE SECTION OF THIS ORDINANCE UNDER WHICH THE SPECIAL EXCEPTION IS SOUGHT AND STATING THE GROUNDS ON WHICH IT IS REQUESTED.
- (B) NOTICE OF PUBLIC HEARING SHALL BE GIVEN AT LEAST TEN (10) DAYS IN ADVANCE OF PUBLIC HEARING. THE OWNER OF THE PROPERTY FOR WHICH SPECIAL EXCEPTION IS SOUGHT OR HIS AGENT AND ANY OTHER AFFECTED PROPERTY OWNERS SHALL BE NOTIFIED BY MAIL. NOTICE OF HEARING SHALL ALSO BE POSTED ON THE PROPERTY FOR WHICH SPECIAL EXCEPTION IS SOUGHT. ANY PARTY MAY APPEAR IN PERSON, OR BY AGENT, OR ATTORNEY.

SECTION 7. POWERS - VARIANCES: TO AUTHORIZE UPON APPEAL IN SPECIFIC CASES SUCH VARIANCE FROM THE TERMS OF THIS ORDINANCE AS WILL NOT BE CONTRARY TO THE PUBLIC INTEREST WHERE, OWING TO SPECIAL CONDITIONS, A LITERAL ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE WOULD RESULT IN UNNECESSARY HARDSHIP. A VARIANCE FROM THE TERMS OF THIS ORDINANCE SHALL NOT BE GRANTED BY THE BOARD UNLESS AND UNTIL:

- (A) A WRITTEN APPLICATION FOR A VARIANCE IS SUBMITTED DEMONSTRATING:
 - (1) THAT 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;
 - (2) THAT 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;
 - (3) THAT THE SPECIAL CONDITIONS AND CIRCUMSTANCES DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT;
 - (4) THAT GRANTING THE VARIANCE REQUESTED WILL NOT CONFER ON THE APPLICANT ANY SPECIAL PRIVILEGE THAT IS DENIED BY THIS ORDINANCE TO OTHER LANDS, STRUCTURES, OR BUILDINGS IN THE SAME DISTRICT.

NO NON-CONFORMING USE OF NEIGHBORING LANDS, STRUCTURES, OR BUILDINGS IN THE SAME DISTRICT, AND NO PERMITTED USE OF LANDS, STRUCTURES, OR BUILDINGS IN OTHER DISTRICTS SHALL BE CONSIDERED GROUNDS FOR THE ISSUANCE OF A VARIANCE. UNDER NO CIRCUMSTANCES SHALL THE BOARD GRANT A VARIANCE TO ALLOW A 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 SAID DISTRICT.

(b) NOTICE OF PUBLIC HEARING SHALL BE GIVEN AT LEAST TEN (10) DAYS IN ADVANCE OF PUBLIC HEARING. THE OWNER OF THE PROPERTY FOR WHICH SPECIAL EXCEPTION IS SOUGHT OR HIS AGENT AND ANY OTHER AFFECTED PROPERTY OWNERS SHALL BE NOTIFIED BY MAIL. NOTICE OF HEARING SHALL ALSO BE POSTED ON THE PROPERTY FOR WHICH SPECIAL EXCEPTION IS SOUGHT. ANY PARTY MAY APPEAR IN PERSON, OR BY AGENT, OR BY ATTORNEY.

SECTION 8. DECISIONS OF THE BOARD OF ADJUSTMENT: THE CONCURRING VOTE OF THREE (3) MEMBERS OF THE BOARD SHALL BE NECESSARY TO REVERSE ANY ORDER, REQUIREMENT, DECISION, OR DETERMINATION OF THE ADMINISTRATIVE OFFICIAL, OR TO DECIDE IN FAVOR OF THE APPLICANT ON ANY MATTER UPON WHICH IT IS REQUIRED TO PASS UNDER THIS ORDINANCE, OR TO EFFECT ANY VARIATION IN THE APPLICATION OF THIS ORDINANCE.

SECTION 9. APPEALS FROM DECISION OF THE BOARD OF ADJUSTMENT: ANY TAXPAYER, OR ANY OFFICER, DEPARTMENT, BOARD OR BUREAU OF THE CITY OF HUMBOLDT, OR ANY PERSON OR PERSONS JOINTLY OR SEVERALLY AGGRIEVED BY ANY DECISION OF THE BOARD OF ADJUSTMENT 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 FILING OF THE DECISION IN THE OFFICE OF THE BOARD. THE COURT MAY REVERSE OR AFFIRM, WHOLLY OR IN PART, OR MAY MODIFY THE DECISION BROUGHT UP FOR REVIEW.

SECTION 10. DUTIES ON MATTERS OF APPEAL: IT IS THE INTENT OF THIS ORDINANCE THAT ALL QUESTIONS OF INTERPRETATION AND ENFORCEMENT SHALL BE FIRST PRESENTED TO THE ADMINISTRATIVE OFFICIAL, AND THAT SUCH QUESTIONS SHALL BE PRESENTED TO THE BOARD OF ADJUSTMENT ONLY ON APPEAL FROM THE DECISION OF THE ADMINISTRATIVE OFFICIAL, AND THAT RECOURSE FROM THE DECISIONS OF THE BOARD OF ADJUSTMENT SHALL BE TO THE COURTS AS PROVIDED BY LAW AND PARTICULARLY BY STATUTE.

IT IS FURTHER THE INTENT OF THIS ORDINANCE THAT THE DUTIES OF THE CITY COUNCIL IN CONNECTION WITH THIS ORDINANCE SHALL NOT INCLUDE HEARING AND DECIDING QUESTIONS OF INTERPRETATION AND ENFORCEMENT THAT MAY ARISE. THE PROCEDURE FOR DECIDING SUCH QUESTIONS SHALL

BE AS STATED IN THIS SECTION AND THIS ORDINANCE. UNDER THIS ORDINANCE, THE CITY COUNCIL SHALL HAVE ONLY THE DUTIES OF (1) CONSIDERING AND ADOPTING OR REJECTING PROPOSED AMENDMENTS OR THE REPEAL OF THIS ORDINANCE, AS PROVIDED BY LAW, (2) OF ESTABLISHING A SCHEDULE OF FEES AND CHARGES, AND (3) CONSIDERING APPLICATIONS FOR SPECIAL PERMITS FOR EXCEPTIONS TO PROHIBITED USE OF THIS ORDINANCE.

SECTION 11. COMPLAINTS REGARDING VIOLATIONS: WHENEVER A VIOLATION OF THIS ORDINANCE OCCURS, OR IS ALLEGED TO HAVE OCCURRED, ANY PERSON MAY FILE A WRITTEN COMPLAINT. SUCH COMPLAINT STATING FULLY THE CAUSES AND BASIS THEREOF SHALL BE FILED WITH THE ADMINISTRATIVE OFFICIAL. HE SHALL RECORD PROPERLY SUCH COMPLAINT, IMMEDIATELY INVESTIGATE, AND TAKE ACTION THEREON AS PROVIDED BY THIS ORDINANCE.

ARTICLE XVII

AMENDMENTS, VALIDITY, REPEAL AND PENALTIES

SECTION 1. AMENDMENTS:

- (1) THE CITY COUNCIL MAY, FROM TIME TO TIME, ON ITS OWN INITIATIVE, ON PETITION, OR ON RECOMMENDATION BY THE CITY PLAN COMMISSION, AFTER PUBLIC NOTICE AND HEARINGS PROVIDED BY ORDINANCE, AND AFTER A REPORT BY THE CITY PLAN COMMISSION, OR AFTER THIRTY (30) DAYS WRITTEN NOTICE TO SAID COMMISSION AMEND, SUPPLEMENT, OR CHANGE THE REGULATIONS OR DISTRICTS HEREIN OR SUBSEQUENTLY ESTABLISHED.
- (2) WHENEVER THE OWNERS OF FIFTY PER CENT (50%) OR MORE OF THE AREA OF THE LOTS IN ANY DISTRICT OR PART THEREOF DESIRE ANY AMENDMENT, SUPPLEMENT OR CHANGE IN ANY OF THE PROVISIONS OF THIS ORDINANCE APPLICABLE TO SUCH AREA, THEY MAY FILE A PETITION WITH THE CITY CLERK REQUESTING THE CITY COUNCIL TO MAKE SUCH AMENDMENT, SUPPLEMENT OR CHANGE IN ANY OF THE PROVISIONS OF THIS ORDINANCE APPLICABLE TO SUCH AREA. SUCH PETITION SHALL BE ACCOMPANIED BY A MAP OR DIAGRAM SHOWING THE AREA AFFECTED BY THE PROPOSED AMENDMENT, SUPPLEMENT OR CHANGE, TOGETHER WITH THE BOUNDARIES OF SAID AREA AND SUCH PETITION SHALL IMMEDIATELY BE TRANSMITTED TO THE CITY PLAN COMMISSION FOR AN INVESTIGATION AND REPORT. THE CITY PLAN COMMISSION SHALL FILE ITS RECOMMENDATIONS APPROVING, DISAPPROVING OR MODIFYING THE PROPOSED AMENDMENT, SUPPLEMENT, OR CHANGE WITH THE CITY COUNCIL WITHIN THIRTY (30) DAYS THEREAFTER.

(3) IF A WRITTEN PROTEST AGAINST ANY PROPOSED AMENDMENT, SUPPLEMENT, OR CHANGE SHALL HAVE BEEN PRESENTED TO THE CITY COUNCIL, SIGNED BY THE OWNERS OF TWENTY PER CENT (20%) 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 LOT OR NOT TO EXCEED TWO HUNDRED (200) FEET THEREFROM, OR OF THOSE DIRECTLY OPPOSITE THERETO, EXTENDING THE DEPTH OF ONE LOT OR NOT TO EXCEED TWO HUNDRED (200) FEET FROM THE STREET FRONTAGE OF SUCH OPPOSITE LOTS, SUCH AMENDMENT SHALL NOT BECOME EFFECTIVE, EXCEPT BY THE FAVORABLE VOTE OF AT LEAST THREE-FOURTHS (3/4) OF ALL MEMBERS OF THE CITY COUNCIL.

(4) WHENEVER A PETITION REQUESTING AN AMENDMENT, SUPPLEMENT, OR CHANGE OF ANY REGULATION PRESCRIBED BY THIS ORDINANCE HAS BEEN DENIED BY THE CITY COUNCIL SUCH PETITION CANNOT BE RENEWED FOR ONE YEAR THEREAFTER UNLESS IT BE SIGNED BY AT LEAST FIFTY PER CENT (50%) OF THE PROPERTY OWNERS WHO PREVIOUSLY OBJECTED TO THE CHANGE, THIS PROVISION, HOWEVER, SHALL NOT PREVENT THE CITY COUNCIL FROM ACTING ON ITS OWN INITIATIVE IN ANY CASE OR AT ANY TIME AS PROVIDED IN THIS SECTION.

SECTION 2. VALIDITY: SHOULD ANY PART OR PROVISION OF THIS ORDINANCE BE HELD BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THE REMAINDER OF THIS ORDINANCE.

SECTION 3. REPEAL: ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED.

SECTION 4. VIOLATION AND PENALTIES: ANY PERSON, FIRM, CO-PARTNERSHIP, CORPORATION, OR OTHER ASSOCIATION OF PERSONS, WHETHER ACTING DIRECTLY OR THROUGH EMPLOYEES OR AGENTS, THAT VIOLATES, DISOBEYS, OMTS, NEGLECTS, REFUSES TO COMPLY WITH OR RESISTS THE ENFORCEMENT OF ANY PROVISION OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION THEREOF SHALL FOR EACH OFFENSE BE FINED A SUM NOT EXCEEDING ONE HUNDRED DOLLARS (\$100.00 DOLLARS) OR IMPRISONMENT IN THE CITY OR COUNTY JAIL FOR A TERM NOT TO EXCEED THIRTY (30) DAYS.

SECTION 5. EFFECT: THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE AND PUBLICATION AS PROVIDED BY LAW.

PASSES THIS 17 DAY OF May, 1971.

ATTEST:

J. F. Frederickson
CITY CLERK

Harlyn Ballack
MAYOR

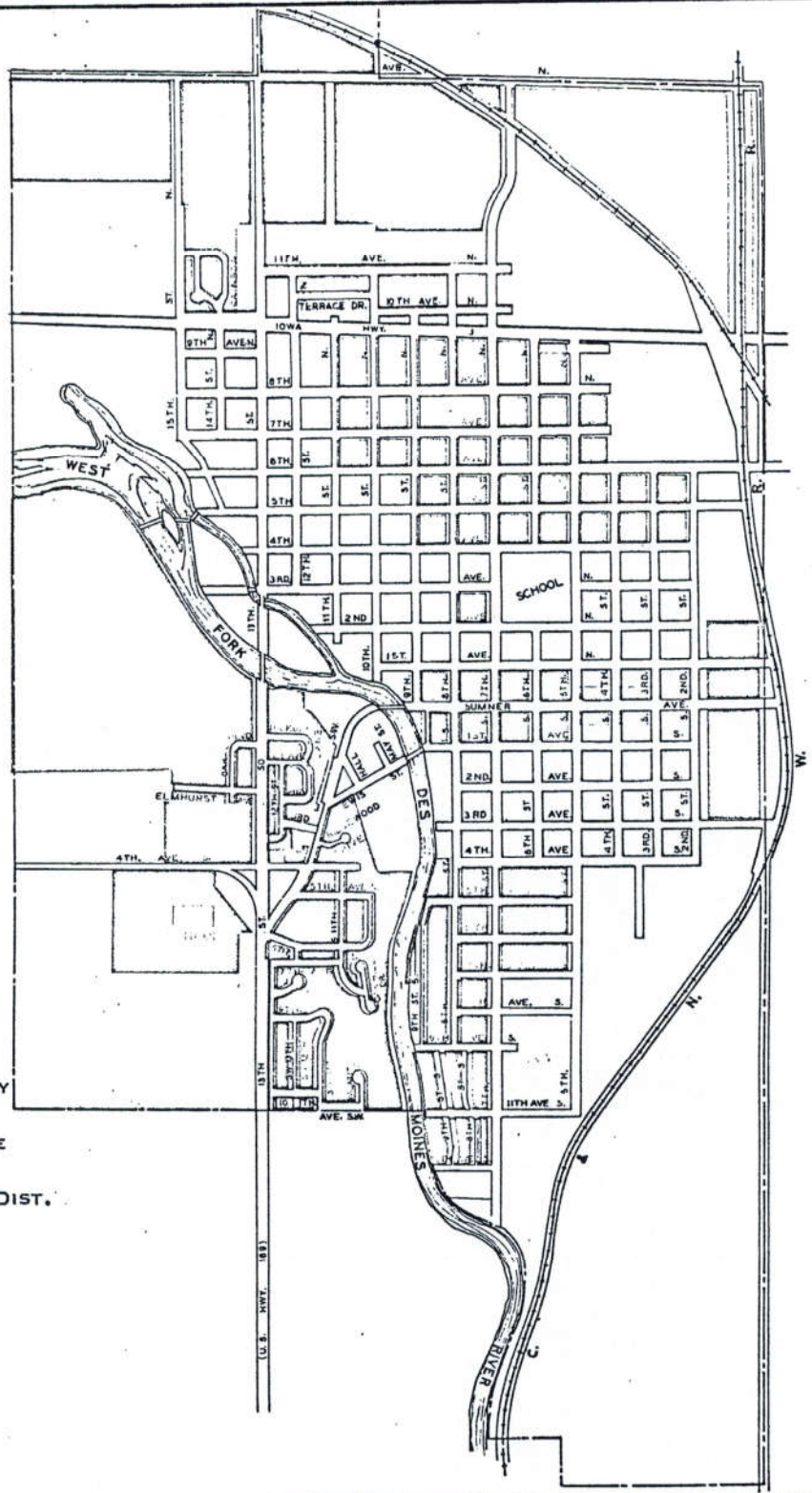
CITY OF
HUMBOLDT
IOWA



OFFICIAL
ZONING
DISTRICT
MAP

LEGEND

- R-1 ONE FAMILY
- R-3 MULTI FAMILY
- M-1 MOBILE HOME
- C-1 CENT. BUS. DIST.
- C-2 GEN. COMM.
- I-1 GEN. IND.
- I-2 HEAVY IND.
- A-1 AG. LAND
- PARK



See Misc Bldg 4, Page 168