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ORDINANCE NO. 75

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AN ORDINANCE PROHIBITING THE MAINTENANCE OF STOCKYARDS WITHIN 1000 FEET OF RESIDENTIAL OR RETAIL BUSINESS PROPERTY IN THE TOWN OF DAKOTA CITY, IOWA, AND DECLARING THE SAME TO BE A NUISANCE, AND PROVIDING FOR THE ABATEMENT THEREOF, AND REPEALING ANY AND ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Town Council of the Town of Dakota City, Iowa, as follows:

Section 1. The maintenance, operation or existence of a stockyard within the town of Dakota City, Iowa, where all or any portion thereof is within 1000 feet of any dwelling or retail business establishment is hereby declared to be a nuisance and is hereby prohibited and may be abated as such as hereinafter provided.

Section 2. Any person, persons, firm or corporation maintaining any such nuisance as defined and set forth in Section 1 hereof, shall abate such nuisance within ten days from the date of the service of a written notice to so abate such nuisance upon such person, persons, firm or corporation and upon the failure of such person, persons, firm or corporation to abate such nuisance within the time above provided, then in that event the Town of Dakota City, Iowa, may maintain an action in equity in any court of competent jurisdiction thereof, to abate and restrain such nuisance.

Section 3. All costs incident to the abatement of, or restraining of such nuisance shall be charged to the person,

32

persons, firm or corporation maintaining the same and shall be assessed to the property upon which said nuisance is maintained, as by statute provided.

Section 4. A stockyard is defined as any place where cattle, sheep, goats, swine or other livestock, is kept, loaded or unloaded for further shipment.

Section 5. Any ordinance or part thereof in conflict with this ordinance or any part hereof is hereby repealed.

Passed and adopted under suspension of the rules, December 3, 1951.

Max E. Ureedy
Mayor

Attested: Kaleb Simwall
Town Clerk.

(TOWN)
(SEAL)

I hereby certify that the within and foregoing Ordinance was published in the HUMBOLDT REPUBLICAN, a newspaper of general circulation in Dakota City, Iowa, one publication, occurring on December 7, 1951.

Kaleb Simwall

ORDINANCE NO. 81

AN ORDINANCE AMENDING ORDINANCE #75, RELATING TO THE PROHIBITION OF THE MAINTENANCE OF STOCKYARDS IN CERTAIN LOCATIONS.

BE IT ORDAINED by the Town Council of the Town of Dakota City, Iowa, as follows:

Section 1. That Section 1 of the ordinance #75 be and the same is hereby amended by striking from line three thereof the following figures "1000", and inserting in lieu thereof the figures "300".

Section 2. Any ordinance or part thereof in conflict with this ordinance is hereby repealed.

Section 3. This ordinance being deemed of immediate importance shall be in full force and effect after its publication as by law provided.

Passed and adopted under suspension of the rules on this 1 day of June, 1956.

Mayor

Attested: _____
Town Clerk

(SEAL)

I hereby certify that the within and foregoing ordinance was published in the _____ a newspaper of general circulation in Dakota City, Iowa, one publication, occurring on the ___ day of _____, 1956.

Town Clerk

ORDINANCE NO. 92

AN ORDINANCE REGULATING THE LOCATION, CONSTRUCTION, USE OF BUILDINGS, STRUCTURES AND THE USE OF LAND IN THE TOWN OF DAKOTA CITY, IOWA, AND FOR PURPOSE DIVIDING SAID TOWN INTO DISTRICTS AND ZONES AND CREATING A BOARD OF ADJUSTMENT.

BE IT ORDAINED by the council of the Town of Dakota City, Iowa;

Section 1. SHORT TITLE. This ordinance shall be known and may be cited as the Town of Dakota City Zoning Ordinance.

Section 2. PURPOSE. The purpose of this ordinance 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 of Dakota City, Iowa.

Section 3. DEFINITIONS. For the purpose of this ordinance certain terms or words herein shall be interpreted or defined as follows:

1. Words used in the present tense include the future tense.
2. The singular includes the plural.
3. The word "person" includes a corporation as well as an individual.
4. The word "lot" includes the "plat" or parcel.
5. The term "shall" is always mandatory.
6. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
7. "Structure" means a combination of materials other than a building to form a construction that is safe and stable and includes among other things stadiums, platforms, radio towers, sheds, storage bins, fences, signs and chicken coops.
8. A "dwelling" is a building used as the living quarters for one or more families, not including auto courts, rooming homes or tourist homes.

Section 4. ESTABLISHMENT OF DISTRICTS. The Town of Dakota City, Iowa, is hereby divided into the following types of districts and zones.

1. "A" Residential district.
2. "R" Retail Business district.
3. "C" Commercial district.
4. "D" Commercial and light industrial district.
5. "E" Heavy industrial district.
6. Such districts are bounded and defined on a map and plat of the Town of Dakota City entitled "Q" Zoning Map of the Town of Dakota City", adopted on the 15th day of September, 1960, and certified by the Town Clerk, which map is hereby made a part of and incorporated into this ordinance together with any notes and explanatory matter.

Section 5. APPLICATION OF REGULATIONS. Except as hereinafter provided:

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

184

2. No building shall hereafter be erected or altered:

- a. To exceed the height;
- b. To accommodate or house a greater number of families;
- c. To occupy a greater percentage of lot area, or;
- d. To have narrower or smaller rear yards, side yards, inner or outer courts than are specified herein for the district in which such building is located.

3. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space similarly required for another building.

Section 6. CLASS A RESIDENTIAL DISTRICTS. The following uses of land are permitted in all Class A residential districts;

1. One or two family dwelling units.
2. Churches and places of worship and parochial schools.
3. Public schools, public libraries, parks, playgrounds.
4. Greenhouses and customary agricultural operations, but no livestock or fowl are to be raised in the district.
5. Small home occupations, provided that there shall be not signs or other evidence of such use other than a small announcement or professional sign not over two square feet in size.
6. Other customary accessory uses and buildings provided such uses are incidental to the principal use and do not include any activity conducted as a business.
7. Fraternity, sorority, and lodge houses.

Section 7. HEIGHT OF BUILDINGS IN CLASS A RESIDENTIAL DISTRICTS. No dwelling or other structure shall be erected to a height in excess of 35 feet.

Section 8. DENSITY OF POPULATION. Lot area shall not be less than 4,000 feet square and lot width not less than 50 feet. There shall be no more than one dwelling places on each lot of the above size.

Section 9. PERCENTAGE OF LOT COVERED BY BUILDINGS, DWELLINGS AND OTHER STRUCTURES. All dwellings or other structures, including accessory buildings shall not cover more than 40 per cent of the area of the lot. If more than one lot is used the percentage shall be computed on the combined size of the lots; however, if a new structure be located in an area already improved the front line or distance from the street shall be in conformity with the majority of the front line of the existing improved structures on the distance from the street of the majority of said existing improvements.

Section 10. YARDS, COURTS, AND OPEN SPACES. Each lot shall have front, side, and rear yards not less than the following depth and width.

1. Front yard depth 25 feet.
2. Each side yard width 5 feet.
3. Rear yard depth 25 feet.

Section 11. USE OF REGULATIONS FOR "R" RETAIL BUSINESS DISTRICT. Within any "R" district as indicated and herein designed the following uses of lands and buildings shall be permitted.

1. Any use permitted in a Class A residential district.
2. Bakeries
3. Banks
4. Barber shops or beauty parlors.
5. Bus stations.
6. Electrical and shoe repair shops.
7. Heating, plumbing and tinsmithing provided the display, service and storage of all products and items are conducted within a building.
8. Hotels.
9. Interior decorating shops.
10. Messenger or telegraph service station.
11. Printing shop.
12. Professional and business offices.
13. Photographic gallery.
14. Public garage, provided the display, repair, storage and equipping of both new and used cars and vehicles are conducted within a building.
15. Restaurants.
16. Sales and service of farm implements, provided the display, service and storage of same are conducted within a building.
17. Service establishments only when totally enclosed within a building and which are not objectionable due to emission of odor, smoke, dust, gas or noise.
18. Taverns.
19. Theaters.
20. Laundry cleaning establishments.
21. Conduct of retail business entirely within a building.

Section 12. USE REGULATIONS FOR "C" COMMERCIAL DISTRICTS. Within any "C" district, as indicated on the Zoning Map, only the following premises or building uses shall be permitted:

1. Any use permitted in the "R" Districts, except taverns and hotels.
2. Filling stations.
3. Hospitals and clinics for animals, but not open kennels or yards where animals are confined or exercised.
4. Milk collecting depots.
5. Motels and tourists courts.
6. Public garage, provided the repair, storage and equipping of both new and used cars and vehicles are conducted within a building. However, the display for sale purposes of new and used cars and vehicles need not be conducted within a building.
7. Sales and service of Farm Implements, provided the repair, storage and equipping of same are conducted within a building, however the display for sale purposes of new and used farm implements not be conducted within a building.
8. Advertising signs.

Section 13. USE REGULATIONS FOR "D" COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT. Within any "D" district, as indicated on the Zoning Map, only the following premises or building uses shall be permitted;

1. Any use permitted in the "C" district.
2. Amusement enterprises such as dance halls and skating rinks.
3. Taverns.
4. Freight and passenger stations and grounds.
5. Hotels.
6. Tinsmithing and blacksmith shops.

7. Bottling plants.
8. Fuel and building material yards, but not including junk yards.
9. Ice cream and cheese factories and creameries.
10. Truck terminals.
11. Used car sales or storage lot and implement sales or storage lots.
12. Warehouses.
13. Wholesale Establishments.
14. Any other commercial enterprise which is not noxious or offensive due to the emission of odor, gas, dust, smoke or noise, and which will not substantially or permanently injure the appropriate use of neighboring property; provided all storage of equipment and products sold by the establishment.

Section 14. USE REGULATIONS FOR "E" HEAVY INDUSTRIAL DISTRICT. Within any "E" district, as indicated on the Zoning Map, only the following premises or building uses shall be permitted:

1. Any use permitted in the "D" district.
2. Storage of junk or non-operable motor vehicles, but only within a painted tight fence or masonry wall not less than eight feet in height.
3. Any heavy industrial or manufacturing use, provided that any use that would be objectionable by reason of dust, gas, smoke, noise, fumes, odor, vibrations, soot or explosion would require a permit from the City Council. Included among these used requiring a special use permit are the following: Cement, lime, gypsum or plaster of paris manufacture; manufacture or storage of explosives; fertilizer or glue manufacture; garbage, offal or dead animal reduction or dumping; fat rendering or distillation of bones, petroleum refining, smelting of tin, copper, zinc or iron ores; stockyards or slaughter of animals.

Section 15. REVIEW BY BOARD OF ADJUSTMENT. The above prohibitions are subject to review by the Board of Adjustment and such uses may be permitted if approved by the board and subject to the securing of a permit therefor and to such conditions, restrictions, and safeguards as may be deemed necessary for the purpose of protecting the health, safety, morals or general welfare of the community.

Section 16. ADMINISTRATION AND ENFORCEMENT. This ordinance shall be enforced by the building inspector. No building permit or certificate of occupancy shall be issued by him except where the provisions of this ordinance have been complied with.

Section 17. PERMITS AND INSPECTION. No land shall be used or occupied and no building hereafter erected, altered or improved if the cost thereof exceed two hundred dollars unless a building permit shall have been issued by the building inspector in accordance with the provisions of this ordinance and the building code. Application for such permit and inspection shall be made to the Town Clerk and be accompanied by a fee of five dollars.

Section 18. BOARD OF ADJUSTMENT CREATED. A board of adjustment is hereby created, the board of adjustment shall consist of five members, each to be appointed for a term of five years, excepting that when the board shall first be created one member shall be appointed for a term of five years, one for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. The board shall

elect a chairman from its membership, and appoint a secretary, matters of procedure, powers and judicial review relating to this board are regulated by statute.

Section 19. NONCONFORMING BUILDING AND USES: The lawful use of any building or land existing at the time of the enactment of this ordinance may be continued although such use does not conform with the provisions of this ordinance.

Section 20. ABANDONMENT. Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this ordinance.

Section 21. AMENDMENTS TO THIS ORDINANCE. The boundaries of districts as now established and the regulations thereof may be amended, supplemented or changed, repealed by the city council from time to time, either upon its own motion, or upon a petition as herein provided for, or upon recommendation of the zoning and planning commission.

PROVIDED:

1. No such amendment, supplement or change shall be adopted until after a notice thereof is duly published as provided by the law of this state.

2. When a proposed amendment, supplement or change does not originate with the zoning and planning commission the same shall be submitted to said commission thirty (30) days in advance of date on which action is to be taken, for its recommendation thereon.

3. This requirement shall not act as a stay upon the proposed action by the council where said commission fails to submit its recommendation to the Council within thirty days after receiving written notice requesting the same.

Section 22. PENALTY. Anyone violating any of the provisions of this ordinance shall, upon conviction, be subject to imprisonment not exceeding thirty days, or a fine not exceeding \$100.00. Each day that a violation is permitted to exist constitutes a separate offense.

Section 23. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 24. SAVING CLAUSE. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 25. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

168

Passed by the Council following three public writings of said ordinance at regular session and approved this 15th day of September, 1960.

Mayor

Attest: _____
Town Clerk

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INST. NO.
HUMBOLDT COUNTY, IOWA
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BY Esther J. Pugh DEPUTY
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