

For Amendments  
and Ordinances  
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City of Glenwood

To

The Public

For Amendment See  
Book 6 pg. 416 12-20-63  
Ordinance # 336.

Ordinance # 344  
See Book 6 page 492  
11-18-65

Ordinance # 361  
Amended to Ordinance  
# 334  
See Book 6 page 50  
4-28-70

Ordinance # 369  
Repealed Book 68  
See Book 7 page 55  
5-20-70

## ORDINANCE NO. 334

An ordinance to establish a comprehensive zoning plan for the City of Glenwood, Iowa, including the establishment of zones, and providing for the regulation of construction, alteration, repair or occupancy of buildings or structures, and the use of land therein, and providing penalties for violation.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD, IOWA:

**1.01 PLAN ADOPTED:** There is hereby established a comprehensive zoning plan for the City of Glenwood, Mills County, Iowa, which plan is set forth in the text, maps and descriptions which constitute this ordinance. Said plan is adopted by the authority of and for the purpose set forth in the Code of Iowa, 1958, Chapter 414 and more particularly for the protection and promotion of the public health, safety and general welfare.

**1.02 ESTABLISHMENT OF ZONES:** In carrying out the provisions of Chapter 414, Code of Iowa, 1958, the Plan and Zoning Commission and the City Council of Glenwood have divided the city into districts and have prepared regulations pertaining to each district in accordance with the comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations have been made after reasonable consideration among other things, as to the character of the area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

**1.03 ZONES LISTED:** Symbols, titles and a brief description of each of the zones established by this ordinance are as follows:

AG—Agricultural Zone  
RS 84—Single Family Residence, 8,400 Square Foot Zone  
RS 72—Single Family Residence, 7,200 Square Foot Zone  
RG 60—Single Family Residence, 6,000 Square Foot Zone  
RG 50—General Residence, 5,000 Square Foot Zone  
RG 20—General Residence, 2,000 Square Foot Zone  
—M—Modified Residential Zone  
—P—Parking Zone  
BG—General Business Zone  
BGH—Heavy General Business Zone

ML—Light Manufacturing Zone  
MH—Heavy Manufacturing Zone  
**1.04 OFFICIAL ZONING MAP:** The location, size, shape, and boundaries of the zones to which the provisions of the text of this ordinance are applicable, shall be indicated on the atlas of maps which is entitled "Official Zoning Map" and such maps, after being adopted by reference as a part of this ordinance, and so certified by the City Clerk together with the text, shall be maintained by the City Clerk and such atlas shall be the official zoning map, for purpose of enforcement of this ordinance.

Any amendment to the zoning classifications on Official Zoning Map shall include the legal description of the land involved including appropriate adjacent public rights-of-way or public property and such amendments shall be promptly and permanently noted on the face of the maps in the custody of the City Clerk. A copy of each amendment shall be filed with the County Recorder of Mills County, Iowa.

**1.05 REPLACEMENT OF OFFICIAL ZONING MAP:** In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map or page thereof, which shall supersede the prior Official Zoning Map or page thereof. The new Official Zoning Map or page thereof, may correct drafting or other errors or omissions in the prior Official Zoning Map or page thereof but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. A copy of any Official Zoning Map or page thereof replaced through the above procedure shall be filed with the County Recorder of Mills County, Iowa.

**1.06 INTERPRETATION OF MAP:** The following rules shall govern in interpreting the boundaries of zones as portrayed on the Official Zoning Map.

The boundaries of the zones, except where otherwise referenced, are intended to follow the lines of platted lots, centerlines of streets and alleys, and when lines appear to be not more than 10 feet from the line of a platted lot, the boundary shall be interpreted as being coincidental therewith.

When boundaries cross unplatted property or platted lots otherwise than set forth above, and their distances are not clearly marked, their location shall be determined by use of the scale of the map and every such line shall be interpreted to fall on the nearest multiple of 10 feet.

Boundaries indicated as approximately following city limits shall be construed as following city limits.

Boundaries indicated as following railroad tracks shall be construed to be midway between the rails of the main tracks.

Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, reservoirs, flood control channels or other bodies of water shall be construed to follow such center lines in case of shifting.

In case of doubt or dispute, the boundary lines shall be determined by the Board of Adjustment upon receiving an appeal from a ruling of the Building Inspector.

**1.07 ANNEXATION:** Any land subsequently annexed to the City of Glenwood shall upon such annexation automatically become classified in the RS 72 7,200 SQUARE FOOT Zone and remain so zoned until an amendment to this ordinance shall place such annexed land in a different zone or zones. The Plan and Zoning Commission shall review the zoning classification of any annexed land and shall report thereon to the City Council giving their recommendation as to the proper classification. Said report shall be submitted within 6 months of the effective date of the annexation.

**1.08 ZONING LOTS TO BE DESIGNATED:** In order to facilitate the enforcement of this ordinance the device of zoning lots as defined herein shall be used. A parcel of land shall be designated and suitably recorded by the Building Inspector as forming the site of each new building structure or use of land or the site of any building structure or use of land designated for any alteration or modification requiring a building permit or certificate of occupancy. Said parcel shall conform in dimensions and area to the provisions of this ordinance. A zoning lot may or may not coincide with platted lot lines. Each zoning lot shall front on a public street of not less than 25 feet in width for a distance of not less than 20 feet or shall have an exclusive, unobstructed, permanent access to such a public street by an unobstructed easement of not less than 20 feet in width and not to exceed 150 feet in length.

**1.09 APPLICABILITY OF LAND AND BUILDINGS:** No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

#3939

Filed for record 19 November A.D.

1963 at 2:06 o'clock P.M.

Plat &amp; Ordinance No. 334

s/ Kenneth Asmussen, Recorder

Fee: \$12.50 KENNETH ASMUSSEN

## 1.10 APPLICABILITY, OPEN SPACE:

No open space surrounding any building shall be encroached upon or reduced in any manner, except in conformity with the yard, lot area, and building location regulations herein designated for the zone in which such building or open space is located. No yard, off-street parking space, off-street loading space, or other open space surrounding any building for the purpose of complying with the provisions of this ordinance except as otherwise specified herein, shall be considered as providing a yard or open space for any other building, and no yard or other open space on one platted lot shall be considered as the required open space on another platted lot unless the other platted lot is in the same ownership and is declared as a single zoning lot in applying for a building permit, and provided no land so considered has previously been considered as part of a required minimum requirement for the application for a building permit for an existing building. The required yard or open space for any use, building or structure shall be contained in the same zone as required for the principal use, its buildings or accessory buildings.

No lot, yard, off-street loading space, off-street parking space or other open space required for an existing building by the regulations contained herein shall be hereafter reduced in dimension or area below the minimum requirements set forth herein for said building or structure, except to provide for the extension, establishment or widening of a public street or highway.

**1.11 GENERAL INTERPRETATION:** Any use that is not specifically permitted in a district as a principal use, an accessory use or a conditional use, is hereby specifically prohibited. The regulations for some zones specific excluded uses are enumerated for clarification of intent, but such uses excluded use are not to be interpreted as including all excluded uses.

**2.00 DEFINITIONS:** For the purposes of this ordinance certain words and terms used herein shall be defined and interpreted as follows:

All words used in the present tense include the future tense. All words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory. The word "used" shall be deemed also to include "designed, intended, or arranged to be used."

**2.01 ALLEY:** A minor way, dedicated to public use, which is used primarily for vehicular access to the back or side of properties otherwise abutting on a street.

**2.02 APARTMENT HOTEL:** An apartment house which furnishes service for the use of its tenants which are ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

**2.03 AUTO WRECKING:** The collecting, burning out, dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers, or the sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles, wheeled or track laying equipment, or trailers or their parts. The dismantling and rebuilding other than custom repair, of more than one motor vehicle, piece of wheeled or track laying equipment, or trailer shall be considered auto wrecking.

**2.04 BILLBOARD:** Any structure or portion thereof having an area of 100 square feet or more on which lettered, figured or pictorial matter is displayed for advertising purposes, except that a signboard shall not be considered a billboard if it carries the name, occupation and products sold or manufactured on the premises. Any signboard carrying a message excepted in this definition which also carries extraneous advertising of 100 square feet or more shall be considered a billboard. This definition shall not include any board, sign or structure used to display any official notices issued by a court or public office, or posted by a public officer

in the performance of a public duty, or bulletin boards used to display announcement of meetings to be held on the premises on which such bulletin boards are located, nor shall it include a real estate sign advertising for sale or rent the property upon which it stands when such sign does not exceed 100 square feet.

**2.05 BLOCK:** A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, parks, etc., or a combination thereof. There may be more than one numbered block as shown on a plat, falling within a single block as herein defined.

**2.06 BOARD:** The Board of Adjustment of the City of Glenwood.

**2.07 BUILDING:** Any structure having a roof or partial roof supported by columns, posts or walls for the enclosure of persons, animals, equipment or chattels of any kind. A residential building within the meaning of this ordinance shall include a building enclosed by a continuous wall, regardless of the existence of unplanned party walls within such continuous walls or the existence of platted lot lines through the area occupied by such building. A commercial or industrial structure may within the meaning of this ordinance, consist of separate buildings where party walls or ownership lines exist in such a manner as to indicate the intent that they be separate buildings. A tent, trailer or mobile dwelling shall be defined as a building for the purposes of this ordinance.

**2.08 BUILDING ACCESSORY:** Any structure erected or constructed, including buildings as herein defined, the use of which requires location on the ground or attachment to something located on the ground and which is incidental and customarily appurtenant to a principal use permitted on the zoning lot, but not including fences and walls of less than 6 feet in height, or tank structures regardless of height provided they do not project more than one foot above the surface of the ground on the high side.

**2.09 BUILDING HEIGHT:** The distance measured from the mean elevation of the grade at the front face of the building to the highest point on the roof or parapet of said building.

**2.10 BUILDING INSPECTOR:** The official appointed by the administration or the City Council of Glenwood, Iowa, and charged with the responsibility of enforcing this ordinance.

**2.11 BUILDING, PRINCIPAL:** A building which is conducted the primary use of the site on which it is situated. In any residential district any dwelling shall be deemed to be the principal building of the site on which it is located.

**2.12 CERTIFICATE OF OCCUPANCY:** A permit issued by the Building Inspector indicating that the use of the building or land in question is in conformity with this ordinance or that there has been a legal variance therefrom as provided by this ordinance.

**2.13 CLINIC, MEDICAL:** A building or portion of a building containing the offices and associates of one or more practitioners providing medical, dental, psychiatric, osteopathic, chiropractic, physical therapy, or similar services for out-patients only, with or without shared or common spaces and equipment. A pharmacy available to persons other than patients being treated and making charges separate from bills for professional service shall not be considered as a medical clinic.

**2.14 CLUB:** Club shall include clubhouse and shall mean a voluntary association of persons organized

for cultural, recreational, fraternal, civic, charitable or similar purpose, but shall not include an organization or premises the chief activity of which is a service or activity customarily carried on as a business even though it may be chartered and named for purposes herein defining a club.

**2.15 COMMISSION:** The Plan and Zoning Commission of the City of Glenwood, Iowa. This body may also be known as the Planning Commission.

Ordinance # 334 to Amend Ordinance # 334 See Book 6 page 554 4-17-1967

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**2.16 CONDITIONAL USE:** A use which is not allowed in the zone as a matter of right, but which is permitted upon findings of the Board that under the particular circumstances present such use is in harmony with the Principal Permitted Uses of the zone. Allowable conditional uses are specifically listed under the district regulations. Uses not so listed shall not be allowed as conditional uses.

**2.17 COUNTRY CLUB:** For the purposes of this ordinance country clubs shall include golf courses, par-3 golf courses, swimming pools, tennis clubs and neighborhood clubhouses and each of which shall be located on a site of not less than one acre and open only to membership subscribing for the use of all facilities for a term of not less than one year and members non-paying guests. Sleeping facilities other than quarters for one caretaker or manager and his family shall be prohibited. Clubs operated as restaurants, cocktail lounges, card rooms, beer taverns, bowling alleys, pool and billiard parlors and similar activities normally carried on as a business shall be excluded from the definition of a country club. Nothing herein shall be construed to limit the number of operation of such facilities enumerated in this definition when owned or operated by a governmental agency.

**2.18 DRIVE-IN:** May be used as a noun or adjective and shall refer to a business which is designed to serve patrons while they are reposed in vehicles or by means of service windows with the intended products to be consumed in automobiles. This shall not be construed to include places for making deposits from automobiles such as drive-in bank windows, post office drop boxes or laundry or cleaning drop boxes.

**2.19 DWELLING:** A building or portion thereof, designed or used exclusively for residential occupancy, including single family dwellings, two family dwellings, multi-family dwellings and group dwellings; provided, however, that the following are not dwellings:

(a) Hotels, motels, tourist courts and cabins;  
(b) In a building that contains one or more dwelling units or lodging rooms in addition to one or more non-residential uses, the portion of such building that is devoted to such non-residential uses, except when accessory to the residential uses;  
(c) Uses for the institutional care of people such as hospitals, rest homes, orphanages, and homes for the aged;  
(d) House trailers and mobile homes.

**2.20 DWELLING ATTACHED (ROW):** A multi-family dwelling in which each dwelling unit has a separate outdoor entrance and is either (a) joined to one other dwelling unit at one side by one party wall or (b) joined to two other dwelling units by one party wall on each side.

**2.21 DWELLING, DETACHED:** A dwelling that is completely surrounded by open space on the same lot.

**2.22 DWELLING, MULTI-FAMILY:** A building or portion thereof containing 3 or more dwelling units.

**2.23 DWELLING, SINGLE FAMILY:** A building containing one dwelling unit only.

**2.24 DWELLING, TWO FAMILY:** A building containing two dwelling units only.

**2.25 DWELLING UNIT:** One or more rooms that are (a) located in a dwelling and that are (b) arranged, designed, or used as living quarters for one family only. Each dwelling unit contains one, and only one, complete set of kitchen facilities, permanently installed. Solely for the purpose of determining compliance with lot area per dwelling unit requirements, each lodging room in a group dwelling shall be considered as one-half a dwelling unit. No lodging room in a group dwelling shall be included as part of a dwelling unit.

**2.26 DWELLING, MOBILE:** A vehicle used or so constructed as to permit its being used as a conveyance upon a public street or highway and daily licensable as such, and shall include self-propelled or non-self-propelled vehicles so designed, constructed, reconstructed, or added to by any means, in such a manner as will permit the occupancy thereof as a dwelling or sleeping place of one or more persons and supported by wheels, jacks, or similar supports. Vacation trailers which are not used or intended to be used as sleeping or living quarters while parked within the city and automobiles which can be incidentally arranged for sleeping, shall not be considered mobile homes solely for purposes of interpreting this ordinance.

**2.27 DWELLING, GROUP:** A structure other than a hotel or motel inhabited by more or less permanent occupants in excess of 4, living independently in quarters other than dwelling units.

**2.28 FAMILY:** One or more persons related by blood, marriage or adoption living together in one dwelling unit and maintaining a common household, including domestic servants, gratuitous guests, boarders, roomers or lodgers, but not exceeding 10 persons when all are not related by blood, marriage or adoption.

**2.29 FLAMMABLE LIQUIDS:** Any liquid which gives off flammable vapors, as determined by the flash point from an open-cup tester, used for test of burning oils, at or below a temperature of 80 degrees Fahrenheit, is flammable.

**2.30 GOLF COURSE:** Golf course as used herein shall mean standard sized layouts and shall not include miniature golf courses, par-3 golf courses, pitch and putt courses or driving ranges.

**2.31 GRADE:** The mean elevation of the ground, measured along the wall of a building, or a lot line, or the top of a street curb or official grade of a street curb not yet constructed, or an official grade of an alley surface, as appropriate to the context in which the term is used.

**2.32 GROUND COVERAGE:** The area of a zoning lot occupied by buildings expressed as a percentage of the gross area of the zoning lot.

**2.33 HEIGHT, BUILDING: SEE BUILDING HEIGHT.**

**2.34 HOME OCCUPATION, GENERAL:** A business, occupation or profession carried on within a residential dwelling by the resident thereof, and which shall have the following characteristics:

(a) There shall be no external evidence of the occupation with the exception of one unlighted name plate of not more than one square foot in area attached flat against the building. Advertising displays and advertising devices displayed through a window of the building shall not be permitted.

(b) There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable at the zoning lot line.

(c) The activity shall employ only members of the immediate family of the resident of the dwelling.

(d) There shall not be a stock of goods, other than the finished product, in excess of 30 cubic feet in volume, none of which shall be of a flammable nature.

(e) There shall be no signs, radio, television, newspaper, handbill or similar types of advertising linking the address of the premises with the home occupation.

(f) Said home occupation shall not involve continual visits by the general public except that music lessons may be given to one pupil at a time; dance and art lessons may be given to 4 pupils at a time; a beautician may have 2 customers at a time; and a professional person may have one client or patient at a time. A barber shop shall not be considered a home occupation.

(g) The above listed characteristics of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided this exception shall not extend to allow the operation of a commercial greenhouse or nursery, or the existence of stands or booths for the display of produce grown on the premises.

(h) Said occupation may include the caring for not more than 8 children at one time for hire.

(i) Any business, occupation or profession, the operation of which does not meet the aforesaid characteristics, shall not be interpreted to be a home occupation despite the fact that it may attempt to operate in a residential building.

**2.35 HOME OCCUPATION, LIMITED:** A business, occupation or profession carried on within a residential dwelling by the resident thereof, and which shall have the following characteristics:

(a) There shall be no external or externally visible evidence of the occupation, business or profession.

(b) There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable at the zoning lot line.

(c) The activity shall employ only members of the immediate family of the resident of the dwelling.

(d) There shall be no stock of goods on the premises.

(e) There shall be no machinery other than that normally found in a home.

(f) There shall be no contact at the premises with customers or clients other than by telephone or mail, except that music lessons may be given to one pupil at a time and cultural or art or dance instruction may be given to 4 pupils at one time.

(g) Said occupation may include the caring of not more than 4 children at one time for hire.

(h) There shall be no signs, radio, television, newspaper, handbill or similar types of advertising linking the address of the premises with the home occupation.

(i) Room or board, but for not more than 2 persons.

The above listed characteristics of a limited home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided this exception shall not extend to allow the operation of a commercial greenhouse or nursery, or the existence of stands or booths for display of said produce.

Any business, occupation or profession, the operation of which does not meet the aforesaid characteristics of a limited home occupation shall not be interpreted to be a limited home occupation despite the fact that it may attempt to operate in a residential building.

**2.36 JUNK YARD:** A place where waste, discarded or permanent building materials, paper, textiles, used plumbing fixtures, and other used materials are banded, sold, changed, stored, baled or cleaned, and places or yards for the storage of salvaged metal, materials and equipment; but not including pawn shops and establishments for the sale, purchase or storage of used cars or trucks in operable condition, boats or trailers in operable condition, and used machinery in operable condition.

**2.37 LOT:** A zoning lot unless the context clearly indicates a lot of record, in which case a "lot" is a lot of record.

**2.38 LOT OF RECORD:** Land designated as a separate and distinct parcel in a subdivision, which has been recorded in the office of the recorder of Deeds, or a parcel of land, the deed to which was recorded in the office of said recorder prior to the adoption of this ordinance.

**2.39 LOT, CORNER:** A zoning lot situated at the intersection of two streets, or bounded by two or more adjacent sides by street right-of-way lines, provided that the angle of intersection of such street right-of-way lines or in the case of curved right-of-way lines, the extension of tangents at the side lot lines, does not exceed 135 degrees.

**2.40 LOT, INTERIOR:** A zoning lot other than a corner lot.

**2.41 LOT LINE:** A boundary of a zoning lot. Line is synonymous with property line.

**2.42 LOT WIDTH:** The distance between side lot lines measured at the rear of the required front yard on a line parallel with a line tangent to the street right-of-way line.

**2.43 LOT, THROUGH:** A zoning lot having frontage on two parallel, approximately parallel, diverging, or converging streets, but not including a corner lot as defined herein.

**2.44 LOT, REVERSE CORNER:** A corner zoning lot, the side street line of which shall be the extension of the front lot line of the zoning lot to its rear.

**2.45 LOT, ZONING:** See zoning lot.

**2.46 MINOR REPAIR, AUTOMOBILE:** The replacement of minor assemblies or parts and tune-up of automobiles or trucking of less than 15,000 pounds gross license weight, but not including body and fender work, painting, or engine overhaul or similar type of work.

**2.47 MOBILE HOME:** A mobile dwelling.

**2.48 MOBILE HOME PARK:** A tract of land that is used, designed, or intended to be used to accommodate one or more mobile homes. Mobile homes located in a mobile home park are used only to provide living and sleeping accommodations, a mobile home park does not include an automobile or mobile home sales lot on which unoccupied mobile homes are parked for inspection or sale.

**2.49 MOTEL:** A group of attached or detached living units with individual toilet facilities operated for transient guests and so constructed that guests automobiles may be parked at or near the living unit.

**2.50 MOVING ZONE:** A zone which is dependent upon a primary zone and which is designed to add to the primary zone a specific restriction or liberalization to meet specific locational needs which are accomplished by an additional series of primary zones. The purpose of the ordinance unnecessarily lengthy and complicated.

**2.51 NON-CONFORMING BUILDING:** A building or structure or portion thereof, lawfully existing at the time this ordinance is adopted, which does not conform to the requirements of this ordinance or any amendment thereto.

**2.52 NON-CONFORMING USE:** A use which lawfully occupies a building or land at the time this ordinance is adopted, which does not conform to the requirements of this ordinance or any amendment thereto.

**2.53 PAR-3 GOLF COURSE:** A golf course other than a miniature golf course and other than a golf course as defined herein, which is a greens similar to a golf course and fairways of not less than 50 yards in length, and which is not to be lighted unless so specified as permitted in the text of this ordinance.

**2.54 PRIMARY ZONE:** A zoning classification which can stand alone as a classification of a parcel of property.

**2.55 PRINCIPAL PERMITTED USE:** That use of a zoning lot which is among the uses allowed as a matter of right under the ordinance, provided that such use is not a non-conforming use.

**2.56 ROOMING HOUSE:** A dwelling containing one or more lodging rooms that accommodate one or more persons who are not members of the keepers family, provided that the letting of rooms for hire, to the extent permitted by this ordinance, is not the principal use of the building. In a rooming house, lodging or rooms are provided for compensation on a weekly or monthly basis. Rooming house includes transient homes.

**2.57 STREET:** The entire width between property lines of a way or place dedicated or acquired for the purpose of public use for vehicular traffic or access whether open or unopened to such traffic or access other than an alley. Where a way or place exists by virtue of consent agreement or an established public right, then use is permitted. Any required yard space shall be open from the ground to the sky except as specified herein.

**2.58 STRUCTURE:** Anything constructed or erected with a fixed location on the ground or attached or resting on something having a fixed location on the ground. Moreover, the following shall always be considered structures: buildings, mobile homes, sheds, vaults, fences, signs and billboards.

**2.59 STRUCTURAL ALTERATIONS:** Any change in the structural members of a building, such as walls, columns, beams or girders, or any other structural member, for purposes for which land or a building is designed, arranged or intended, or for which such land or building is occupied, maintained, let or leased.

**2.60 USE, ACCESSORY:** A use customarily incidental to a principal permitted use or building and located on the same zoning lot with such principal use or building.

**2.61 USE, SPECIFICALLY EXCLUDED:** A use of land or a structure which is excluded from a zone by the operation of other regulations of the zone, but which is specifically enumerated as excluded for purposes of clarity of intent and ease of reference.

**2.63 YARD, FRONT:** An open space extending the full width of the zoning lot, between the main building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward except as provided herein, the depth of which shall be measured as the least distance between the front lot line and the front of such main building.

**2.64 YARD, REAR:** An open space extending the full width of the zoning lot, between the main building and the rear lot line, unoccupied and unobstructed by buildings or structures from the ground upward, except as provided herein, the depth of which shall be measured as the least distance between the rear lot line and the rear of such main building.

**2.65 YARD, SIDE:** An open space extending from the front yard to the rear yard, between the main building and the side lot line, unoccupied and unobstructed from the ground upward, except as provided herein, the depth of which shall be measured as the least distance between the side lot line and the side of such main building.

**2.66 ZONING, LOT:** A single tract of land, located within a single block, which at the time of filing for a building permit or a certificate of occupancy, is designated by the owner or developer as a tract to be used, developed, or built upon as a unit under single or unified ownership or control, and assigned to the particular use, building or structure, for which the building permit or certificate of occupancy are issued and including such area of land as may be required by the provisions of this ordinance for such use, building or structure.

**EXCEPTIONS AND ENCROACHMENTS**

**3.01 HEIGHT EXCEPTIONS, GENERAL RULE:** Any building hereafter erected or altered shall comply with the height limitations of the zone in which it is located except as specified below.

**3.02 HEIGHT EXCEPTIONS, APPEARANCES:** The following appearances may exceed the prescribed height limit provided they are normally required for a use permitted in the zone in which they are erected or constructed: flagpoles, chimneys, cooling towers, elevator bulkheads, bellies, penthouses for other than living purposes, grain elevators, stacks, silos, storage towers, observation towers, ornamental towers, monuments, cupolas, domes, spires, steeplechases and other necessary mechanical appearances and their protective housing; provided, however, that any of the above except flagpoles and chimneys when located in any zone with a height limit of 40 feet or less, shall be allowed only upon a finding of the Board of Adjustment that such appearances will not be unduly detrimental to the surrounding property.

**3.03 HEIGHT EXCEPTIONS, ELECTRONIC TOWERS:** Radio, television, microwave and other electronic transmission or receiving towers in excess of height limits may be allowed in any zone as a conditional use upon a finding by the Board of Adjustment that topographic or other physical considerations make it necessary that they be located outside of a zone where they are permitted as a matter of right and that they will not be unduly detrimental to surrounding property.

**3.04 HEIGHT EXCEPTIONS, PUBLIC AND SEMI-PUBLIC BUILDINGS:** Public and semi-public buildings and structures such as hospitals, churches, sanitariums, schools and water reservoir towers may exceed the height limits of the zone in which they are located provided that such buildings and structures shall provide at least one additional foot of yard space on each side for each additional foot that such building or structure exceeds the specified height limit of the zone in which it is located and further provided that a finding is made by the Board of Adjustment that such additional height will not be materially detrimental to surrounding property.

**3.05 YARD SPACE, GENERAL RULE:** Any building, structure or use hereafter erected, altered or established shall comply with the yard space requirements of the zone in which it is located except as specified below. The required yard space for any building, structure or use shall be contained on the same zoning lot as the building, structure or use and such required yard space shall fall entirely upon land in a zone or zones in which the principal use is permitted. Any required yard space shall be open from the ground to the sky except as specified herein.

**3.12 YARD SPACE ENCROACHMENTS, EAVES:** Eaves, cornices and similar features may extend 2 feet into the required yard space except that eaves may encroach 3 feet into a yard space when such yard space is 10 feet or more in width.

**3.13 YARD SPACE ENCROACHMENTS, CHIMNEYS:** Chimneys when located on a lot where they may extend one foot into any required yard space. Chimneys in excess of four dwellings wide may extend 2 feet into any yard space when such yard is 10 feet or more in width.

**3.14 YARD SPACE ENCROACHMENTS, PORCHES AND TERRACES:** Open, uncovered porches or terraces no higher than the first floor above grade on the side of the building to which they are appurtenant and in no event higher than 26 inches above any required side yard or 10 feet into any required front yard or any required distance into any rear yard. No railing or other barrier higher than 36 inches shall be placed around such porch or terrace or no such barrier by the operation of other regulations of the zone, but which is specifically enumerated as excluded for purposes of clarity of intent and ease of reference.

Any such porch or terrace when located on a lot at the intersection of two streets or a street and an alley shall comply with the provisions designed to insure proper sight distances as set forth in this ordinance for such use and location. Any side yard on a corner lot when such yard is 20 feet or more in width may be considered as a front yard for the purposes of determining permitted encroachments.



**3.15 YARD SPACE ENCROACHMENTS, REAR YARD:** Accessory buildings shall be permitted to occupy a required rear yard with the following restrictions:

(a) No such accessory building shall be greater than 15 feet in height nor be closer than 20 feet from any street line.

(b) An accessory building may be constructed within 2 feet of an inside lot line when the entire structure is within 40 feet of the rear property line, or on the rear half of a lot if the adjacent lot is built upon and the accessory building is entirely to the rear of the line of any principal building on the said neighboring lot.

(c) Adjoining property owners may construct accessory buildings with party walls in lieu of the 2 foot side yard, but in compliance with the general location rules of (b) above, provided a finding is made by the Board of Adjustment that such party wall development will be appropriate to topographic conditions and in harmony with the character of development of the neighborhood.

**3.16 YARD SPACE ENCROACHMENTS, CANOPIES:** Canopies and overhangs on any side of a business building may extend 4 feet into a

required yard space. Signs mounted on the face of any such canopy or overhang shall not exceed 8 inches in height in any zone in which flat wall signs are specified.

**3.17 YARD SPACE EXCEPTION, STEEP SLOPES:** Automobile storage garages may be allowed within a required front or side yard when such garage will be entirely below the grade of the lot and after a finding by the Board of Adjustment that topographic conditions make such a location necessary that such orientation will not create a hazard to automobile or pedestrian traffic in the street, and that such orientation will be in harmony with the character of development of the neighborhood.

**3.21 LOT AREA EXCEPTION, EXISTING PLATTING:** A single-family dwelling may be built on any platted lot of record containing 75 percent of the required lot area for the district in which the lot is located if said lot was in separate ownership and separate control at the effective date of this ordinance, provided the front, side and rear yard requirements for the district in which the lot is located are met and provided dwellings are permitted in the district in which the lot of record is located. It is not the intention of this exception to allow building as a matter of right on a platted parcel which was never intended as a building site, but rather was numbered on a plat for identification purposes under a scheme in which multiple lots were intended to provide one building site.

**3.31 FENCES AND HEDGES, CORNER VISIBILITY:** Except in zones allowing the construction of buildings to the property line, there shall be provided an unobstructed view across the triangle formed by joining points measured 20 feet distant along the property line from the intersection of two streets or 15 feet along both the street and alley line from the intersection of a street and an alley. Within said triangle there shall be no sight obscuring or partly obscuring wall, fence or foliage higher than 30 inches above curb grade or in the case of trees, foliage lower than 5 feet. Vertical measurements shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.

**3.32 FENCES AND HEDGES, OTHER THAN CORNER:** On portions of a lot not covered by street or alley intersection restrictions, the height of fences or structures of any length, and foliage continuous for 5 feet or more, shall be limited to 42 inches on any street line and the front 50 feet of any side lot line. On all other portions of lot lines, fences, hedges and continuous foliage barriers may not exceed a height of 80 inches.

**3.33 FENCES AND HEDGES, WITHIN BUILDING LINES:** Fences, structures and hedges erected within a portion of a zoning lot on which a principal building, but not an accessory building, may be erected may conform with height limits of buildings which may be erected on such lot, but shall be subject to any building code provisions which may be applicable for buildings.

**3.34 FENCES AND HEDGES, MEASUREMENT RULE:** Heights of fences, structures, hedges and other continuous foliage shall be measured from the adjacent top of the street curb, surface of an alley or the official established grade thereof whichever is the higher. On inside lot lines the measurement shall be from the average grade of the lot line or of the parcel of property having the lower elevation.

**3.35 FENCES AND HEDGES, EXCEPTION, BOARD OF ADJUSTMENT:** The Board of Adjustment may approve, or may direct as a condition for granting an appeal, that fences or plantings of a height in excess of these regulations be placed as shielding between different uses, or between like uses upon agreement between the parties affected thereby, provided that no such approval shall have the effect of reducing corner visibility as provided for herein.

**3.41 OPEN SPACES IN UNDEVELOPED AREAS:** It is recognized that there are extensive areas of undeveloped land within the city upon which the planned type of development will not take place for a considerable time. It is therefore reasonable and proper that certain areas of undeveloped land within the land use plan be allowed.

**3.42 STANDARDS:** The Board of Adjustment is authorized to grant special use permits for property within the AG Agricultural Zone allowing for uses not allowed as a matter of right in said zone under the following conditions:

(a) The proposed use shall be an open land type of use and shall not involve the erection of permanent buildings or other permanent improvements and shall be located in an undeveloped area of the city, provided, however, that permanent buildings shall be allowed which conform with the zoning in force upon the parcel.

(b) The proposed use and the placement thereof upon the land shall be such that it shall not be unsightly to the general public nor interfere with the enjoyment or use of neighboring properties.

(c) All permanent structures shall comply with all provisions of the zone in which the proposed use is located.

(d) All temporary uses and structures shall comply with all provisions of the zone in which the proposed use is located except that the list of the special use permit may be modified by the Board of Adjustment.

(e) The Board of Adjustment may append reasonable conditions to any special use permit to the extent that the objective of this ordinance may be upheld.

**3.43 PROCEDURE:**

(a) Before issuing any special use permit, the Board shall hold a public hearing and shall give notice thereof to all property owners within 200 feet and to the Plan and Zoning Commission and the City Council of Glenwood, Iowa.

(b) Before approving any special use permit the Board shall request and receive the favorable recommendation of the Plan and Zoning Commission. The Building Inspector shall enforce compliance with the terms of the special use permit and shall initiate action for renewal or cessation of the activity at the expiration of the special use permit.

(c) No special use permit shall be issued for a period to exceed two years, provided however, that such special use permit may be renewed for additional periods not to exceed two years each, after a notice and public hearing and a finding that the conditions have not changed sufficiently to warrant denial of such a renewal.

(d) No property owner or owner of other interest in the land shall have a vested right in the renewal of any special use permit.

**4.00 AG AGRICULTURAL ZONE:**

**PURPOSE:** This zone is designed to preserve lands best suited for agricultural use from encroachment of incompatible uses, and to preserve in agricultural provision of utilities, major streets, schools and other facilities so that reasonably compact development will occur within the integrity of the city preserved. A change of zoning from AG to any other classification shall be in accordance with the Glenwood General Plan.

**4.01 Agriculture including the raising of field crops, horticulture, animal husbandry including feed lots, poultry farms, and kennels.**

**4.02 Ranch and farm dwellings appurtenant to agricultural operations.**

**4.03 Parks and recreation areas operated by the City of Glenwood.**

**4.04 Riding academies.**

**4.05 Country Clubs as defined herein, when located on a lot of at least 5 acres.**

**4.06 Recreational camps operated by public, charitable or religious organizations.**

**4.07 Buildings and installations geographically necessary to operate a public utility, but not including major offices, material yards or repair shops.**

**4.08 Greenhouses.**

**4.09 Public and quasi-public buildings and structures and uses of an educational, educational, religious, cultural or public service type including colleges.**

**4.21 Living quarters for persons regularly employed on the premises; but not including labor camps or dwellings for transient labor.**

**4.22 Guest houses, not rented or otherwise conducted as a business.**

**4.23 General home occupations.**

**4.24 Offices incidental to and necessary for conducting a permitted use.**

**4.25 Private garages, stables and barns.**

**4.26 Roadside stands not exceeding 400 square feet in floor area, for the sale of agricultural products grown on the premises.**

**4.27 Name plates and non-illuminated signs not to exceed 20 square feet in area identifying the premises, but not containing over 20 percent brand advertising.**

**4.28 The keeping of not more than two roosters or boards.**

**4.29 Other accessory uses and buildings customarily appurtenant to a permitted use.**

**CONDITIONAL USES:**

**4.31 Quarters for transient labor.**

**4.32 Cemeteries, crematories, mausoleums, columbariums.**

**4.33 Commercial mines, quarries and gravel pits.**

**4.34 Par-3 golf courses.**

**SPACE LIMITS:**

**4.41 Minimum lot area: 10 acres.**

**4.42 Minimum width of lot: 150 feet.**

**4.43 Maximum height of building: 35 feet.**

**4.44 Minimum front yard: 35 feet.**

**4.45 Minimum rear yard: 35 feet.**

**4.46 Minimum side yard: 20 feet.**

**4.47 Minimum side yard at corner: 25 feet.**

**4.48 Maximum ground coverage including accessory buildings: 10 percent.**

**MISCELLANEOUS PROVISIONS:**

**4.51 Off-street parking space shall be provided for all uses established in this zone.**

**4.52 Only one building for living purposes shall be permitted on one lot except as otherwise provided herein.**

**4.53 RS 84 SINGLE FAMILY RESIDENCE, 4,000 SQUARE FOOT ZONE:**

**PURPOSE:** This zone is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life on medium size lots. More uses are allowed as a matter of right throughout the zone than in the larger lot size zones.

**PRINCIPAL PERMITTED USES:**

**4.51 Single family detached dwellings.**

**4.52 Public, parochial and private schools and colleges offering courses of general instruction when located on sites of at least 5 acres, and including convents, monasteries, dormitories and other related living structures when located on the same site as the school or college.**

**4.53 Churches, synagogues, chapels and similar places of religious worship and instruction of a quiet nature when located in a permanent structure.**

**4.54 Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall conform with all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.**

**4.55 Public and quasi-public buildings for cultural use.**

**4.56 Country clubs as defined herein.**

**4.57 Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises, except as provided for as a permitted home occupation.**

**4.58 Parks and recreation areas operated by the City of Glenwood.**

**4.59 Limited home occupations.**

**4.60 Private garages and parking areas.**

**4.61 Private swimming pools exclusively for the use of residents of the premises and their non-paying guests and subject to any other regulations or ordinances of the City of Glenwood.**

**4.552 Public, parochial and private schools and colleges offering courses of general instruction when located on sites of at least 5 acres, and including convents, monasteries, dormitories and other related living structures when located on the same site as the school or college.**

**4.553 Churches, synagogues, chapels and similar places of religious worship and instruction of a quiet nature when located in a substantial structure and on a site of at least 2 acres.**

**4.554 Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall conform with all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.**

**4.555 Public and quasi-public buildings for cultural use.**

**4.556 Country clubs as defined herein.**

**4.557 Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises, except as provided for as a permitted home occupation.**

**4.558 Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair or administrative facilities.**

**4.559 Parks and recreation areas operated by the City of Glenwood.**

**PERMITTED ACCESSORY USES:**

**4.561 Limited home occupations.**

**4.562 Private garages and parking areas.**

**4.563 Private swimming pools exclusively for the use of residents of the premises and their non-paying guests and subject to any other regulations or ordinances of the City of Glenwood.**

**4.564 Signs not to exceed 6 square feet in area identifying the premises and occupant, but not including advertising matter.**

**4.565 The keeping of dogs, cats and other household pets, but limited to 4 animals over 6 months old.**

**4.566 Rental of sleeping rooms to 2 individuals not members of the family of the occupant of the dwelling. No signs advertising the availability of such rooms shall be displayed.**

**4.567 The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length, shall be permitted in the rear yard.**

**4.568 The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard.**

**4.569 Real estate lease or sale signs not over 5 square feet in area and relating to the property on which the sign is located.**

**4.570 Other accessory uses customarily and normally found to be appurtenant to uses permitted in this zone.**

**CONDITIONAL USES:**

**4.571 No conditional uses.**

**SPACE LIMITS:**

**4.572 Minimum lot area: 8,400 square feet.**

**4.573 Minimum width of lot: 70 feet.**

**4.574 Maximum height of building: 35 feet.**

**4.575 Minimum front yard: 25 feet.**

**4.576 Minimum rear yard: 25 feet.**

**4.577 Minimum side yard: 10 feet.**

**4.578 Minimum side yard on street side of corner: 25 feet.**

**4.579 Maximum ground coverage including accessory buildings: 25 percent.**

**MISCELLANEOUS PROVISIONS:**

**4.581 Off-street parking shall be provided for all uses established in this zone.**

**4.582 Only one building for living purposes shall be permitted on one lot except as otherwise provided herein.**

**4.583 RS 80 SINGLE FAMILY RESIDENCE, 7,200 SQUARE FOOT ZONE:**

**PURPOSE:** This zone is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life on medium size lots. More uses are allowed as a matter of right throughout the zone than in the larger lot size zones.

**PRINCIPAL PERMITTED USES:**

**4.581 Single family detached dwellings.**

**4.582 Public, parochial and private schools and colleges offering courses of general instruction when located on sites of at least 5 acres, and including convents, monasteries, dormitories and other related living structures when located on the same site as the school or college.**

**4.583 Churches, synagogues, chapels and similar places of religious worship and instruction of a quiet nature when located in a permanent structure.**

**4.584 Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall conform with all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.**

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**PERMITTED ACCESSORY USES:**

**4.591 Limited home occupations.**

**4.592 Private garages and parking areas.**

**4.593 Private swimming pools exclusively for the use of residents of the premises and their non-paying guests and subject to any other regulations or ordinances of the City of Glenwood.**

**4.594 Signs not to exceed 4 square feet in area identifying the premises and occupant, but not including advertising matter.**

**4.595 The keeping of dogs, cats and other household pets, but limited to 4 animals over 6 months old.**

**4.596 Rental of sleeping rooms to 2 individuals not members of the family of the occupant of the dwelling. No signs advertising the availability of such rooms shall be displayed.**

**4.597 The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length, shall be permitted in the rear yard.**

**4.598 The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard.**

**4.599 Real estate lease or sale signs not over 5 square feet in area and relating to the property on which the sign is located.**

**4.600 Other accessory uses customarily and normally found to be appurtenant to uses permitted in this zone.**

**CONDITIONAL USES:**

**4.571 No conditional uses.**

**SPACE LIMITS:**

**4.572 Minimum lot area: 8,400 square feet.**

**4.573 Minimum width of lot: 70 feet.**

**4.574 Maximum height of building: 35 feet.**

**4.575 Minimum front yard: 25 feet.**

**4.576 Minimum rear yard: 25 feet.**

**4.577 Minimum side yard: 10 feet.**

**4.578 Minimum side yard on street side of corner: 25 feet.**

**4.579 Maximum ground coverage including accessory buildings: 25 percent.**

**MISCELLANEOUS PROVISIONS:**

**4.581 Off-street parking shall be provided for all uses established in this zone.**

**4.582 Only one building for living purposes shall be permitted on one lot except as otherwise provided herein.**

**4.583 RS 80 SINGLE FAMILY RESIDENCE, 7,200 SQUARE FOOT ZONE:**

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**PRINCIPAL PERMITTED USES:**

**4.581 Single family detached dwellings.**

**4.582 Public, parochial and private schools and colleges offering courses of general instruction when located on sites of at least 5 acres, and including convents, monasteries, dormitories and other related living structures when located on the same site as the school or college.**

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**4.594 Signs not to exceed 4 square feet in area identifying the premises and occupant, but not including advertising matter.**

**4.595 The keeping of dogs, cats and other household pets, but limited to 4 animals over 6 months old.**

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**4.597 The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length, shall be permitted in the rear yard.**

**4.598 The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard.**

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**4.600 Other accessory uses customarily and normally found to be appurtenant to uses permitted in this zone.**

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**4.572 Minimum lot area: 8,400 square feet.**

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**PERMITTED ACCESSORY USES:**

**4.591 Limited home occupations.**

**4.592 Private garages and parking areas.**

**4.593 Private swimming pools exclusively for the use of residents of the premises and their non-paying guests and subject to any other regulations or ordinances of the City of Glenwood.**

**4.594 Signs not to exceed 4 square feet in area identifying the premises and occupant, but not including advertising matter.**

**4.595 The keeping of dogs, cats and other household pets, but limited to 4 animals over 6 months old.**

**4.596 Rental of sleeping rooms to 2 individuals not members of the family of the occupant of the dwelling. No signs advertising the availability of such rooms shall be displayed.**

**4.597 The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length, shall be permitted in the rear yard.**

**4.598 The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard.**

**4.599 Real estate lease or sale signs not over 5 square feet in area and relating to the property on which the sign is located.**

**4.600 Other accessory uses customarily and normally found to be appurtenant to uses permitted in this zone.**

**4.74 Signs not to exceed 6 square feet in area identifying the premises and occupant, but not including advertising matter.**

**4.75 The keeping of dogs, cats and other household pets, but limited to 4 animals over 6 months old.**

**4.76 Rental of sleeping rooms to 2 individuals not members of the family of the occupant of the dwelling. No signs advertising the availability of such rooms shall be displayed.**

**4.77 The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length, shall be permitted in the rear yard.**

**4.78 The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard.**

**4.79 Real estate lease or sale signs not over 5 square feet in area and relating to the property on which the sign is located.**

**4.80 Other accessory uses customarily and normally found to be appurtenant to uses permitted in this zone.**

**CONDITIONAL USES:**

**4.81 No conditional uses.**

**SPACE LIMITS:**

**4.82 Minimum lot area: 7,200 square feet.**

**4.83 Minimum width lot: 60 feet.**

**4.84 Maximum height of building: 35 feet.**

**4.85 Minimum front yard: 25 feet.**

**4.86 Minimum rear yard: 25 feet.**

**4.87 Minimum side yard: 10 feet.**

**4.88 Minimum side yard on street side of corner: 20 feet.**

**4.89 Maximum ground coverage including accessory buildings: 40 percent.**

**MISCELLANEOUS PROVISIONS:**

**4.91 Off-street parking shall be provided for all uses established in this zone.**

**4.92 Only one building for living purposes shall be permitted on one lot except as otherwise provided herein.**

**4.93 RS 60 SINGLE FAMILY RESIDENCE, 6,000 SQUARE FOOT ZONE:**

**PURPOSE:** This zone is designed to provide for high density single family residences.

**PRINCIPAL PERMITTED USES:**

**4.931 Single family detached dwellings.**

**4.932 Public, parochial and private schools and colleges offering courses of general instruction when located on sites of at least 3 acres, and including convents, monasteries, dormitories and other related living structures when located on the same site as the school or college.**

**4.933 Churches, synagogues, chapels and similar places of religious worship and instruction of a quiet nature when located in a permanent structure.**

**4.934 Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall conform with all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.**

**4.935 Public and quasi-public buildings for cultural use.**

**4.936 Country clubs as defined herein.**

**4.937 Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises, except as provided for as a permitted home occupation.**

**4.938 Parks and recreation areas operated by the City of Glenwood.**

**4.939 Limited home**

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5.18 The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard.

5.19 Real estate lease or sale signs not over 5 square feet in area and relating to the property on which the sign is located.

5.20 Other accessory uses customarily and normally found to be appurtenant to uses permitted in this zone.

**CONDITIONAL USES:**

5.21 Buildings of non-profit community organizations and social welfare establishments other than those providing living accommodations.

5.22 Par-3 golf courses.

**SPACE LIMITS:**

5.31 Minimum lot area: 5,000 square feet per dwelling unit.

5.32 Minimum width of lot: 50 feet.

5.33 Maximum height of building: 35 feet.

5.34 Minimum front yard: 25 feet.

5.35 Minimum rear yard: 25 feet.

5.36 Minimum side yard: 5 feet.

5.37 Minimum side yard at corner: 15 feet.

5.38 Maximum ground coverage including accessory buildings: 40 percent.

**MISCELLANEOUS PROVISIONS:**

5.41 Off-street parking shall be provided for all uses established in this zone.

5.42 Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

5.50 RG 20 GENERAL RESIDENCE, 2,000 SQUARE FOOT ZONE.

**PURPOSE:** This zone is designed to provide for moderately high density apartment development and other uses which have characteristics similar to those found in the operation of apartment houses.

**PRINCIPAL PERMITTED USES:**

5.51 Any principal permitted use allowed in the RG 50 Zone when established according to the rules and regulations of the RG 50 Zone.

5.52 Multiple dwellings.

5.53 Hospitals and rest homes, nursing homes.

5.54 Rooming houses and boarding houses.

5.55 Apartment hotels.

5.56 Private clubs, fraternity houses, sorority houses, lodges and similar establishments, but specifically excluding those establishments which have a name or legal basis as the aforesaid, but are in fact operated as a business enterprise, and also excluding concessions associated with the aforesaid which are operated as a business enterprise.

5.57 The offices of one or more professional persons engaged in activities which generate a limited amount of contact with the general public, but including medical clinics, offices of lawyers, accountants, architects, planners, engineers and similar professions.

5.58 Buildings of non-profit community organizations and social welfare establishments.

**PERMITTED ACCESSORY USES:**

5.59 Any permitted accessory use allowed in the RG 50 Zone when established according to the rules and regulations of the RG 50 Zone.

**CONDITIONAL USES:**

5.61 Office buildings for the conduct of the administrative business of a single company whose such business does not deal with the public directly from the site of such office building.

5.62 Mortuaries, funeral homes and funeral chapels.

**SPACE LIMITS:**

5.71 Minimum lot area: 2,000 square feet per dwelling unit except that residential buildings containing one dwelling unit shall have a minimum lot area of 5,000 square feet.

5.72 Minimum zoning lot: 5,000 square feet.

5.73 Minimum width of lot: 40 feet.

5.74 Maximum height of building: 75 feet.

5.75 Minimum front yard: 25 feet for one and two family dwellings.

5.76 Minimum rear yard: 10 feet.

5.77 Minimum side yard: 5 feet.

5.78 Minimum side yard at corner: 10 feet.

5.79 Maximum gross floor area ratio: 30.

5.80 Maximum ground coverage including accessory buildings: 80 percent.

**MISCELLANEOUS PROVISIONS:**

5.85 Off-street parking shall be provided for all uses established in this zone.

5.86 Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

6.00 **M-MODIFIED RESIDENTIAL ZONE.**

**PURPOSE:** This zone is designed to provide for the inclusion of mobile home parks as an additional use in several zones at locations which are suitable for mobile homes.

**PRINCIPAL PERMITTED USES:**

6.01 Any principal permitted use in the primary zone to which the M-Modified Residential Zone classification is appended when established according to the rules and conditions of the primary zone.

6.02 Parks authorized and licensed by the City of Glenwood for the parking and occupancy of mobile dwellings.

**PERMITTED ACCESSORY USES:**

6.03 Any permitted accessory use allowed in the primary zone to which the M-Modified Residential Zone classification is appended when established according to the rules and conditions of the primary zone.

6.04 Those accessory uses other than those permitted by the primary zone regulations, but which are or may in the future, be required for inclusion in mobile home parks by other ordinances of the City of Glenwood.

**CONDITIONAL USES:**

6.05 Any conditional use permitted in the primary zone to which the M-Modified Residential Zone classification is appended when established according to the rules and conditions of the primary zone.

**SPACE LIMITS:**

6.06 All space limit provisions of the primary zone to which the M-Modified Residential Zone classification is appended shall be adhered to except that mobile homes may be parked in compliance with minimum standard of other ordinances of the City of Glenwood.

**PROCEDURE:**

6.07 M-Modified Residential Zone shall be considered as a separate and distinct zoning classification and shall be appended to a primary zone in the same manner in which zoning map changes are made under the provisions of the statutes of the State of Iowa and of this ordinance, and shall modify the regulations applying to the specific site or zoning lots upon which the M-Modified Residential Zone is designated.

**MISCELLANEOUS PROVISIONS:**

6.08 Off-street parking shall be provided for all uses established in this zone.

6.09 The entire mobile home park shall be treated as one zoning lot, except that when uses other than those normally included or required by ordinance within a mobile home park are established within the boundaries of a mobile home park, then a separate zoning lot shall be designated for said other use.

6.20 **P-PARKING ZONE.**

**PURPOSE:** This zone is designed to provide for the parking of automobiles in zones which do not allow the activity which generates the need for automobile parking.

**PRINCIPAL PERMITTED USES:**

6.21 Any principal permitted use in the primary zone to which the P-Parking Zone classification is appended when established according to the rules and conditions of the primary zone.

6.22 Parking lots for automobiles when meeting the following construction and operation standards.

(a) All parking lots established in a P-Parking Zone shall be surfaced with a dust free material.

(b) Any lighting shall be so oriented that it will not shine on adjacent property in residential use.

(c) A foliage or decorative masonry barrier shall be erected or planted and maintained between a parking lot and any adjacent residential use.

(d) No parking lot shall encroach on any required front or side yard required by the Space Limits provisions of the primary zone.

(e) No parking lot shall encroach on a required yard or open space or upon the minimum site area required for an existing use.

(f) No access drive to a parking area in a P-Parking Zone shall traverse any land other than a P-Parking Zone or other zone in which such parking lot may be legally established.

**PERMITTED ACCESSORY USES:**

6.23 Any permitted accessory use allowed in the primary zone to which the P-Parking Zone classification is appended when established according to the rules and conditions of the primary zone.

**CONDITIONAL USES:**

6.24 Any conditional use permitted in the primary zone to which the P-Parking Zone classification is appended when established according to the rules and conditions of the primary zone.

**SPACE LIMITS:**

6.25 All space limit provisions of the primary zone to which the P-Parking Zone classification is appended shall be adhered to, except under the following conditions.

(a) Automobile parking may be placed in any required rear yard provided the required side yard is maintained when adjacent to a property in residential use of in a zoning classification requiring a side yard.

(b) Automobile parking may be placed within a required side yard when such side yard is adjacent to a zone which does not require a side yard.

**PROCEDURE:**

6.26 The P-Parking Zone shall be considered as a separate and distinct zoning classification and shall be appended to a primary zone in the same manner in which zoning map changes are made under the provisions of the statutes of the State of Iowa and of this ordinance, and shall have the effect of modifying the uses allowed on the specific site or zoning lot, upon which the P-Parking Zone is designated.

6.30 **BG GENERAL BUSINESS ZONE.**

**PURPOSE:** To provide for a wide range of retail and service establishments.

**PRINCIPAL PERMITTED USES:**

6.31 Retail and service stores of the following types provided all activities and display goods are carried on within an enclosed building, except that green plants and shrubs may be displayed in the open and further provided that all waste material be kept within a sight obscuring enclosure.

6.32 Apparel stores, tailor shops, dressmakers.

6.33 Bakery or pastry shops employing not more than 5 persons on the premises, exclusive of drivers.

6.34 Bank, Savings and Loan Association.

6.35 Barber, beauty shops.

6.36 Book store.

6.37 Bicycle sales and repair shops, but not including sales and repair of motor driven vehicles.

6.38 Buildings other than heavy storage and maintenance shops for municipal or governmental purposes.

6.39 Business and commercial schools.

6.40 Candy, ice cream store including manufacture, if all production is sold at retail on the premises or as retail custom orders for delivery.

6.41 Child care center.

6.42 Clinics for people only.

6.43 Dancing school including group instruction.

6.44 Dry cleaning and laundry establishments using only non-flammable solvents and not over 1,200 square feet in floor area. The scale of such operation is intended to serve the local residents and capacity shall be limited to the service of walk-in trade and a two delivery vehicle outside operation.

6.45 Dry goods store.

6.46 Drug or drug-variety store.

6.47 Eating places. Drive-in type restaurants, ice cream stands, sandwich shops and similar establishments where it is intended that food or drink be consumed in cars or otherwise in the area surrounding the establishment shall be prohibited except in sidewalk or patio cafes where service is provided to tables only.

6.48 Florist shop.

6.49 Frozen food lockers for individual or family trade, but no slaughtering, killing, eviscerating, skinning, plucking or smoking on the premises.

6.50 Furniture and antique homes and stores including used furniture store.

6.51 Garden supply including nursery stock.

6.52 Garages for the storage of automobiles, but not including major repair body and fender work or painting.

6.53 Gift and card shop.

6.54 Grocery, super market.

6.55 Hardware, appliance, and small tool retail when incidental to a hardware or other business.

6.56 Hobby, toy and sporting goods store.

6.57 Jewelry store.

6.58 Liquor store.

6.59 Loan office.

6.60 Extremely light, professional type manufacturing and repair of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services and manufacture.

6.61 Meat market, retail, but no killing, grinding, salting, smoking, plucking or smoking on the premises.

6.62 Mortuaries, funeral homes and funeral chapels.

6.63 Motel hotel.

6.64 Music store, music studio.

6.65 News and tobacco store.

6.66 General office buildings.

6.67 Paint, wallpaper, drapery and floor covering store.

6.68 Commercial parking lots.

6.69 Pawn shops.

6.70 Pet shops.

6.71 Photography, artist, photo finishing, and camera store.

6.72 Printing, job, when mechanical operation is visible from the street and employing not over 4 persons.

6.73 Radio and television stations, except transmission towers over 35 feet high.

6.74 Real estate sales office.

6.75 Self-service automatic laundry of not more than 30 washing units.

6.76 Self-service automatic dry cleaning establishments of not more than 10 cleaning units.

6.77 Shoe store.

6.78 Tire repair shop.

6.79 Specialty furniture shops not in excess of 4,000 square feet of gross floor area.

6.80 Stationery and office machine sales and service.

6.81 Tavern, cocktail lounge, club operated as a tavern or cocktail lounge.

6.82 Television, radio and small appliance repair.

6.83 Theater other than drive-in.

6.84 Upholstery shops.

6.85 Utility stores.

6.86 Automatic vending structures when located on that portion of a lot on which a principal building is permitted.

6.87 Single family residences, when not in a business building or on the same zoning lot as a business building, and when in conformity with the space limits of the RG 50 Zone.

6.88 Other light retail and service establishments which may be determined by the Board of Adjustment to be similar to the above listed principal permitted uses and which are in harmony with the purpose of this zone, but not including those uses which are not mentioned in this zone but are specifically enumerated in another zone.

**EXCLUDED USES:** The following uses are hereby declared incompatible with the purpose of the BG Zone and are hereby expressly excluded.

(a) Billboards and general advertising signs.

(b) Drive-ins.

(c) Gasoline service stations, automotive repair.

(d) Any use not enumerated as permitted in this zone, but which is specifically provided for in another zone.

**PERMITTED ACCESSORY USES:**

6.91 Accessory uses for residential development shall include those listed under the RG 50 Zone and shall be established and conducted in accordance with the regulations of that zone.

Accessory uses normally appurtenant to permitted business uses when established in conformance with the space limits of this zone.

**CONDITIONAL USES:**

6.92 The Board of Adjustment may allow residential and mixed built-up uses and residential structures to conform with the space limits of the RG 20 Zone or in other zone requiring more lot area per dwelling unit, upon a finding that the proposed density of residential use will be in harmony with nearby residential zoning, and when said mixed occupancy building is specifically designed and constructed for such mixed occupancy, but shall not include the construction of a business building in the yard of a residence or within an existing residence.

**SPACE LIMITS:**

6.93 Minimum lot area for business: None. Residential structures shall conform with the provisions of the RG 20 Zone, except as may be modified by the Board of Adjustment in accordance with the conditional use provisions of this zone.

6.94 Minimum width of lot: None for business.

6.95 Maximum height of building: None for business.

6.96 Minimum front yard: None for business.

6.97 Minimum rear yard: 10 feet, except that a business building may be built to an alley when such alley is 10 feet or more in width.

6.98 Minimum side yard: 5 feet when abutting any zone requiring a side yard.

6.99 Minimum side yard at corner: None.

7.01 Maximum ground coverage including accessory buildings, loading docks, incinerators and vending devices: No restriction for business.

**MISCELLANEOUS PROVISIONS:**

7.08 Off-street parking and loading shall be provided for all uses established in this zone.

7.09 Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein. No business building shall be constructed on a zoning lot occupied by a residence.

7.20 **RGH HEAVY GENERAL BUSINESS ZONE.**

**PURPOSE:** This zone is designed to provide for the widest range of retail and service establishments short of actual industrial operations.

**PRINCIPAL PERMITTED USES:**

7.21 Any use permitted in the BG Zone.

7.22 Automotive repair, except heavy truck and equipment work or body and fender and painting work.

7.23 New and used automobile, truck, tractor, construction equipment, boat, trailer and farm machinery sales rooms and lots, but excluding the storage of vehicles, boats, trailers or machinery not in operable condition or in the process of salvage, or the major parts thereof.

7.24 Billboards and general advertising signs.

7.25 Bowling alley, trampoline or rebound equipment center, miniature golf, pool hall, dance hall, kiddy parks, skating rinks.

7.26 Combination display store, office, warehouse and fabrication shop for electrical, plumbing, heating and refrigeration contractors, and automobile supply houses with minor over-haul and machining of parts.

7.27 Dry cleaning, laundry and dyeing plants employing not over 20 persons exclusive of drivers.

7.28 Feed and seed store.

7.29 Gasoline service stations, provided all used and waste materials are kept within a solid enclosure so that contents are not visible from the street or other properties.

7.30 Drive-in businesses of any use permitted in the BG Zone shall be allowed, provided that any such establishment shall provide adequate off-street storage space for all cars of patrons, that there be a sturdy close woven or solid fence on all but the front side; that no music or loud speaker system shall be installed that may be heard at neighboring residential properties and that no lighting shall shine on neighboring properties used for residential purposes.

7.31 Greenhouses, commercial, nursery stock sales yards.

7.32 Wholesale stores, but not establishments operated primarily as a warehouse. A wholesale store shall be distinguished from a warehouse if there is one square foot of office, sales and display space for each 3 square feet of warehousing space, and the building is so arranged as to encourage walk-in trade.

7.33 Other business and service activities not primarily of an industrial or manufacturing nature as may be on which a principal building is permitted.

7.34 Single family residences, when not in a business building or on the same zoning lot as a business building, and when in conformity with the space limits of the RG 50 Zone.

7.35 Other light retail and service establishments which may be determined by the Board of Adjustment to be similar to the above listed principal permitted uses and which are in harmony with the purpose of this zone, but not including those uses which are not mentioned in this zone but are enumerated in another zone.

**PERMITTED ACCESSORY USES:**

7.36 Any permitted accessory use allowed in the BG Zone when the conditions specified by that zone.

**CONDITIONAL USES:**

7.37 The Board of Adjustment may allow residential and mixed built-up and residential structures to conform with the space limits of the RG 20 Zone or in other zone requiring more lot area per dwelling unit upon a finding that the proposed density of residential use will be in harmony with nearby residential zoning, and when said mixed occupancy building is specifically designed and constructed for such mixed occupancy, but shall not include the construction of a business building in the yard of a residence or within an existing residence.

**SPACE LIMITS:**

7.37 Minimum lot area for business: None. Residential structures shall conform with the provisions of the RG 20 Zone, except as may be modified by the Board of Adjustment in accordance with the conditional use provisions of this zone.

7.38 Minimum width of lot: None for business.

7.39 Maximum height of building: 55 feet.

7.40 Minimum front yard: None for business.

7.41 Minimum rear yard: 10 feet, except that a business building may be built to an alley when such alley is 10 feet or more in width.

7.42 Minimum side yard: None for business.

7.43 Minimum side yard at corner: None for business.

7.44 Maximum ground coverage: 100 percent for business.

**MISCELLANEOUS PROVISIONS:**

7.45 Off-street parking and loading shall be provided for all uses established in this zone.

7.46 Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein. No business building shall be constructed on a zoning lot occupied by a residence.

7.50 **ML LIGHT MANUFACTURING ZONE.**

**PURPOSE:** This zone provides for a wide range of commercial and industrial uses, all of which shall be able to meet comparatively rigid specifications as to nuisance free performance. The zone specifically excludes residences on the theory that the mixture of residential use, and public services and facilities for residences with those for industry is contrary to the purposes of these regulations irrespective of whether the industry is encroaching on a living area or a living area is encroaching on an industrial area.

7.51 Off-street parking and loading shall be provided for all uses established in this zone.

7.52 Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein. No business building shall be constructed on a zoning lot occupied by a residence.

7.53 Minimum lot area for business: None. Residential structures shall conform with the provisions of the RG 20 Zone, except as may be modified by the Board of Adjustment in accordance with the conditional use provisions of this zone.

7.54 Minimum width of lot: None for business.

7.55 Maximum height of building: 55 feet.

7.56 Minimum front yard: None for business.

7.57 Minimum rear yard: 10 feet, except that a business building may be built to an alley when such alley is 10 feet or more in width.



**PRINCIPAL PERMITTED USES:**

7.51 Any use allowed in the BGH Zone, except that all dwellings and other types of living accommodations shall be prohibited save that one quarter for a watchman or caretaker shall be permitted as an accessory use for any permitted use occupying more than 20,000 square feet of lot area.

7.52 Any business, commercial or industrial use which can meet the performance standards set forth for this zone but not specifically excluded or specifically mentioned as belonging in another less restrictive zone.

7.53 Agriculture, including the raising of field crops, horticulture and animal husbandry. Feed lots, poultry farms, fur farms and kennels shall be allowed when such activities shall meet the performance standards set forth for this zone.

**SPECIFICALLY EXCLUDED USES:**

7.54 The following uses are hereby declared incompatible with the purpose of the ML Zone and are hereby expressly excluded:

(a) Dwellings except caretaker and watchmen quarters as set forth herein.

(b) Public, parochial and private schools and colleges, except trade schools.

(c) Hospitals, clinics, rest homes and other institutions for the housing or care of human beings.

(d) Motels, hotels and mobile home parks.

(e) Any use not enumerated as permitted in this zone but which is specifically in another zone or zones.

**PERMITTED ACCESSORY USES:**

7.55 Any accessory use normally appurtenant to a permitted use shall be allowed provided such use shall conform with all performance standards set forth for this zone.

**CONDITIONAL USES:**

7.56 The Board of Adjustment may allow recreational uses which are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments.

**PERFORMANCE STANDARDS:**

7.57 Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operation in condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes or similar equipment when in operable condition.

7.58 Fire Hazard: No operation shall involve the use of highly flammable gases, acid, liquids, grinding processes or other hazardous materials. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with other ordinances of the City of Glenwood.

7.59 Noise: No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness.

7.60 Sewage and Liquid Wastes: No operation shall be carried on which involves the discharge of sewage, water course or the ground of liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

**7.61 Air contaminants:**

(a) Air contaminants and smoke shall be less dark than designated Number One on the Ringelman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one 4 minute period in each one-half hour. Light colored contaminants of such an opacity as to obscure an observers view to a degree equal to or greater than the aforesaid shall not be permitted.

(b) Fertilicate matter or dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of 4 minutes in any one-half hour at which time it may equal but not exceed six tenths grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.

(c) Due to the fact that the possibility of air contamination cannot reasonably be comprehensively covered in this section there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any considerable number of persons or the general public or to cause or have a natural tendency to cause injury or damage to business, vegetation or property.

7.62 Odor: The emission of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the established building. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this ordinance.

7.63 Gases: The gases sulphur dioxide and hydrogen sulphide shall not exceed 5 parts per million; carbon monoxide shall not exceed 25 parts per million, and nitrous fumes shall not exceed 1 part per million. All measurements shall be taken at the zoning lot line.

7.64 Vibration: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed the placement of three thousandths of an inch measured at the zoning lot line. The use of steam or break hammers shall not be permitted in this zone.

7.65 Glaze and Heat: All glaze, such as welding arcs and other furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than 5 degrees Fahrenheit.

**SPACE LIMITS:**

7.66 Minimum lot area for business or industry: 10,000 square feet.

7.67 Minimum width of lot: 80 feet.

7.68 Maximum building height: No restriction except as limited by gross floor area ratio and by any restrictions which may be imposed by virtue of aircraft approach and turning zone height restrictions.

7.69 Minimum front yard: 20 feet.

7.70 Minimum rear yard: None.

7.71 Minimum side yard: None.

7.72 Minimum side yard at corner: 10 feet.

7.73 Maximum ground coverage: 75 percent.

**MISCELLANEOUS PROVISIONS:**

7.74 Off-street parking and loading spaces shall be provided for all uses established in this zone.

**8.00 MH HEAVY MANUFACTURING ZONE:**

**PURPOSE:** This zone provides for the widest range of industrial operations permitted in the city. It is the zone for location of those industries which have not reached a technical stage in processing which renders them free of nuisance factors or where economics precludes construction and operation in a nuisance free manner.

**PRINCIPAL PERMITTED USES:**

8.01 Any use permitted in the ML Zone and any use which can meet the performance standards of this zone, except as herein modified.

The following uses shall be allowed only in this zone:

8.02 Trucking terminals containing in excess of 4 loading or transfer bays.

8.03 The storage above ground of liquid petroleum products or chemicals of flammable or noxious nature when more than 150,000 gallons are stored on one zoning lot of less than an acre in size or when more than 25,000 gallons are stored in one tank.

8.04 The storage of flammable or noxious gases above or below ground in excess of 5,000,000 cubic feet on any one zoning lot of less than one acre or 2,000,000 cubic feet in any one tank.

8.05 Meat packing, slaughtering, eviscerating and skinning.

8.06 Poultry killing, plucking and dressing when such operations are of such size as to employ in excess of 3 persons.

8.07 Rendering of by-products of slaughtering and killing of animals or poultry.

8.08 Yards for the sale, transfer and temporary holding of livestock.

8.09 Junk yards, auto parts salvage and auto wrecking yards when such operations are obscured from any street or from any adjacent property in another zone by a sturdy, sight obscuring fence in good repair, and under the condition that any burning operations be carried on in an enclosed structure provided with super-heating devices designed to assure complete combustion.

**SPECIFICALLY EXCLUDED USES:**

8.20 The following uses are hereby declared incompatible with the purpose of the MH Zone and are hereby expressly excluded:

(a) Any use which cannot meet the performance standards set forth herein.

(b) Dwellings except caretaker and watchmen quarters as set forth in the provisions of the ML Zone.

(c) Schools and colleges, except trade schools.

(d) Hospitals, clinics, rest homes and other institutions for the housing or care of human beings, except that medical facilities accessory to any industrial operation shall be permitted.

(e) Motels, hotels and mobile home parks.

**PERMITTED ACCESSORY USES:**

8.21 Any accessory use normally appurtenant to a permitted use shall be allowed provided such use shall conform with all performance standards set forth for this zone.

**CONDITIONAL USES:**

8.22 The Board of Adjustment may allow recreational uses which are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments.

**PERFORMANCE STANDARDS:**

8.23 Appearance: Junk storage, auto wrecking and similar operations shall be shielded from view from the zoning lot line by means of a sturdy, sight obscuring fence in good repair.

8.24 Fire Hazard: All flammable substances involved in any activity established in this zone shall be handled in conformance with the standards of the National Board of Fire Underwriters and any additional regulations of the Glenwood Fire Department.

8.25 Noise: All noises and noise causing activities shall be muffled so that they will not create a disturbance greater than normal peak hour traffic noise on a major street when any activity is carried on in a residential. Major street noise for comparison purposes shall be measured on the primary state highway nearest the industry.

8.26 Sewage and Liquid Wastes: No operation shall be carried on which involves the discharge into a sewer, water course or the ground of liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

8.27 Air Contaminants:

(a) Air contaminants and smoke shall be less dark than designated Number 3 on the Ringelman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as number 2 shall be permitted for one minute period in each one-half hour. Light colored contaminants of such opacity as to obscure an observers view to a degree equal to or greater than the aforesaid shall not be permitted.

(b) Fertilicate matter or dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of 4 minutes in any one-half hour, at which time it may equal but not exceed six tenths grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.

(c) Due to the fact that the possibility of air contamination cannot reasonably be comprehensively covered in this section there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons or the general public or to cause or have a natural tendency to cause injury or damage to business, vegetation or property.

8.28 Odor: Odor causing operations shall be controlled so as to reduce escape of odors to the minimum practical within the limits of technology and economics.

8.29 Gases: All noxious gases shall be controlled so that they will not be injurious to life and property. The gases sulphur dioxide and hydrogen sulphide shall not exceed 5 parts per million; carbon monoxide shall not exceed 25 parts per million, and nitrous fumes shall not exceed 1 part per million. All measurements shall be made at the zoning lot line.

8.30 Vibration: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed the placement of three thousandths of an inch measured at the zoning lot line.

**SPACE LIMITS:**

8.31 Minimum lot area for business or industry: 10,000 square feet.

8.32 Minimum width of lot: 80 feet.

8.33 Maximum building height: No restrictions.

8.34 Minimum front yard: 20 feet.

8.35 Minimum rear yard: None.

8.36 Minimum side yard: None.

8.37 Minimum side yard at corner: 10 feet.

8.38 Maximum ground coverage: 30 percent.

**MISCELLANEOUS PROVISIONS:**

8.39 Off-street parking and loading spaces shall be provided for all uses established in this zone.

**GENERAL PROVISIONS****NON-CONFORMING USES:**

8.50 The lawful use of land, structures or buildings existing at the time of the adoption of this ordinance, although such use does not conform to the provisions hereof, may be continued except as provided in this section, but if continuous operation is suspended, ceased or discontinued for 60 consecutive days, the use of such premises shall be in conformity with the provisions of this ordinance.

8.51 Any building existing at the time of the adoption of this ordinance, although such structure or building does not conform with the provisions hereof, may be continued.

8.52 No structural alterations shall be made to any such non-conforming structure or building which will increase its degree of non-conformity except as may be ordered or required by law or ordinance or regulations based on law or ordinance. This shall not be construed to prohibit maintenance and repair work necessary to keep a structure in sound condition.

8.53 If a building or structure is altered, a non-conforming use of a building may be changed to a different use of the same degree of non-conformity. However, when the use of a building has been changed to a more nearly conforming use, such building shall not again be used for a less restrictive use or use with a greater degree of non-conformity. The principal permitted uses listed under a specific district shall be interpreted to have the same degree of non-conformity in applying this provision.

8.54 AMORTIZATION AND DISCONTINUANCE OF CERTAIN USES: There are found to be certain uses of land, buildings and structures which have an adverse effect on the carrying out of the comprehensive plan and which should be discontinued after a reasonable time irrespective of aforesaid rules as to non-conformity. The following uses shall be removed or made conforming with the specified amortization period.

(a) Fences and foliage which constitute a hazard by virtue of impairing sight distances at a curve or intersection shall be made conforming within one calendar year.

(b) Outdoor advertising signs and billboards shall conform within two calendar years.

(c) All provisions in business and industrial zones of this ordinance setting forth specifications for the operation of a business or industry involving fencing or shielding shall be complied with within one calendar year.

(d) Non-conforming open storage operations, such as truck parking, automobile wrecking, salvage material storage and similar uses not involving structures or buildings shall be made conforming within two calendar years.

(e) Any non-conforming structure or building which has been damaged by fire, flood, explosion, wind, earthquake, war, riot or other calamity or act of God to an extent more than 60 percent of the fair market value exclusive of land and foundations, at the time of such damage or destruction, shall not be reconstructed unless the building or structure and the use conform with this ordinance. If less than 60 percent damaged above the foundations, it may be reconstructed, reconstructed or used as before, provided that such restoration is commenced within 6 calendar months. If construction is not commenced within 6 calendar months, the use of said land or structure shall conform with the provisions of this ordinance.

**8.60 OFF-STREET PARKING AND LOADING:**

It is the intent of these regulations that all buildings, structures and uses of land shall provide off-street parking and loading space in an amount sufficient to meet the needs caused by the building or use of land and that such parking and loading spaces be so oriented that they are in fact readily usable for such purpose.

8.61 Each use of land and each building or structure hereafter constructed or established, and each addition to a structure in excess of 300 square feet, except as herein provided, shall provide off-street parking and loading space in accordance with standards set forth herein. When an addition is made to a building non-conforming in parking or loading space, a conforming amount of parking shall be supplied based upon the size of the addition.

8.62 No addition to an existing building shall be constructed which reduces the number of spaces, area or access to parking and loading space unless such building and its addition, conform with the standards for parking and loading contained herein. Contractual agreements may be made between users which generate parking demand at different times in such a manner that the requirements of more than one use may be met by the same space, provided the parking demand of each such use involved is in fact met.

8.63 All off-street parking and loading spaces, access areas shall be provided with an all-weather surface.

8.64 Uses listed below shall provide parking and loading in the amounts specified and at locations specified for the group in which such use falls. For any use not listed, the Board of Adjustment shall determine the proper requirement by classifying the use and applying the standards specified herein so as to assure equal treatment. In making any such determination, the Board shall follow the principles set forth in the statement of purpose for the parking and loading provisions.

8.65 For the purpose of these regulations a parking space shall be at least 180 square feet in size and shall be of easily usable and convenient shape. The orientation and grading of such space shall be readily accessible and aisles required for access to any space shall not be counted in meeting the requirements for spaces. Loading spaces shall be at least 12 feet wide and 60 feet long for industrial and warehouse type uses but may be 12 feet wide and 30 feet long for retail, service and institutional establishments. Aisles adequate to accommodate the maneuvering into position of trucks or such vehicles shall be provided or such space or spaces accessory to such space or spaces. Specified distances from the principal use for which a parking space is provided shall be measured from the edge of the usable parking space to a normal entrance to the building or use, along a convenient and unobstructed pedestrian route.

8.66 GROUP A: All uses of land and buildings enumerated in Group A shall provide off-street parking and loading space on the same zoning lot as such use or building and said parking or loading space shall have convenient and unobstructed pedestrian access across said zoning lot to a principal entrance to the building or use.

(Note: In the following Sections 8.67 through 8.69, (a) will denote REQUIRED PARKING; and (b) will denote LOADING SPACE REQUIRED.)

8.67 (a) Dwellings: (b) One for each dwelling unit; (c) None.

8.68 (a) Apartment houses: (b) One for each dwelling unit; (c) One for any building containing 10 dwelling units plus one additional space for each additional 20 units or major fraction thereof.

8.69 (a) Boarding, rooming and lodging houses; (b) One for each bedroom; (c) None.

(d) Doctor's offices, medical and dental clinics; (e) 5 spaces for each medical or dental practitioner; (f) None.

8.71 (a) Restaurants, beer parlors, taverns, bars, night clubs: (b) One for each 25 seats; (c) One.

8.72 (a) Retail stores and shops: (b) One for each 100 square feet of gross sales space; (c) One for the first 5,000 square feet plus one for each additional 30,000 square feet or major fraction thereof.

8.73 (a) Furniture and appliance stores; (b) One for each 500 square feet of gross sales space and repair space; (c) One for the first 3,000 square feet plus one for each additional 20,000 square feet or major fraction thereof.

8.74 (a) Funeral homes and mortuaries: (b) One for each 50 square feet of public area, whichever is greater; (c) One for each horse, automobile or other non-passenger vehicle.

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8.75 (a) Real estate sales offices; (b) 2 for the first 200 square feet plus one for each 100 square feet of office and public space; (c) None.

8.76 (a) Small item service and repair shops; (b) One space for each 200 square feet of gross floor area; (c) One for the first 400 square feet of gross floor area plus one space for each additional 5,000 square feet of gross floor area or major fraction thereof.

8.80 (a) Beauty and barber shops; (b) 2 for each operator; (c) None.

8.81 (a) Automotive service and repair shops; (b) One space for each 400 square feet of gross floor area; (c) One for each 5,000 square feet of gross floor area.

8.82 (a) Bowling alleys; (b) 5 for each alley; (c) None unless beer parlor or restaurant is attached, then one space.

8.83 (a) Roller and ice rinks, intensive sports and recreation establishments and dance halls; (b) One for each 3 fixed seats or one for each 100 square feet of gross floor area of public space as appropriate; (c) None.

8.84 (a) Banks and professional offices and general offices; (b) One for each 300 square feet of floor area; (c) None.

8.85 GROUP B: All uses of land and buildings enumerated under Group B shall provide off-street parking and loading on the same zoning lot as such building or use for all customers and employees entering the establishment and said parking or loading space shall have convenient and unobstructed pedestrian access across said zoning lot to the principal entrance to the building or use. That portion of the parking requirement that is attributed to employees may be provided within 330 feet of the use of building.

(Note: In the following Sections 8.86 through 8.92, (a) will denote USE; (b) will denote REQUIRED PARKING; and (c) will denote LOADING SPACE REQUIRED.)

8.86 (a) Hotel, apartment hotel, motel, club with guest rooms; (b) One space for each unit for the first 20 units, plus one space for each 2 units for those in excess of 20 on site. Plus one space for each 2 employees on the largest shift; (c) One space for the first 40,000 square feet of floor area or fraction thereof plus one space for each additional 150,000 square feet of floor area or major fraction thereof.

8.87 (a) Hospitals and rest homes; (b) One space for each 4 beds plus one space for each 2 staff physicians on site, plus one space for each 3 employees of all classes on the largest shift; (c) One space for the first 40,000 square feet of floor area or fraction thereof plus one space for each additional 150,000 square feet of floor area or major fraction thereof.

8.88 (a) Clubs, organization halls; (b) One space for each 100 square feet of assembly space on site, plus one space for each 2 employees; (c) None.

8.90 (a) Single occupancy office buildings of 10,000 square feet or over (if less than 10,000 square feet see general offices); (b) One space for each 500 square feet of gross floor area on site, plus one space for each 600 square feet of gross floor area of the first 10,000 square feet plus one space for each additional 40,000 square feet of gross floor area or major fraction thereof.

8.91 (a) Wholesale stores with stock of goods; (Without stock, see general offices); (b) One space for each 400 square feet of gross floor area. At least half of requirement shall be on site; (c) One space for the first 6,000 square feet of gross floor area plus one space for each additional 20,000 square feet of gross floor area or major fraction thereof.

8.92 (a) Warehouses; (b) 4 spaces for the first 5,000 square feet of gross floor area, plus one additional space for each additional 5,000 square feet of gross floor area or major fraction thereof. 25 percent of total requirement shall be on site; (c) 2 spaces for the first 5,000 square feet of gross floor area plus one space for each additional 10,000 square feet of gross floor area or major fraction thereof.

8.93 GROUP C: All uses of land and buildings enumerated under Group C shall provide off-street loading on the same zoning lot as such building or use and such loading space shall have convenient and unobstructed access to said building or use. Parking requirements for customers, patrons, and employees may be provided within 660 feet of said use or building.

(Note: In the following Sections 8.94 through 8.98, (a) will denote USE; (b) will denote REQUIRED PARKING; and (c) will denote LOADING SPACE REQUIRED.)

8.94 (a) Auditoriums, stadiums (except school), theaters, community centers and similar places of public assembly; (b) One space for each 6 seats in the main assembly area, or where no fixed seats are provided, one space for each 50 square feet of main assembly area; (c) None.

8.95 (a) Churches; (b) One space for each 4 seats in the main assembly area; (c) None.

8.96 (a) Libraries, museums and similar uses; (b) One space for each 400 square feet of gross space to which the public has access; (c) One space for the first 5,000 square feet of gross floor area plus an additional one space for each additional 10,000 square feet of gross floor area or major fraction thereof.

8.97 (a) Senior high schools, junior high schools, elementary schools, (including public, parochial and private); (b) One space for each teacher

or employee except that where living accommodations for such teachers or employees are provided on or near the site this requirement may be satisfied by the parking provided for the living quarters; (c) One space for each 100 square feet of seating space in the auditorium or multi-purpose room, whichever is larger; (c) None.

8.98 (a) Manufacturing, freight terminals; (b) 4 spaces for each 10,000 square feet of gross floor area or major fraction thereof plus one space for each employee on the largest shift; (c) Sufficient to allow for completely off-street loading operation, but in no event, less than required herein for a warehouse.

#### BOARD OF ADJUSTMENT OF THE CITY OF GLENWOOD, IOWA

A Board of Adjustment is hereby established and shall hereinafter be referred to as "Board". The Board 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 three years, one for a term of two years, and one for a term of one year. Members shall be removable for cause by the City Council of Glenwood, Iowa, upon written charges and after a public hearing. Vacancies shall be filled by the unexpired term of any member whose term becomes vacant.

9.01 MEETINGS: Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Business of the Board shall be conducted in accordance with these regulations set forth here-in and with Sections 414.7 through 414.14 Code of Iowa, 1958, and shall adopt its own rules or procedure in harmony with said provisions. The 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.

9.02 RECORDS: The Board shall keep minutes of all meetings, containing the substance of testimony and detailed findings, and showing the vote of each member upon each question, or dissent or failing to vote, indicated by such fact, all of which shall be immediately filed in the office of the Board and shall be a public record. The Board shall be necessary to reverse any order, requirement, decision or determination of the Board, or to decide in favor of the applicant on any matter upon which the Board is required to pass under this ordinance or to allow any variance to the strict interpretation of this ordinance. No order or finding of the Board shall become effective until the eighth day following the posting of a copy of such ruling or finding, duly attested by the Secretary of the Board, upon a public bulletin board in the City Hall, and transmitted by duplicate copies to the City Clerk, and to the chief administrative officer of the Plan and Zoning Commission.

9.03 APPEAL: Appeal to the Board may be taken within 30 days by any aggrieved party or persons aggrieved or by any officer, department, board or bureau of the City of Glenwood, affected by any decision of the Building Inspector.

9.04 JURISDICTION: The Board shall have powers to make rulings in the following situations: (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.

(b) 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, and so that the spirit of the ordinance shall be observed and substantial justice done.

(c) Hear applications for conditional use permits and make requisite findings precedent to authorization as required by this ordinance. Said conditional uses shall comprise the field of special exceptions as specified in paragraph 2, section 414.12, Code of Iowa, 1958.

(d) To make rulings for the advice of the Building Inspector in cases where uses are found to exist which are not specifically mentioned in this ordinance, and to specify the zones in which such new uses may properly fall, until such time as such uses shall be specifically treated by amendment to this ordinance. It is the intention of the City Council of Glenwood, Iowa, in adopting this ordinance, that all uses of land performance standards, and requirements as to the placement and sizes

of buildings specifically treated in this ordinance are so designated to conform with a comprehensive plan within the meaning of Chapter 414, Code of Iowa, 1958, and any changes in the application of this ordinance which would have the effect of changing the zoning classification of any parcel of property other than through application of specific provisions of this ordinance, are deemed to be a legislative determination and to fall within the province of the City Council of Glenwood, Iowa.

9.05 FINDINGS, VARIANCES: Before making any ruling on a variance the Board shall make all of the following findings in its proceedings:

(a) That the applicant falls within the jurisdiction of the Board.

(b) That all parties directly in interest have been notified of the proceedings.

(c) That the grant of the appeal would not have the effect of changing the intended zoning of the property.

(d) That the property cannot reasonably be used in conformity with the provisions of this ordinance.

(e) That the difficulty complained of was not the result of a willful act of the petitioner or other person maintaining an interest in the property, or their immediate predecessors in interest.

(f) That the difficulty complained of is unique to the property in question and is not common to all property similarly situated.

(g) That balancing the interest of the city in preserving the comprehensive plan or the interests of nearby property against the interest of the petitioner in using his property as proposed to be used, the granting of the variance is required by considerations of justice and equity.

9.06 FINDINGS, CONDITIONAL USES: Before authorizing a conditional use, the Board shall make the following determinations:

(a) That the appeal falls within the jurisdiction of the Board.

(b) That all parties directly in interest have been notified of the proceedings.

(c) That all specific conditions of this ordinance relative to the conditional use have been met.

(d) That the applicant has made a binding agreement for any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitation is necessary to protect the public interest.

(e) That the conditional use with specific limitations and design features as may have been required further the aims of the comprehensive plan and will not be unduly detrimental to nearby properties.

(f) That in the event that opposing interests cannot be resolved, the Board shall find that balancing the interest of the city in preserving the comprehensive plan or the interests of nearby property against the interest of the petitioner in using his property as proposed to be used, the granting of the conditional use permit is required by considerations of justice and equity.

9.07 NOTICE: The Board shall give sufficient notice to parties affected by any proceeding and shall adopt reasonable rules and regulations to facilitate such notice. A copy of each notice shall be transmitted to the City Clerk.

9.08 FEES: The Board may adopt a schedule of fees to defray all or part of the cost of processing an appeal. Said schedule of fees shall be approved by the Council. All fees shall be payable to the City Clerk and may be deposited with the City Clerk in a fund determined by the City Council of Glenwood, Iowa.

9.09 CERTIFICATE OF OCCUPANCY, LAND: No vacant land shall be occupied or used, except for agricultural use, and no buildings hereafter erected or structurally altered shall be occupied or used, until a certificate of occupancy shall have been issued by the Building Inspector. The certificate of occupancy for the use of vacant land or the change in use in and as herein provided, shall be applied for before any such land shall be occupied or used and a certificate of occupancy shall be issued within 30 days after the application has been made, provided such use is in conformity with the provisions of these regulations.

9.10 CERTIFICATE OF OCCUPANCY, BUILDING: No permit for excavation for any building, shall be issued before any building shall be occupied or used, until a certificate of occupancy shall have been issued by the Building Inspector. A certificate of occupancy for a new building or for the structural alteration of an existing building, shall be applied for coincident with the application for the building permit, which building permit shall recite the date of the occupancy. Said certificate and permit shall be issued within 3 days after request for same

has been made in writing to the Building Inspector, provided, however, that if upon completion or alteration of such building or part thereof, the provisions of this ordinance are not complied with, the certificate of occupancy shall be and become void.

#### 9.11 CERTIFICATE OF OCCUPANCY, RECORD:

A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or ground. No fee shall be charged for an original certificate applied for or renewed. There shall be a charge of one dollar there shall be a charge of one dollar each.

9.12 AMENDMENTS: The City Council of Glenwood, Iowa, may from time to time make amendments to the text and maps of this ordinance in accordance with the provisions of Chapter 414, Code of Iowa, 1958. Action may be initiated by the City Council of Glenwood, Iowa, by the Plan and Zoning Commission or by a private citizen. The Plan and Zoning Commission may make reasonable rules and regulations and fee schedules for the processing of amendments with the concurrence of the City Council of Glenwood, Iowa.

9.13 Any notice specified by said rules and regulations shall be in addition to that specified by Chapter 414, Code of Iowa, 1958, and proper notice as specified by said chapter shall be deemed to be the sole legal notice for such changes in the text or map of this ordinance as may be hereafter proposed. It shall be the policy of the City of Glenwood to give as full and adequate notice as practicable to all interested parties and to the general public, but failure to issue such notice except as specified by Chapter 414, Code of Iowa, 1958, shall not affect the validity of the action taken on any amendment.

#### 9.14 INTERPRETATIONS, PURPOSES AND CONFLICT:

It is not intended by this ordinance to interfere with or abrogate or annul any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law by the City of Glenwood, relating to the use of buildings or premises, or where this ordinance imposes a greater restriction upon the use of buildings, or premises, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or permits, the provisions of this ordinance shall govern.

#### 9.15 ENFORCEMENT:

It shall be the duty of the Building Inspector to enforce the provisions of this ordinance and enforce such rules, regulations and decisions as shall be adopted by the Board of Adjustment.

9.16 VIOLATION AND PENALTY: Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall be deemed guilty of misdemeanor and upon conviction thereof shall be fined not more than \$10,000 or imprisoned or imprisoned in the county jail for a period not exceeding 30 days. Each day that the violation is permitted to exist after notification in writing by the Building Inspector and the expiration of the time designated in said notice shall constitute a separate offense.

9.17 Any building erected, raised, converted, or land or premises used in violation of any of the provisions of this ordinance or the requirements thereof, is hereby declared to be a common nuisance and such common nuisance may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

9.18 SEVERABILITY AND VALIDITY: Should any section, clause or provision of this ordinance be declared by the Court to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared invalid.

9.19 REPEALER: All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

9.20 This ordinance shall take effect and be in force from and after its passage and publication as after statute provided.

Passed and approved this 22 day of October, 1963.

Attest: s/DALE HARPER, Mayor  
s/LOIS WOLFE, City Clerk

(Seal)