

TITLE IV COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 165 ZONING

ARTICLE 1 GENERAL PROVISIONS

165.01 Title. This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of the City of Cascade, Iowa.

165.02 Purpose. The zoning regulations and districts as herein established have been made for the purpose of promoting the health, safety, and general welfare of the community. The zoning regulations and districts have been designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to provide health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements. The zoning regulations and districts have been made with reasonable consideration of the character of the district and its suitability for the particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land through out the community for the promotion of the public health, safety, morals, convenience, comfort, prosperity, and general welfare.

165.03 Interpretation. The provisions shall be interpreted in accordance with the following:

1. Minimum Requirements: In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements.
2. Inconsistent or Conflicting Regulations: To the extent that any provision of this Ordinance or of any other provision of this Ordinance or of any other applicable zoning law, the more restrictive provision shall apply.
3. Unlawful Uses: No building, structure, or use which was not lawfully existing at the time of the adoption of this

Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent that, and in any respect that, said unlawful building, structure or use is in conflict with the requirements of this Ordinance, said building, structure or use remains unlawful hereunder.

4. Not A Licensing Ordinance: Nothing contained in this Ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.
5. Cumulative Provisions: The provisions of this Ordinance are cumulative and additional limitations upon all other laws and Ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this Ordinance.

165.04 Severability.

1. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance.

2. If any court of competent jurisdiction shall adjudge invalid the application of any provisions of this Ordinance to a particular parcel of land, a building or other structure, such judgment shall not affect the application of said provisions to any other parcel of land, building or structure.

165.05 Headings Or Titles. Headings or titles to sections, subsections and paragraphs shall be construed as informative of general nature of its contents, but not a restriction upon its contents.

ARTICLE 2 DISTRICT REGULATIONS

165.06 Establishment Of Districts. The City is hereby divided into districts which shall be designated as follows:

- A-1 Agricultural
- R-1 Single-Family Residential
- R-2 Mixed Residential
- R-3 Multiple/Mobile Residential
- R-4 Multiple Residential
- C-1 Highway Commercial
- C-2 General Retail
- M-1 Light Industrial
- M-2 Heavy Industrial

The locations and boundaries of these districts are shown on the Official Zoning Map.

165.07 Adoption Of Official Zoning Map. The Official Zoning Map and the explanatory material thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

165.08 Identification Of Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Mayor and attested to by the City Clerk under the following statement:

"This is to certify that this is the Official Zoning Map referred to in Chapter 5, Section 6-5-7, of the Zoning Ordinance of the City of Cascade, Iowa, as adopted the _____ day of _____, 19 _____ A.D."

The Official Zoning Map shall be on file in the office of the City Clerk and shall be the final authority as to the current zoning status of land, buildings and other structures in the City.

165.09 Changes In Official Zoning Map. No changes in the Official Zoning Map shall be made except as may be required by amendments to this Ordinance under Section 165.39 herein. If required, such changes shall be promptly made and the Ordinance number, nature of change, and date of change shall be noted on the map, approving such change in the Official Zoning Map.

Any unauthorized change of any kind whatsoever in the Official Zoning Map by any person or persons shall constitute a violation of this Ordinance and punishable as provided in Section 165.25 of this Ordinance.

165.10 Interpretation Of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center line of streets, highways, or alleys shall be construed to following such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following township lines or section lines shall be construed as following township lines or section lines.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following the centerlines of streams or other bodies of water shall be construed to following such centerlines, and in the event of change in the centerline, shall be construed as moving with the actual centerline.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections 1 through 6 above, the Zoning Administrator shall interpret the district boundaries.

165.11 Schedules Of District Regulations. The following schedules of district regulations are hereby adopted and declared to be a part of this Ordinance:

- A-1 Agricultural
- R-1 Single-Family Residential
- R-2 Mixed Residential
- R-3 Multiple/Mobile Residential
- R-4 Multiple Residential
- C-1 Highway Commercial
- C-2 General Retail
- M-1 Light Industrial
- M-2 Heavy Industrial

A-1 AGRICULTURAL DISTRICT

A. Statement of Intent. The "A-1" Agricultural District is intended to accommodate general agricultural uses, exclusive of commercial operations such as warehousing for grain or machinery, feed lots and commercial processing of agricultural products. This zoning classification shall be changed from the Agricultural District to other districts in conformance with the general development plan as needs justify such changes and when the specific area can be adequately served by utilities and public facilities.

B. PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF-STREET PARKING
1. Agriculture, horticulture, general farming and other agricultural activities.	None.
2. Single-family dwellings.	2 spaces/unit.
3. Parks and recreation areas.	5 spaces/acre developed for active use.
4. Stable or kennel.	3 spaces.
5. Cemetery.	10 spaces plus 1/acre.
6. Public utilities but not including equipment storage.	1 space per substation or one (1) per employee on the site.
7. Railroads.	None.
8. Golf Course & Country Club.	1 space/50 sq.ft. floor.

C. PERMITTED ACCESSORY USES AND STRUCTURES.

1. Farm buildings incidental to agricultural uses.

2. Private garage.
3. Home occupation.
4. Tennis court, swimming pool, greenhouse or other similar accessory use clearly incidental to the permitted principal use or structure of this district and not involving the conduct of business on the premises except home occupations as provided herein.
5. Temporary buildings used in conjunction with construction work provided such buildings are promptly removed upon completion of construction work.
6. Refreshment stand in conjunction with a park or recreation area.
7. Satellite receivers.

D. SPECIAL EXCEPTION USES AND STRUCTURES. Subject to Section 165.34(2) and other requirements contained herein, the Board of Adjustment may permit the following:

1. Sanitary landfill or waste disposal area, provided it is not used for disposal of dead animals; that refuse shall be covered with dirt daily if it contains raw garbage, that a nuisance due to smoke, odor, or blowing of trash and debris shall not be created, and that the site shall be restored to a condition compatible with the adjacent area upon conclusion of the dump operation. An access road having at least a graveled surface and five (5) parking spaces shall be provided. No landfill or waste disposal area shall be located closer than one fourth (1/4) mile to any dwelling, park, school or place of public assembly.

E. MINIMUM LOT AREA, WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
Dwellings	Dwellings and other non-institutional uses:	2 1/2 stories or 35 feet

Area:	5-acres	Front	30-feet
Width:	120-feet	Rear	30-feet
Depth:	120-feet	Side	10-feet
		Street side, corner lot	25-feet

F. PERMITTED SIGNS.

1. Nameplates attached flat against the wall of the main building not to exceed one (1) square foot in area.
2. Church or public bulletin boards not to exceed sixteen (16) square feet in area.
3. Temporary signs advertising the lease or sale of the premises not to exceed six (6) square feet in area.
4. Home occupation sign not to exceed three (3) square feet in area.
5. Billboards or advertising signs provided:
 - a) They are not within 300 feet of an intersection, residence or another billboard.
 - b) They are not within 200 feet of a park, school, or cemetery, public or semi-public building.
 - c) They are not within 75 feet of the centerline of a city or county road, or 100 feet of a state highway.
6. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.
7. See Supplementary District Regulations (Section 165.12).

G. SPECIAL REQUIREMENTS.

1. Public utility substations or buildings shall meet the front and rear yard requirements for dwellings and shall have side yards of not less than thirty (30) feet.
2. See Supplementary District Regulations (Section 165.12).

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

A. Statement of Intent. The "R-1" Single-Family District is intended to accommodate low density single-family dwellings and related recreational, religious and educational facilities normally required to service the residents within the district. Low density residential areas shall be protected from higher density residential development and from the encroachment of incompatible uses.

B. PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF-STREET PARKING
1. Single-family dwelling.	2 spaces/unit
2. Two-family dwelling, but only as a result of a conversion of conforming two story single-family dwelling existing prior to June 11, 1979.	2 spaces/unit
3. Bed and breakfast home as established in chapter 137B <u>Code of Iowa</u> . The home shall be owner occupied and have no more than three (3) sleeping rooms for guests.	4 spaces
4. Parks and recreation areas.	5 spaces/acre developed for active use
5. Public or semi-public swimming pool	1 space/50 sq.ft. of water area
6. Church or other place of worship	1 space/4 seats in the main auditorium
7. Elementary or secondary school.	1 space/classroom and office plus 1 space/each 6 seats the main auditorium or stadium
8. Public utilities but not including	1 space/substation

equipment storage or maintenance yards and buildings, or general administrative and sales offices.	or one (1) per employee on the site.
9. Railroads.	None
10. Historical museums.	1 space/300 sq.ft. of floor space

C. PERMITTED ACCESSORY USES AND STRUCTURES.

1. Private garages and other accessory buildings with side that do not exceed 10-feet in height above the floor level.
2. Home occupation.
3. Tennis court, swimming pool, greenhouse or other similar accessory use clearly incidental to the permitted principal use or structure of this district and not including the conduct of business on the premises except home occupations as provided herein.
4. Temporary buildings used in conjunction with construction work provided such buildings are promptly removed upon completion of construction work.
5. Refreshment stand in conjunction with a park or recreation area.
6. Satellite receivers.

D. SPECIAL EXCEPTION USES AND STRUCTURES. Subject to Section 165.34(2) and other requirements contained herein, the Board of Adjustment may permit the following:

1. Private kindergartens, day nurseries and pre-schools, one parking space plus one parking space per employee be provided.
2. A private garage, not to be used for commercial purposes, on a nonconforming vacant lot in the district.
3. A non-auto sales, non-auto service, and/or non-auto repair commercial business in an existing non-conforming

building where all the business's products, furnishings, fixtures, and equipment are wholly contained and confined within the building; limited to 50-gallons of onsite fuel storage' no storage of hazardous chemicals; and two off-street parking spaces provided on the premises.

E. MINIMUM LOT AREA, WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
<p>Single-Family Dwelling</p> <p>Area: 9,600-sq.ft. Width: 80-feet Depth: 120-feet</p> <p>The minimum yard requirements for an existing principal structure on a single lot of record platted prior to 1978 and having less than 80 feet of frontage shall be as follows:</p> <p>Where a lot is not served by a public water and/or sewer system, see the Special Requirements of this district.</p>	<p>Dwellings and other non-institutional uses:</p> <p>Front25-feet Rear25-feet Side8-feet Street side, corner lot25-feet</p> <p>Front12.5-feet or the average of all the other houses on the block, which ever is greater. Rear12.5 feet Side4 feet Street side, corner lot ...12.5 feet provided it does not violate 165.12.1</p> <p>Schools, churches, or other public or institutional buildings:</p> <p>Front35-feet Rear35-feet Side25-feet Street side, corner lot25-feet</p>	<p>2 1/2 stories or 35 feet</p>

F. PERMITTED SIGNS.

1. Nameplates attached flat against the wall of the main building not to exceed one (1) square foot in area.
2. Bed and breakfast home sign not to exceed four (4) square feet in area.

3. Church or public bulletin board not to exceed sixteen (16) square feet in area.
4. Temporary signs advertising the lease or sale of the premises not to exceed six (6) square feet in area.
5. Home occupation signs not to exceed three (3) square feet in area.
6. Illumination of signs, bulletin boards and nameplates shall not exceed 60 watts and shall be lighted only with indirect non-intermittent lighting.
7. Signs and bulletin boards shall be at least 20 feet from the front lot line or not more than five (5) feet in front of the main building.
8. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and rubbish.
9. See Supplementary District Regulations (Section 165.12)

G. SPECIAL REQUIREMENTS.

1. Public utility substations or buildings shall meet the front and rear yard requirements for dwellings and shall have side yards of not less than thirty (30) feet.
2. See Supplementary District Regulations (Section 165.12)

R-2 MIXED RESIDENTIAL DISTRICT

A. Statement of Intent. The "R-2" Mixed Residential District is intended to accommodate moderate density developments which may include a variety of dwelling types ranging from single-family to four-family residences.

B. PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF-STREET PARKING
1. Single-family dwelling.	2 spaces/unit
1.1 Zero-Lot line single-family attached dwelling.	2 spaces/unit
6. Two to four-family dwelling.	2 spaces/unit
7. Bed and breakfast home as established in chapter 137B <u>Code of Iowa</u> . The home shall be owner occupied and have no more than three (3) sleeping rooms for guests.	4 spaces
8. Private kindergartens and day nurseries.	1 space plus 1/employee
5. Funeral home.	1 space/each 4 seats in the chapel
6. Parks and recreation areas.	5 spaces/acre developed for active use
7. Church or other place of worship.	1 space/4 seats in the main auditorium
8. Elementary or secondary school.	1 space/classroom and office plus 1 space /each 6 seats the main auditorium or stadium
9. Public utilities but not	1 space/substation or

	including equipment storage or maintenance yards and buildings, or general administrative and sales offices.	one (1) per employee on the site.
10. Railroads.		None

C. PERMITTED ACCESSORY USES AND STRUCTURES.

1. Private garages.
2. Home occupation.
3. Tennis court, swimming pool, greenhouse or other similar accessory use clearly incidental to the permitted principal use or structure of this district and not including the conduct of business on the premises except home occupations as provided herein.
4. Temporary buildings used in conjunction with construction work provided such buildings are promptly removed upon completion of construction work.
5. Serving of meals and renting rooms or both to up to three (3) persons not members of the family residing therein, provided that the character of the dwelling is not changed from that of a dwelling, or that it becomes in any sense a nursing or rest home as defined herein, and that one (1) additional off-street space be provided for each roomer.
6. Satellite receivers.

D. SPECIAL EXCEPTION USES AND STRUCTURES. Subject to Section 165.34(2) and other requirements contained herein, the Board of Adjustment may permit the following:

1. Rest, nursing, and convalescent homes; homes for the orphaned and aged on sites of one (1) acre or more and that one (1) parking space for each two beds be provided.
2. In a nonconforming lot a home occupation may continue in

existence if the occupant no longer resides on the premises.

E. MINIMUM LOT AREA, WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
Single-Family Dwelling Area: 9,600-sq.ft. Width: 80-feet Depth: 120-feet	Single and two-family dwellings and other non-institutional uses: Front25-feet Rear25-feet Side8-feet Street side, corner lot25-feet	2 1/2 stories or 35 feet
Zero-Lot line single-family attached dwelling: Area: 6,000-sq.ft. Width: 60-feet Depth: 100-feet	Zero-Lot line single-family attached dwelling: Front25-feet Rear25-feet Interior Side ..0-feet Exterior Side ..8-feet Corner Lot25-feet	2½ stories or 35-feet
Multi-family dwelling up to 4 units: Area: 7,200 sq.ft. Width: 60 feet Depth: 120 feet	Multi-family dwellings, schools, churches or other public or institutional buildings: Front 30 feet Rear 30 feet Side 20 feet Street side, corner lot25 feet	

F. PERMITTED SIGNS.

1. Nameplates attached flat against the wall of the main building not to exceed one (1) square foot in area.
2. Bed and breakfast home sign not to exceed four (4) square feet in area.
3. Church or public bulletin board not to exceed sixteen (16) square feet in area.
4. Temporary signs advertising the lease or sale of the

premises not to exceed six (6) square feet in area.

5. Home occupation signs not to exceed three (3) square feet in area.
6. Illumination of signs, bulletin boards and nameplates shall not exceed 60 watts and shall be lighted only with indirect, nonintermittent lighting.
7. Signs and bulletin boards shall be at least 20 feet from the front lot line or not more than five (5) feet in front of the main building.
8. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and rubbish.
9. See Supplementary District Regulations (Section 165.12)

G. SPECIAL REQUIREMENTS.

1. See Supplementary District Regulations (Section 165.12)

R-3 MULTIPLE/MOBILE RESIDENTIAL DISTRICT

A. Statement of Intent. The "R-3" Multiple/Mobile Residential District is intended to accommodate moderate to high density residential developments including mobile homes, mobile home parks, and multiple family dwellings.

B. PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF-STREET PARKING
1. Multi-family dwelling (5 to 12 units).	2 spaces/unit.
2. Mobile home on single lot.	2 spaces/unit.
3. Mobile home park.	1 space plus 1/employee.
4. Funeral home.	1 space each 4 seats in chapel.
5. Rest, nursing, and convalescent homes; homes for the orphaned and aged on sites of one (1) acre or more.	1 space each 2 beds.
6. Parks and recreation areas.	5 spaces/acre developed for active use.
7. Community meeting or recreation building.	1 space/50 sq.ft.of floor area.
8. Church or other place of worship.	1 space/4 seats in the main auditorium.
9. Elementary or secondary school.	1 space/classroom office plus 1 space/each 6 seats in the main auditorium or and stadium.
10. Public utilities but not including equipment storage or maintenance	1 space/substation

yards and buildings, or general administrative and sales offices.	or one (1) per employee on the site.
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C. PERMITTED ACCESSORY USES AND STRUCTURES.

1. Private garages.
2. Community garages in conjunction with and for the exclusive use of residents in multi-family dwellings or mobile home parks.
3. Home occupation.
4. Tennis court, swimming pool, greenhouse or other similar accessory use clearly incidental to the permitted principal use or structure of this district and not including the conduct of business on the premises except home occupations as provided herein.
5. Temporary buildings used in conjunction with construction work provided such buildings are promptly removed upon completion of construction work.
6. Serving of meals and renting rooms to more than three (3) persons not members of the family residing therein, provided that the character of the dwelling is not changed from that of a dwelling or that it becomes in any sense a rest home or nursing home as defined herein, and that one (1) additional off-street parking space be provided for each roomer.
7. Satellite receivers.

D. SPECIAL EXCEPTION USES AND STRUCTURES. Subject to Section 165.34(2) and other requirements contained herein, the Board of Adjustment may permit the following:

1. None.

E. MINIMUM LOT AREA, WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
<p>Mobile home on a single lot.</p> <p>Area: 7,200-sq.ft. Width: 60-feet Depth: 120-feet</p> <p>Multi-family dwellings (5 to 12 units)</p> <p>Area: 6,000 sq.ft. plus 1500 sq.ft. for each unit over one (1).</p> <p>Width: 75-feet Depth: 120-feet</p>	<p>Non-Institutional uses:</p> <p>Front 25-feet Rear 25-feet Side 8-feet Street side, corner lot 25-feet</p> <p>Multi-family dwellings schools, churches or other public or institutional buildings:</p> <p>Front 30-feet Rear 30-feet Side 20 feet Street side, corner lot 25-feet</p>	<p>3 stories or 40-feet</p>

F. PERMITTED SIGNS.

1. Nameplates attached flat against the wall of the main building not to exceed one (1) square foot in area.
2. Church or public bulletin board not to exceed sixteen (16) square feet in area.
3. Temporary signs advertising the lease or sale of the premises not to exceed six (6) square feet in area.
4. Home occupation signs not to exceed three (3) square feet in area.
5. Illumination of signs, bulletin boards and nameplates shall not exceed 60 watts and shall be lighted only with

indirect, non-intermittent lighting.

6. Signs and bulletin boards shall be at least 20 feet from the front lot line or not more than five (5) feet in front of the main building.

7. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and rubbish.
8. See Supplementary District Regulations (Section 165.12).

G. SPECIAL REQUIREMENTS.

1. Mobile home parks shall comply with Chapter 135D, Code of Iowa, as amended; have a water supply and sanitary sewage collection and treatment system approved by the State Board of Health; have a minimum area of 3,500 sq. ft. for each mobile home space; have a maximum density of eight (8) units per acre, provided at least five (5) parking spaces per acre plus one parking space on each mobile home site; and no mobile home shall be closer than 25 feet to any property line of the mobile home park.
2. Mobile homes shall be parked or placed within duly licensed mobile home parks, or upon private property as a part of a dealers or a manufacturers stock not used as a place for human habitation, or on a single lot in this district. Exceptions to this requirement may be granted by the City Council only when it appears that location within local mobile home parks is impractical and public health, safety and welfare interest will not be seriously affected by granting the exception.
3. See Supplementary District Regulations (Section 165.12 (8 through 11)).

R-4 MULTIPLE RESIDENTIAL DISTRICT

A. Statement of Intent. The "R-4" Multiple Residential District is intended to accommodate moderate to high density multiple family residential developments exclusive of mobile homes and mobile home parks.

B. PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF-STREET PARKING
1. Multi-family dwelling (5 to 12 units)	2 spaces/unit
1.1 Zero-Lot line single-family attached dwelling.	2 spaces/unit
2. Funeral home.	1 space each 4 seats in the chapel
3. Rest, nursing, and convalescent homes; homes for orphaned and aged on sites of one (1) acre or more	1 spaces each 2 beds
4. Parks and recreation area.	5 spaces/acres developed for active use
5. Community meeting or recreation building.	1 space/50 sq.ft. of floor area
6. Church or other place of worship	1 space/4 seats in the main auditorium
7. Elementary or secondary school.	1 space/classroom and office plus 1 space /each 6 seats the main auditorium or stadium
8. Public utilities but not including equipment storage or maintenance yards and buildings, or general administrative and sales offices.	1 space/substation or one (1) per employee on the site

C. PERMITTED ACCESSORY USES AND STRUCTURES.

1. Private garages.
2. Community garages in conjunction with and for the exclusive use of residents in multi-family dwellings.
3. Home occupation.
4. Tennis court, swimming pool, greenhouse or other similar accessory use clearly incidental to the permitted principal use or structure of this district and not including the conduct of business on the premises except home occupations as provided herein.
5. Temporary buildings used in conjunction with construction work provided such buildings are promptly removed upon completion of construction work.
6. Serving of meals and renting rooms to more than three (3) persons not members of the family residing therein, provided that the character of the dwelling is not changed from that of a dwelling or that it becomes in any sense a rest home or nursing home as defined herein, and that one (1) additional off-street parking space be provided for each roomer.
7. Satellite Receivers.

D. SPECIAL EXCEPTION USES AND STRUCTURES. Subject to Section 165.34(2) and other requirements contained herein, the Board of Adjustment may permit the following:

1. Apartment buildings with more than 12-housing units provided the applicant clearly demonstrates the development has adequate off-street parking as required by Section B; sufficient fire protection as determined by the Fire Chief; and that the street providing ingress and egress for the building is capable of handling the projected traffic as determined by the City Engineer.

E. Minimum Lot Area, Width	Minimum Yard Requirements	Maximum Height
<p>Multi-Family Dwellings (5 to 12 units)</p> <p>Area: 6,000 sq.ft. plus 1,500 sq.ft. for each unit over one (1)</p> <p>Width: 75-feet Depth: 120-feet</p>	<p>Multi-Family Dwellings schools, churches or other public or institutional buildings:</p> <p>Front 30-feet Rear 30-feet Side 20-feet Street side, corner lot 25-feet</p>	<p>3 stories or 40-feet</p>
<p>Zero-Lot line single-family attached dwellings</p> <p>Area: 5,000 sq.ft. Width: 50-feet Depth: 100-feet</p>	<p>Zero-Lot line single-family attached dwellings</p> <p>Front:..... 25-feet Rear: 25-feet Interior Side:... 0-feet Exterior Side:... 8-feet Corner Lot:..... 25-feet</p>	<p>2½ stories or 35-feet</p>

F. PERMITTED SIGNS.

1. Nameplates attached flat against the wall of the main building not to exceed one (1) square foot in area.
2. Church or public bulletin board not to exceed sixteen (16) square feet in area.
3. Temporary signs advertising the lease or sale of the premises not to exceed six (6) square feet in area.
4. Home occupation signs not to exceed three (3) square feet in area.
5. Illumination of signs, bulletin boards and nameplates shall not exceed 60 watts and shall be lighted only with

indirect, non-intermittent lighting.

6. Signs and bulletin boards shall be at least 20 feet from the front lot line or not more than five (5) feet in front of the main building.

7. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and rubbish.
8. See Supplementary District Regulations (Section 165.12).

G. SPECIAL REQUIREMENTS

1. See Supplementary District Regulations (Section 165.12).

C-1 HIGHWAY COMMERCIAL DISTRICT

A. Statement of Intent. The "C-1" Highway Commercial District is intended to accommodate commercial development which primarily serves the traveling public. Also, this district is intended to accommodate certain other commercial uses which ordinarily requires access to a major street or highway.

B. PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF-STREET PARKING
1. Automobile sales, service and repair, including farm implements.	1 space/300 sq.ft. of sales, service or office floor area.
2. Drive-in eating or drinking establishment.	5 spaces plus 1 space/50 sq.ft. of floor area.
3. Night club or restaurant.	1 space/100 sq.ft. of floor area.
4. Dance hall or skating rink.	1 space/100 sq.ft. of floor area
5. Bowling alley.	5 spaces/lane or alley.
6. Motel or tourist camp.	1 space/unit or campsite.
7. Public utilities but not including equipment storage or maintenance.	1 space/substation or one (1) per employee on the site.
8. Railroads.	None.
9. Retail business.	1 space/100 sq.ft. of floor area.
10. Mini-warehouse.	Adequate parking and drive-way areas shall be provided around the

	building's perimeter subject to approval.
11. Business and professional offices and studios.	Same as 10.
12. Medical, dental and chiropractic clinics.	Same as 10.

C. PERMITTED ACCESSORY USES AND STRUCTURES.

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Storage warehouses in conjunction with the permitted principal uses or structures of this district.
3. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
4. Satellite receivers.

D. SPECIAL EXCEPTION USES AND STRUCTURES. Subject to Section 165.34(2) and other requirements contained herein, the Board of Adjustment may permit the following:

1. Dwelling unit within a building housing a commercial use for the occupancy of a single family, provided, that an open yard area of at least 2,400 sq. ft. is reserved and maintained for the occupants and two (2) parking spaces are provided.
2. An on-site free-standing business identification sign up to 75-feet in height provided the sign is a distance equal to one-half its height from neighboring buildings, maintains 7.5-foot horizontal clearance and 12.5-foot vertical clearance from overhead power lines, and the sign is designed and built to withstand 100-mph winds. Applicant must demonstrate a clear and compelling need for the special exception.

E. MINIMUM LOT AREA, WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
Tourist campground: 3 acres. Commercial uses: None	Front30-feet No side or rear yard except where adjacent to an "A" or "R" district, a side yard of 10-feet and a rear yard of 20-feet shall be provided.	2 1/2 stories or 35-feet.

F. PERMITTED SIGNS.

1. On-Premise signs advertising the principal product sold or activity conducted on the property where the sign is located. The sign may concern the sale or lease of the property on which the sign is located. However, "For Sale" or "For Lease" signs displaying the legend "Sold" or "Leased" are not legal on-premise signs.
 - a) Signs shall not exceed 25 feet in height.
 - b) Signs shall not overhang the public right-of-way.
 - c) Signs shall not be placed within 75 feet of a highway intersection, highway structure, residence, park, school, cemetery, public or semi-public building.
 - d) Signs shall not exceed 150 sq. ft. in area.
2. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and rubbish.
3. See Supplementary District Regulations (Section 165.12).

G. SPECIAL REQUIREMENTS.

1. See Supplementary District Regulations (Section 165.12).

C-2 GENERAL RETAIL DISTRICT

A. Statement of Intent. The "C-2" General Retail District is intended to accommodate a broad range of retail, wholesale, and commercial uses not necessarily dependent upon a highway location or serving the traveling public.

B. PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF-STREET PARKING
<ol style="list-style-type: none"> 1. Apartments above a store or shop. 2. Automobile sales, service and repair. 3. Farm implement sales, service and repair. 4. Business and professional office and studios. 5. Medical, dental and chiropractic clinics. 6. Retail businesses. 7. Person service and repair shops. 8. Laundry or dry cleaning. 9. Frozen food locker. 10. Clubs and lodges. 11. Public garages. 12. Mini-warehouse. 13. Storage garage. 14. Parking lot. 15. Plumbing, heating and electrical 	<p>No off-street parking required in this district.</p>

<p>sales, service and repair shops.</p> <p>16. Blacksmith or welding shop.</p> <p>17. Printing shops.</p> <p>18. Restaurants, cafes, taverns.</p> <p>19. Commercial amusements.</p> <p>20. Wholesale display and salesrooms.</p> <p>21. Public and community buildings.</p> <p>22. Hotels and motels.</p> <p>23. Public utilities, but not including equipment storage or maintenance yards or buildings.</p>	<p>No off-street parking required in this district.</p>
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C. PERMITTED ACCESSORY USES AND STRUCTURES.

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Storage warehouses in conjunction with the permitted principal uses or structures of this district.
3. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
4. Satellite receivers.

D. SPECIAL EXCEPTION USES AND STRUCTURES. Subject to Section 165.34(2) and other requirements contained herein, the Board of Adjustment may permit the following:

1. Manufacturing, assembly and processing uses except the manufacture, warehousing, storage or blending of fertilizers, pesticides, insecticides or other chemicals

that are combustible, explosive or of a toxic nature potentially dangerous to the health, safety and general welfare of the people of Cascade. All operations must be contained within the limits of the buildings. Minimum required off-street parking 1 space/employee plus 1 space/vehicle used by the industry.

E. MINIMUM LOT AREA, WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
Commercial Uses: No Minimum	None except where apartments are above a shop or store, a rear yard of 20-feet shall be provided and where adjacent to an "R" district, a front or side yard of 10-feet and a rear yard of 20-feet shall be provided.	4-stories or 50-feet.

F. PERMITTED SIGNS.

1. Advertising signs, billboards and trade, business or industry identification signs provided that:
 - a) Free standing signs do not exceed 25 feet in height.
 - b) Signs to a building shall not project above the height of the building or more than four (4) feet from the wall of the building.
 - c) No sign shall exceed 100 sq. ft. in area nor shall any sign cover more than ten (10) percent of the building face on which it is mounted.
2. No sign or billboard shall be located in, overhang or project into a required yard.
3. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use

shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and rubbish.

4. See Supplementary District Regulations (Section 165.12).

G. SPECIAL REQUIREMENTS.

1. See Supplementary District Regulations (Section 165.12).

M-1 LIGHT INDUSTRIAL DISTRICT

A. Statement of Intent. The "M-1" Light Industrial District is intended principally for manufacturing, processing, storage, wholesaling, distribution and related uses that are generally contained within a building. It is further the intent of this district to accommodate such uses in appropriate locations which will not adversely affect existing and future land uses in other districts.

B. PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF-STREET PARKING
1. Farm implement sales, service, repair, and assembly.	1 space/300 sq. ft. of sales service or office floor area.
2. Automotive and truck sales, service and repair.	1 space/300 sq. ft. of sales service or office floor area.
3. Automobile paint and body shop.	1 space/300 sq. ft. of sales service or office floor area.
4. Building material sales and storage.	1 space/300 sq. ft. of sales service or office floor area.
5. Manufacturing, assemble and processing uses, but not including the manufacture, processing or blending of fertilizers, pesticides, insecticides or other chemicals, fuels or petroleum products that are combustible, explosive or of toxic nature.	1 space/employee plus 1/vehicle used by the industry.
6. Concrete products manufacture and central mixing and proportioning plant.	1 space/employee plus 1/vehicle used by the industry.
7. Wholesaling, warehousing or storage but not including the bulk storage	1 off-street loading space for each 5,000

of liquid fertilizer, agricultural chemical or petroleum products.	sq. ft. of floor area or fraction thereof.
8. Contractor's office, shop and storage yard.	1 off-street loading space for each 5,000 sq. ft. of floor area or fraction thereof.
9. Grain elevator and storage bins.	1 off-street loading space for each 5,000 sq. ft. of floor area or fraction thereof.
10. Feed milling.	1 off-street loading space for each 5,000 sq. ft. of floor area or fraction thereof.
11. Veterinarian's office and kennel.	1 off-street loading space for each 5,000 sq. ft. of floor area or fraction thereof.
12. Truck and freight terminal.	1 off-street loading space for each 5,000 sq. ft. of floor area or fraction thereof.
13. Welding and machine shop.	1 off-street loading space for each 5,000 sq. ft. of floor area or fraction thereof.
14. Plumbing, heating, air conditioning and sheet metal shop.	1 off-street loading space for each 5,000 sq. ft. of floor area or fraction thereof.
15. Railroads and public utilities	1 off-street loading

including storage and maintenance yards and buildings.

space for each 5,000 sq. ft. of floor area or fraction thereof.

C. PERMITTED ACCESSORY USES AND STRUCTURES.

1. Uses and structures clearly incidental and necessary to the permitted principal uses of this district.
2. Temporary buildings used in conjunction with construction provided such buildings are removed promptly upon completion of the construction work.
3. Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 sq. ft. is reserved and maintained for use by the occupants.
4. Satellite receivers.

D. SPECIAL EXCEPTION USES AND STRUCTURES. Subject to Section 165.34(2) and other requirements contained herein, the Board of Adjustment may permit the following:

1. Communications stations and towers provided that they are not closer to a dwelling or place of public assembly than a distance equal to one-half their height, that will not interfere with the operation of any airport or landing strip, and that 1 off-street space for each vehicle used by the facility be provided.
2. An on-site free-standing business identification sign up

to 75-feet in height provided the sign is a distance equal to one-half its height from neighboring buildings, maintains 7.5-foot horizontal clearance and 12.5-foot vertical clearance from overhead power lines, and the sign is designed and built to withstand 100-mph winds. Applicant must demonstrate a clear and compelling need for the special exception.

E. MINIMUM LOT AREA, WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
None.	Front25-foot Rear25-foot Side20-foot Side Street, corner Lot20-foot.	60-feet.

F. PERMITTED SIGNS.

1. Billboards and advertising signs provided:
 - a) That they are not within 75 feet of a highway intersection, highway structure, residence, park, school, cemetery, public or semi-public building.
 - b) That they are not within 150 feet of another billboard or advertising sign.
 - c) That they do not exceed 300 sq. ft. in area.

2. Trade, business or industry identification signs for the firm located on the site provided that:
 - a) Free standing signs shall not exceed 150 square feet in area or 25 feet in height.
 - b) Signs mounted flush on the wall of a building shall not exceed 10% of the area of the wall of the building on which they are located or 200 square feet, whichever is smaller.

- c) Overhanging signs, attached to a building shall not project above the height of the building, or more than four (4) feet from the wall of the building and shall not have more than 100 square feet of area.
3. All signs shall be maintained in a neat and presentable condition and in the event that they shall become illegible or their use shall cease, they shall be removed promptly and the area occupied restored to a condition free from refuse and debris.
4. See Supplementary District Regulation (Section 165.12).

G. SPECIAL REQUIREMENTS.

1. See Supplementary District Regulations (Section 165.12).

M-2 HEAVY INDUSTRIAL DISTRICT

A. Statement of Intent. The "M-2" Heavy Industrial District is intended to accommodate general manufacturing and related uses of a heavy industrial character while providing protection from harmful effects to existing and future land uses in other districts.

B. PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF-STREET PARKING
1. Farm implement sales, service, repair, and assembly.	1 space/300 sq. ft. of sales service or office floor area.
2. Automotive and truck sales, service and repair.	1 space/300 sq. ft. of sales service or office floor area.
3. Automobile paint and body shop.	1 space/300 sq. ft. of sales service or office floor area.
4. Building material sales and storage.	1 space/300 sq. ft. of sales service or office floor area.
5. Manufacturing, assemble and processing uses, but not including the manufacture, processing or blending of fertilizers, pesticides, insecticides or other chemicals, fuels or petroleum products that are combustible, explosive or of toxic nature.	1 space/employee plus 1/vehicle used by the industry.
6. Concrete products manufacture and central mixing and proportioning plant.	1 space/employee plus 1/vehicle used by the industry.
7. Wholesaling, warehousing or storage but not including the bulk storage of liquid fertilizer, agricultural chemical or petroleum products.	1 off-street loading space for each 5,000 sq. ft. of floor area or fraction thereof.

8. Contractor's office, shop and storage yard.	1 off-street loading space for each 5,000 sq. ft. of floor area or fraction thereof.
9. Grain elevator and storage bins.	1 off-street loading space for each 5,000 sq. ft. of floor area or fraction thereof.
10. Feed milling.	1 off-street loading space for each 5,000 sq. ft. of floor area or fraction thereof.
11. Veterinarian's office and kennel.	1 off-street loading space for each 5,000 sq. ft. of floor area or fraction thereof.
12. Truck and freight terminal.	1 off-street loading space for each 5,000 sq. ft. of floor area or fraction thereof.
13. Welding and machine shop.	1 off-street loading space for each 5,000 sq. ft. of floor area or fraction thereof.
14. Plumbing, heating, air conditioning and sheet metal shop.	1 off-street loading space for each 5,000 sq. ft. of floor area or fraction thereof.
15. Railroads and public utilities including storage and maintenance yards and buildings.	1 off-street loading space for each 5,000 sq. ft. of floor area or fraction thereof.
16. Drive-in eating or drinking establishments.	5 spaces plus 1 space/50 sq.ft. of floor area.

17. Mini warehouse.

Adequate parking and driveway areas shall be provided around the building's perimeter, subject to approval.

C. PERMITTED ACCESSORY USES AND STRUCTURES.

1. Uses and structures clearly incidental and necessary to the permitted principal uses of this district.
2. Temporary buildings used in conjunction with construction provided such buildings are removed promptly upon completion of the construction work.
3. Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 sq. ft. is reserved and maintained for use by the occupants.
4. Satellite receivers.

D. SPECIAL EXCEPTION USES AND STRUCTURES. Subject to Section 165.34(2) and other requirements contained herein, the Board of Adjustment may permit the following:

1. Stockyards, loading pens, slaughter houses and handling or processing of animal by-products, poultry processing plants, buying stations and/or sale barns and yards, provided that it is not closer than one fourth (1/4) mile to any dwelling unit other than that of the owner or operator, or any park, school, church or place of public assembly; that the provisions for drainage, sanitation, waste disposal, and fly control are approved by the County Health Officer; that it is located so that prevailing winds will not cause dust or odors to create a nuisance for developed properties in the vicinity; and that one (1) parking space for each employee and 1 space for each vehicle used by the industry be provided. An additional 25 parking spaces shall be provided for sale

- barns.
2. Bulk storage of petroleum products, liquid fertilizers, and agricultural chemicals provided that such use is not closer than 300 feet to a dwelling or place of public assembly and that one parking space for each vehicle used by the industry be provided.
 3. The following uses provided that they are not closer than 1000 feet to any dwelling unit other than that of the owner or operator, or any park, school, church or place of public assembly; that 1 off-street parking space for every 2 employees and 1 off-street space for each company vehicle shall be provided.
 - a. Chemical plants.
 - b. Explosive manufacture or storage.
 - c. Fertilizer blending and manufacture.
 - d. Garbage, offal, or dead animal reduction.
 - e. Refining of petroleum and natural gas and their products.
 4. Auto wrecking and junkyards on sites of 5 acres or more provided that the front yard be maintained as an open space free of weeds and debris; that the site be enclosed with a 6 foot high fence or a suitable landscape planting that must screen the operation from the view of adjacent public streets and places of public assembly, parks, recreation areas, and residential properties; and that a minimum of 1 off-street parking space for each employee and 1 off-street space for each vehicle used by the facility be provided.
 5. Communications stations and towers provided that they are not closer to a dwelling or place of public assembly than a distance equal to one-half their height, that will not interfere with the operation of any airport or landing strip, and that 1 off-street space for each vehicle used by the facility be provided.
 6. An on-site free-standing business identification sign up to 75-feet in height provided the sign is a distance equal to one-half its height from neighboring buildings, maintains 7.5-feet horizontal clearance and 12.5-feet vertical clearance from overhead power lines, and the sign is designed and built to withstand

100-mph winds. Applicant must demonstrate a clear and compelling need for the special exception.

7. An adult-oriented establishment provided the establishment is not in or within sixteen hundred (1,600) feet of the borders of a residential district; any church, synagogue, mosque, temple, or other place of religious worship; any public or private school offering general education for students between the years of Kindergarten and Twelfth grade; of any daycare home or daycare business; any public park or playground. For purposes of this section, bike paths, trails, waterways, and boat launches shall not be deemed a public park; any other adult entertainment business; or any existing establishment selling alcoholic beverages for consumption on premises. The above cited distances shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed adult entertainment business is to be located, to the nearest point of the parcel of property or zoning district boundary line from which the proposed adult entertainment business is to be separated. The definitions of adult-oriented establishments in Chapter 124.02 of the Cascade Code of Ordinances are hereby incorporated by reference.

E. MINIMUM LOT AREA, WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
None.	Front25-feet Rear25-feet Side20-feet Side Street, corner Lot20-feet.	60-feet.

F. PERMITTED SIGNS.

1. Billboards and advertising signs provided:
 - a) That they are not within 75 feet of a highway intersection, highway structure, residence, park, school, cemetery, public or semi-public building.
 - b) That they are not within 150 feet of another billboard or advertising sign.
 - c) That they do not exceed 300 sq. ft. in area.

2. Trade, business or industry identification signs for the firm located on the site provided that:
 - a) Free standing signs shall not exceed 150 square feet in area or 25 feet in height.
 - b) Signs mounted flush on the wall of a building shall not exceed 10% of the area of the wall of the building on which they are located or 200 square feet, whichever is smaller.
 - c) Overhanging signs, attached to a building shall not project above the height of the building, or more than four (4) feet from the wall of the building and shall not have more than 100 square feet of area.

3. All signs shall be maintained in a neat and presentable condition and in the event that they shall become illegible or their use shall cease, they shall be removed promptly and the area occupied restored to a

condition free from refuse and debris.

4. See Supplementary District Regulations (Section 165.12).

G. SPECIAL REQUIREMENTS.

1. Supplementary District Regulations (Section 165.12).

165.12 Supplementary District Regulations. Subject to Section 165.11, the following provision, regulations, or exceptions shall apply equally to all districts except as hereinafter provided:

1. Visibility At Intersection. On a corner lot in any district except the C-2 General Retail District, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed, by connecting the right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines.
2. Accessory Buildings. No accessory buildings, with the exception of signs as provided in each district, shall be erected in any required front or side yard and no separate accessory building shall be erected within six (6) feet of a rear lot line and six (6) feet of a side lot line.

No garage that has the garage door facing the rear property line shall be located any closer than 20 feet from the rear property line. If the garage has the garage door facing the rear property line and is located on a corner lot, the garage shall meet the side street, corner lot set back requirement of the principal dwelling.

Other accessory buildings located on a corner lot shall meet the side street, corner lot set back of the principal dwelling.

- 2.1. Zero-Lot Line Single-Family Attached Dwellings. The following provision shall apply to all zero-lot line dwellings:
 - A. Where the abutting lot has been developed with a principal building having a setback of more than zero but less than 10-feet from the side lot line in common, the zero lot line dwelling shall be located so that there is a minimum of 16-foot between unattached buildings. An easement from the abutting lot owner shall be secured prior to the issuance of the building permit to ensure that a zero or 16-foot separation is retained.

- B. A one (1") inch air space shall be maintained between the common walls contiguous to the zero-lot line. The common wall shall meet NFPA fire-wall ratings for multiple housing dwellings.
 - C. Each dwelling unit shall have its own and separate building access with both a front and rear egress. Each dwelling unit shall have its own and separate utility services (water, electric, gas, and sewer) from the street or rear lot line.
 - D. A ten (10') foot permanent maintenance easement shall be provided for the maintenance of the exterior portion of the zero-lot line building wall located upon the lot line and for other common elements of building.
 - E. There shall be a public sidewalk the full length of the zero-lot line lot bordering the street.
3. More Than One Principal Structure On A Lot. In any district, more than one (1) principal structure housing a permitted principal use may be erected on a single lot provided that the area, yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.
4. Height Regulation Exception. The height limitations contained in Section 165.11, Schedules of District Regulations, do not apply to grain storage bins, grain elevators, feed mills or to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing or other structures placed above the roof level and not intended for human occupancy.
5. Use Of Public Right-of-Way. No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structures for storage or display purposes, or to provide any parking or loading space required by this Ordinance, or by any other purpose that would obstruct the use or maintenance of the public right-of-way.
6. Proposed Use Not Covered In Ordinance. Any proposed use not covered in this Ordinance as a Permitted Use or Special Exception shall be referred to the Planning and Zoning Commission for a recommendation as to the proper district in which such use should be permitted and the Ordinance amended

as provided in Section 165.39 before a permit is issued for such proposed use.

7. Buildings To Have Access. Every building hereafter erected or structurally altered, shall be on a lot or parcel having a frontage on a public street or alley.
8. Location Of Mobile Homes Or House Trailers. Mobile homes occupied as a permanent or temporary place of residence shall be located only on a single lot in the R-3 district or in an approved mobile home park. Existing mobile homes at the time of passage of this Ordinance on single lots of record in any other district may remain until there is a change in occupancy or ownership of the mobile home or lot on which it is placed. When such change occur, the mobile home shall be moved to a conforming location.

Nonconforming mobile homes not located on a single lot of record or in an approved mobile home park, but which are located on a parcel of land with another principal building or use, shall be relocated to a conforming location within three (3) years after passage of this Ordinance.

Also see the Special Requirements Section of the R-3 District for further conditions placed on mobile homes and mobile home parks.

Occupied travel trailers and camping trailers shall be located only in an approved tourist or trailer campground.

9. Special Permit To Locate A Mobile Home Outside Mobile Home Park. Application for a special permit to locate a mobile home or house trailer outside a mobile home park may be made to the City Council. The Council, after reviewing the application of a mobile home or house trailer owner, may issue special permits allowing the location of mobile homes or house trailers outside of mobile home parks. Application for a special permit shall be filed with the City Clerk without cost to the applicant and the application shall contain the following information:
 - A. Description. Description of the applicant's mobile home.
 - B. Location. A proper description of the place where the mobile home will be located.

- C. Owner of Premises. The name of the owner of the premises upon which the mobile home will be located.

Any special permit for the parking or locating of a mobile home or house trailer outside of mobile home parks shall provide that the unit shall be parked in back of or to the side and to the rear of any building or buildings on the property where unit is parked; there shall be no city water or sewer connections, electric power, or any kind of fuel connection to any unit while parked outside of mobile home parks. No mobile home or house trailer shall be occupied or used as living quarters while parked or located outside mobile home parks.

10. Special Permit To Occupy A Mobile Home Outside Mobile Home Park. Application for a special permit to occupy a mobile home or house trailer outside a mobile home park may be made to the City Council in conjunction with an application for a special permit to locate a mobile home outside a mobile home park. The council may grant permits to occupy mobile homes or house trailers outside mobile home parks and to use city water or city sewer connections and electric power connections therein, under the following conditions and restrictions:
- A. The mobile home or house trailer can be used only for occupancy by the builder and family during construction of permanent residence.
- B. The mobile home or house trailer must be removed from the premises within twelve (12) months of issuing a permit for construction of a new residence or upon completion and occupancy of the permanent residence, whichever occurs first.
11. Mobile Home Park Conformance. Nonconforming mobile home parks shall be made to conform to the standards of this Ordinance within five (5) years after passage of the Zoning Ordinance (1978).
12. Hedges And Fences. Fences or hedges shall not exceed four (4) feet in height in any required front yard and shall not exceed six (6) feet in height in any required side or rear yard, subject to the further restriction of Section

165.12(1).

13. Signs. The following regulations shall apply to all signs:

- A. Signs Considered Accessory Use: All signs shall be considered accessory use structures by definition and shall be subject to the sign regulations of the zoning district in which the sign is located.
- B. Permit Required: A Building Permit shall be required for all signs erected or reconstructed within the City of Cascade unless otherwise exempted by this Ordinance.
- C. Sign Area: Sign area shall be the face area of the sign.
- D. Bulletin Board or Directory Board: A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages. Such signs shall comply with the sign regulations of the zoning district in which it is located.
- E. Commemorative Sign: A commemorative sign, cornerstone, or similar architectural feature memorializing a person, event, structure or site is permitted in all zoning districts and shall be considered a part of the building or premises.
- F. Identification Sign: A sign whose copy is limited to the name and address of the building, business, trade, industry, institution, or person and/or to the activity or occupation being identified. Such sign shall comply with the sign regulations of the zoning district in which it is located.
- G. Nameplate: Nameplates shall be permitted in any zoning district, provided that only one nameplate may be used for each separate occupant of any premises and not more than twelve nameplates may be displayed on any building or zoning lot. Nameplates containing only the name of the family members residing on the premises, and not connected to any commercial activity or home occupation, may be placed on the premises and no building permit

shall be required.

- H. Nonconforming Sign: A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.
- I. Off-Premise Sign: A sign structure advertising an establishment, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished at the property on which said sign is located (e.g., billboard or advertising sign). Such sign shall comply with the sign regulations of the zoning district in which it is located.
- J. On-Premise Sign: A sign which pertains to the use of the premises on which the sign is located. Such sign shall comply with the sign regulations of the zoning district in which it is located.
- K. Temporary Signs Permitted: The following signs are permitted temporarily in any zoning district:
 - 1) Signs advertising the name, time and place of a show, carnival, festival, bazaar, or similar event conducted by a public agency or for the benefit of a recognized civic, fraternal, religious, or charitable organization; and provided further, that all such signs shall be removed within five (5) days of the last day of the event to which they pertain.
 - 2) Signs of any political party, or announcing the candidacy of any individual for political nomination or public office, provided that such signs shall conform to all sign requirements for the district in which they are located, and provided further that all signs shall be removed no later than seven (7) days after the date of the election to which they pertain.
 - 3) Signs pertaining to the construction, lease, or sale of a building or premises, provided that the sign does not exceed six (6) square feet in area; and provided further that there is only one such sign on a premises for each frontage on a public street.

- 4) All temporary signs shall not interfere with the visibility at intersections as established in Section 165.12(1) of this Ordinance.

L. Prohibited Signs: The following signs are prohibited:

- 1) Any sign that uses the words "Stop" or "Danger" or otherwise presents or implies the need for requirement of stopping or caution, or which is an imitation of or likely to be confused with any sign customarily displayed by the State of Iowa or political subdivision thereof;
- 2) Any sign within the required visibility triangle of a corner lot;
- 3) Any sign that obstructs any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, or egress from any building;
- 4) Any sign or illumination that causes direct glare into or upon any building other than the building to which the sign may be related;
- 5) Any sign that obstructs reasonable visibility of a sign displayed by public authority, or which otherwise unreasonably distracts attention from a sign displayed by public authority, for the purpose of traffic direction or other public information;

M. Maintenance And Removal: All signs and sign structures shall be maintained in a neat appearance and proper state of repair. Signs not properly maintained or which advertise a use which has been discontinued shall be removed by the owner within thirty (30) days after discontinuance of the use advertised, or may thereafter be removed by the authorized official of the city and such removal expense shall be charged to the sign owner.

14. Agricultural Uses. Any vacant parcel of land regardless of size in any district may be used for agricultural purposes, the raising of feed and grain crops, fruit or vegetables, provided, however, that no livestock, poultry or other animals other than customary household pets shall be kept on land or in confinement within 300 feet of any dwelling unit

other than that of the owner.

15. Flood Plain Management. It is the intent of the Flood Plain Management Ordinance (Title VI, Chapter 167, City Code of the City of Cascade, Iowa) to limit development on the flood plain in order to minimize the danger to life and property which results from development undertaken without full realization of such danger. It is further the intent of this regulation to protect the flood plain from encroachments or developments which would obstruct, contain, or divert the passage of flood waters. The Zoning Administration shall administer and enforce the Flood Plain Management Ordinance.

16. Subdivision Required. Every owner of any lot or tract of land who shall subdivide the same into three (3) or more parts on or after the effective date of adoption of the original Subdivision Control Ordinance (June 9, 1975), shall have the plat of such subdivision approved by the City Council as provided in the Subdivision Control Ordinance (Title VI, Chapter 166, City Code of the City of Cascade, Iowa). All re-plats of existing lots in subdivisions shall comply with the procedures and standards of the Subdivision Control Ordinance.

165.13 Application Of District Regulations. Subject to Section 165.11, the regulations and restrictions of this Ordinance shall apply as follows:

1. Regulations To Be Uniformly Applied. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, and particularly within each district, except as hereinafter provided.
2. All Uses And Structures To Conform. 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.
3. Height, Density, Or Yards Shall Not Be Violated. No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, or to have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required or in any other manner contrary to the provisions of this Ordinance.
4. Separate Yards, Open Space And Off-Street Parking Required. No part of a yard, other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
5. Minimum Yards And Lot Areas May Not Be Reduced. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
6. New Areas. All territory which may hereafter become a part of the incorporated area of the City of Cascade through annexation shall be classified in the A-1, Agricultural District, until otherwise classified, provided, however, that the City Planning and Zoning Commission may recommend the appropriate district classification prior to such territory becoming a part of the City and upon the holding of a public

hearing and approval by the City Council, the territory upon becoming a part of the City may immediately be so classified.

165.14 Nonconforming Uses. Within the districts established by this Ordinance or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment.

Subject to Section 165.14, it is the intent of this Ordinance to permit these nonconformities to continue until they are removed but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the district involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of any existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

165.15 Nonconforming Lots Of Record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the Board of Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the land involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold

which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

165.16 Nonconforming Uses Of Land. Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

165.17 Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height yards, or other characteristics of the structure or its location on the lot, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity.

2. Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance or as provided in Section 165.36.

165.18 Nonconforming Uses Of Structures. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure or structure and premises may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
4. Any structure or structure and land in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

5. When a nonconforming use of a structure or structure and premises in combination is discontinued for six (6) consecutive months or for eighteen (18) months during any three-year period, the structure thereafter shall not be used except in conformance with the regulations of the district in which it is located.
6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

165.19 Repairs And Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten (10) percent of the current replacement value of the building provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening of or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

165.20 Uses Under Exception Provisions Not Nonconforming Uses. Any use for which a Special Exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use but shall, without further action, be deemed a conforming use in such district.

165.21 Family Homes. This provision is established to accommodate Family Homes as set forth under Section 414.22 of the Code of Iowa.

1. The City shall consider a family home a residential use of property for the purpose of zoning and shall treat a family home as permitted use in all residential districts of the City.
2. The City shall not require that a family home, its owner, or operator obtain a Special Exception.

3. A new family home shall not be located within one-fourth of a mile from another family home.

ARTICLE 3 ADMINISTRATION

165.22 Administration And Enforcement. A Zoning Administrator shall be designated by the City Council and shall administer and enforce this Ordinance. The Zoning Administrator may be provided with the assistance of such other persons as the City Council may direct.

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

165.23 Appeals From Decision Of Zoning Administrator. Appeals from any decision of the Zoning Administrator may be taken to the Board of Adjustment as provided in Section 165.32.

165.24 Interpretation Of Provisions. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion and protection of the public health, safety, morals, and general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, Ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

165.25 Violation And Penalties. Any person, firm or corporation who shall violate or fail to comply with the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty days (30) and shall pay all costs and expenses involved in the prosecution of the violation. Each day such violation continues shall constitute a separate offense.

165.26 Separate Offenses May Be Charged. The owners or tenant of any building, structure, land or part thereof and any architect, builder, contractor, agent, or other person who

commits, participates in, assists in or maintains a violation may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

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

165.28 Building Permits. No land shall be occupied or used, and no building thereafter erected, structurally altered, located or relocated, shall be occupied or used, in whole or in part for any purpose whatsoever, until a Building Permit is issued by the Zoning Administrator stating the building in use complies with the provision of this Ordinance and other building and health Ordinances of the City of Cascade. No change of use shall be made in any building or part thereof now or hereafter erected or structurally altered, without a Building Permit being issued therefore by the Zoning Administrator. No Building Permit shall be issued to make change unless the changes are in conformity with this Ordinance.

No permit for excavation for, or the erection, alteration, location or relocation of any building shall be issued before the application has been made for a Building Permit, and no building or premises shall be occupied until a Building Permit is issued. Building permits shall be applied for before the beginning of construction as provided in Chapter 155 of the City Code of Cascade, Iowa. The record of all Building Permits shall be kept on file in the Zoning Administrator's office and copies shall be furnished upon request to any person having a tenancy interest.

Nothing in this Ordinance shall prevent the continuance of a non-conforming use as authorized by this Ordinance unless a discontinuance is necessary for the safety of life and property.

165.29 Fees. All fees as are required shall be paid to the Zoning Administrator, who shall keep a complete and accurate record of fees received and shall forthwith deposit them to the credit of the General Revenue Fund of the City of Cascade.

165.30 Board Of Adjustment Created. A Board of Adjustment is hereby established. The Board shall consist of five (5) members to be appointed by the City Council for a term of five (5) years except that when the Board shall first be created one member shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by the City Council for the un-expired term of the member.

165.31 Proceedings Of The Board Of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Board.

165.32 Appeals. Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the Zoning Administrator. Such appeals shall be taken within a reasonable time not to exceed sixty (60) days of filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed, that by reason of facts stated in the Building Permit Application a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be

granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

165.33 Hearing And Notice. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notices thereof as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney.

A fee of twenty-five (\$25.00) dollars shall be paid to the Zoning Administrator at the time the notice of appeal is filed which the Zoning Administrator shall forthwith pay over to the credit of the General Revenue Fund of the City of Cascade.

165.34 Powers And Duties Of The Board Of Adjustment. The Board of Adjustment shall have the following powers and duties:

1. Administrative Review. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
2. Special Exceptions. To hear and decide only such Special Exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether Special Exceptions with such conditions and safeguards as are appropriate under this Ordinance, and to deny Special Exceptions when not in harmony with the purpose and intent of this Ordinance. A Special Exception shall not be granted by the Board of Adjustment unless and until:
 - A. A written application for a Special Exception is submitted indicating the section of this Ordinance under which the Special Exception is sought and stating the grounds on which it is requested.
 - B. Notice shall be given at least seven (7) days in advance of the public hearing by publication in a newspaper of general circulation of the City of Cascade.
 - C. The public hearing shall be held. Any party may appear in person or by agent or attorney.
 - D. The Board of Adjustment shall make a finding that it is empowered under the section of this Ordinance described in the application to grant the Special Exception, and that the granting of the Special Exception will not adversely affect the public interest.

- E. Before any Special Exception shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual Special Exceptions and the satisfactory provision and arrangement has been made concerning the following, where applicable;
- 1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - 2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the Special Exception on adjoining properties and properties generally in the district;
 - 3) Refuse and service areas, with particular reference to the items in (1) and (2) above;
 - 4) Utilities, with reference to locations, availability, and compatibility;
 - 5) Screening and buffering with reference to type, dimensions, and character;
 - 6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - 7) Required yards and other open space;
 - 8) General compatibility with adjacent properties and other property in the district.

In granting any Special Exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the Special Exception is granted, shall be deemed a violation of this Ordinance and punishable under Section 165.25 of this Ordinance. The Board of Adjustment shall prescribe a time limit within which the action

for which the Special Exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the Special Exception.

3. Variations. 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 the special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:

A. A written application for a Variance is submitted demonstrating:

- 1) That such conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- 2) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
- 3) That the special conditions and circumstances do not result from the actions of the applicant.
- 4) That granting the Variance requested will not confer on the applicant any special privilege that is denied by this Ordinance, to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures or building in other districts shall be considered grounds for the issuance of a variance.

B. Notice shall be given at least seven (7) days in advance of the public hearing by publication in a newspaper of general circulation of the City of Cascade.

C. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

- D. The Board of Adjustment shall make findings that the requirements of Section 165.34(3) have been met by the applicant for a variance.
- E. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the Variance, and that the Variance is the minimum Variance that will make possible the reasonable use of the land, building or structure.
- F. The Board of Adjustment shall further make a finding that the granting of the Variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any Variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the Variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 165.25 of this Ordinance.

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

165.35 Decisions Of The Board Of Adjustment. In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made and to that end shall have powers of the Zoning Administrator from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in application of this Ordinance.

165.36 Reconstruction Of Nonconforming Structure. The Board of Adjustment may permit the reconstruction of a nonconforming structure which has been damaged by explosion, fire, act of God or the public enemy to the extent more than 50 percent of its

replacement cost at the time of destruction, where the Board finds some compelling necessity requiring a continuance of the nonconforming structure.

165.37 Appeals From The Board Of Adjustment. Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of records of such decision, in the manner provided by the laws of the state and particularly by Chapter 414, Code of Iowa.

165.38 Planning And Zoning Commission. The Planning and Zoning Commission is established and empowered as provided in Title VI, Chapter 164 of The City Code of the City of Cascade, Iowa.

165.39 Zoning Ordinance Changes And Amendments. The regulations imposed and the districts created by the Zoning Ordinance may be amended from time to time by the City Council but no such amendments shall be made without public hearing before the Planning and Zoning Commission and the City Council after a report has been made upon the amendment by the Planning and Zoning Commission. At least seven (7) days notice of the time and place of each hearing shall be published in a newspaper having general circulation in the City.

Upon holding the hearing, but prior to making a recommendation, the Planning and Zoning Commission shall determine the following:

1. Whether or not the current district classification of the property to be rezoned is valid.
2. Whether there is a need for additional land zoned for the purpose requested.
3. Whether the proposed change is consistent with the current land use plan or policy.
4. Whether the proposed change would result in a population density or development which would in turn cause a demand for services or utilities in excess of the capacity planned for the area.
5. Whether the proposed change would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity. When the proposed change is expected to result in generating excess traffic beyond the

capacity of the existing or planned streets in the vicinity, the Commission may provide the City Council with recommendations on upgrading streets.

As part of an ordinance amendment changing land from one zoning district to another zoning district, the Planning and Zoning Commission may recommend, and the City Council may impose, conditions on a property owner which are in addition to existing regulations. Such conditions shall only limit the permitted uses listed for the area proposed for rezoning. The imposed conditions shall be agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change.

In case the Planning and Zoning Commission does not approve the change or, in the case of a protest filed with the City Council against a change in district boundaries signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change or of those immediately adjacent thereto and within two hundred (200) feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all the members of the City Council.

165.40 Application For Change Of Zoning District Boundaries.
An application requesting a change in the zoning district boundaries as shown on the Official Zoning Map shall be submitted by the property owner or owners. Such application shall be filed with the Zoning Administrator accompanied by a fee of **twenty-five (\$25.00) dollars** and shall contain the following information:

1. The legal description and local address of the property.
2. The present zoning classification and the zoning classification requested for the property.
3. The existing use and proposed use of the property.
4. The names and addresses of the owners of all property within two hundred (200) feet of the property for which the change is requested.
5. A statement of the reasons why the applicant feels the

present zoning classification is no longer valid.

6. A plat showing the location, dimensions, and use of the applicant's property and all property within two hundred (200) feet thereof, including streets, alleys, railroads, and other physical features.

All fees shall be deposited to the General Revenue Fund of the City of Cascade, Iowa. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

ARTICLE 4 GENERAL PROVISIONS

165.41 Definitions. For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; and the word "shall" is mandatory and not directory.

1. Accessory Use of Building: A use or structure subordinate to the principal use of a building or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal building or use of land. An "accessory use" includes but is not limited to the following:
 - A. A children's playhouse, garden house and private greenhouse;
 - B. A garage, shed or building for domestic storage;
 - C. Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by district regulations;
 - D. Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities, unless such storage is excluded by district regulations;
 - E. Off-street motor vehicle parking areas, and loading and unloading facilities;
 - F. Signs, as permitted and regulated in each district incorporated herein;
 - G. Swimming pool, private, in residential districts for use by the occupants of the residence or building and their guests;
 - H. Public utility communications, electric, gas, water and sewer lines, their supports and incidental equipment;
 - I. Where a substantial part of the wall of an accessory building is a part of the wall of the main building, or where an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as part of the main

building.

2. Apartment: An apartment is a room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are three or more such rooms or suites.
3. Apartment House: A building arranged, intended, or designed to be occupied by three or more families living independently of each other.
4. Alterations, Structural: Any change in the supporting members of a building such as bearing wall, columns, beams, or girders.
5. Basement: A story having part but not more than one half its height below grade. A basement is counted as a story for the purpose of height regulation.
6. Bed and Breakfast Home: As established in Chapter 137B , Code of Iowa, a private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than two guest families are lodged at the same time and which, while it may be advertised and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.
7. Boarding House: A building other than hotel where, for compensation and by arrangement, meals or lodging and meals are provided for three (3) or more persons.
8. Building (Structure): Anything constructed, erected, or built, the use of which requires more or less permanent location on the ground and designed for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind, including but without limiting the generality of the foregoing, installations such as signs, billboards, radio towers, and other facilities not designed for storage of property or occupancy by persons.
9. Building, Height of: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
10. Cellar: A story having more than one-half (1/2) of its

height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

11. Commission: The Planning and Zoning Commission of Cascade, IA.
12. Dwelling Unit: Any building or portion thereof which is designed for and used exclusively for residential purposes. The dwelling unit shall be constructed in compliance with the Uniform Building Code, the Uniform Plumbing Code, the Uniform Mechanical Code and the National Electrical Code or with the One- and Two-Family Dwelling Code, each with certain amendments as adopted as the Iowa State Building Code. A dwelling unit shall have a minimum width of twenty-two (22) feet at its shortest side, have a minimum 4/12 roof pitch, and meet the minimum lot and yard requirements contained in this Ordinance. Additionally, a dwelling unit shall be placed on a permanent full foundation and taxed as real property.
13. Dwelling, Single-Family: A building designed for or occupied by one (1) family.
14. Dwelling, Two-Family: A building designed for or occupied exclusively by not more than two (2) families.
14. A Dwelling, Zero-Lot Line Single Family Attached: A residential building other than a mobile home, designed for occupancy for one family only, which physically adjoins one other matching residential single family dwelling unit across an abutting side lot line, with each unit occupying its own parcel.
15. Dwelling, Multiple: A building designed for or occupied exclusively by more than two (2) families.
16. Factory Built (Modular Houses): shall mean a building and a structure built at a factory and inspected for compliance with the Uniform Building Code, the Uniform Plumbing Code, the Uniform Mechanical Code and the National Electrical Code or with the One- and Two-Family Dwelling Code, each with certain amendments as adopted as the Iowa State Building Code and mandatory for all such structures placed in Iowa. Compliance is evidenced by a seal issued by the State Building Code Commissioner and attached to the house and accompanied by a copy of the Manufacturer's Certificate of

Compliance.

A certified modular home shall be permitted anywhere a site-built or prefabricated site-erected building is permitted whether meeting the same code requirements or not. A modular house may be placed on a lot or parcel if it meets all criteria which would apply to a site-built dwelling on the same lot, in accordance with this Ordinance, and including, but not limited to, front, rear and side yards and minimum square footage for the lot. A modular house is not a mobile home or a factory home add-on unit.

17. Family: One or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel.
18. Family Home: A community-based residential home which is licensed as a residential care facility under the Code of Iowa, presently Chapter 135C, or as a child foster care facility under the Code of Iowa, presently Chapter 237, to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under the Code of Iowa, presently Chapter 237.
19. Farm: An area which is used for the growing of the usual farm products such as vegetables, fruits, and grains, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities and such accessory uses do not include the feeding of garbage or offal to swine or other animals, or commercial feeding of animals or poultry in confined lots or buildings.
20. Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

21. Garage, Community. A garage used exclusively for the parking and storage by residents of nearby dwelling units, which is not operated as a commercial enterprise and is not available to the general public, and which is owned, leased or cooperatively operated by such residents.
22. Garage, Private: An accessory building or an accessory portion of the principle building, including a carport, which is intended for and used for storing the privately owned motor vehicles, boats and trailers of the family or families resident upon the premises, and in which no business service by industry connected directly or indirectly with motor vehicles, boats and trailers is carried on; provided that not more than two-thirds of the parking spaces therein may be rented for the storage of motor vehicles, boats, and trailers of persons not resident on the premises, except that all the parking spaces in a garage of one, two, or three car capacity may be so rented.
23. Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.
24. Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade.
25. Home Occupation: An occupation or a profession which:
 - a) Is customarily carried on in a dwelling unit, and
 - b) Is carried on by a member of the family residing in the dwelling unit, and
 - c) Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and
 - d) Does not employ more than one person outside the immediate family, and
 - e) Has no exterior display, no exterior storage of

materials and no other exterior indication of the Home Occupation or variation from the residential character of the principal building, and

- f) Does not occupy more than 30 percent of the area of one floor of the dwelling unit, and
 - g) Has not more than one (1) exterior sign mounted flush with the face of the building, which sign shall not exceed three (3) square feet in area.
 - h) Produces no offensive noise, vibration, smoke, dust, odors, heat or glare rendering such building or premises objectionable or detrimental to the residential character of the neighborhood.
 - i) Home occupations include professional offices, minor repair services, photo and art studios, dress making, teaching, barber and beauty shops, baby sitting, and other similar uses as determined by the Planning and Zoning Commission. However, home occupations shall not include transit homes, restaurants, or similar uses.
26. Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.
27. Junk Yard: Any area where waste, discarded, or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, stored, abandoned, or handled, including the dismantling or "wrecking" of automobiles or other vehicles or machinery, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.
28. Kennel: An establishment where dogs are boarded for compensation or where dogs are bred or raised for commercial purposes or sale.
29. Loading Space: A space within the main building or on the same lot providing for the standing, loading or unloading of trucks, having minimum dimension of twelve (12) by thirty-five (35) feet and vertical clearance of at least fourteen (14) feet.

30. Lot: A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings officially approved and having its principal frontage upon a dedicated street. The boundaries of the lot shall be determined by its lot lines.
31. Lot, Corner: A lot abutting upon two (2) or more streets at their intersections.
32. Lot, Depth of: The mean horizontal distance between the front and rear lot lines.
33. Lot, Double Frontage: A lot having a frontage on two (2) non intersecting streets, as distinguished from a corner lot.
34. Lot, Interior: A lot other than a corner lot.
35. Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Dubuque County, Iowa or Jones County, Iowa.
36. Lot Width: The width of a lot measured at the building line and at right angles to its depth.
37. Lot, Reversed Corner: A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.
38. Mini-Warehouse: A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.
39. Mobile Home or House Trailer: Means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons, but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. Mobile homes are structures defined in rule 680-16.620(3) (103A), State Building Code. This does not include travel trailers or camping trailers as defined in this Ordinance.

Any mobile home in place outside a mobile home park after March 11, 1991 and not complying with the standards required

for mobile homes since July, 1976, under the State Building Code shall not be permitted to be converted to real estate under Section 135D.26, Code of Iowa. Only mobile homes complying with the standards of safety and construction required since 1976 with a medallion and certificate of compliance may be placed outside a mobile home park after the effective date. The owner of any mobile home converted to real estate under Section 135D.26, Code of Iowa, and this section, shall comply with all requirements of Section 135D.26 within 30 days after attachment to or placement upon a permanent foundation.

40. Mobile Home Park or Trailer Camp: Means any site, lot, field, or tract of land upon which two or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of such mobile home park. The term "mobile home park" shall not be construed to include mobile homes, buildings, tents, or other structures temporarily maintained by an individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.
41. Mobile Home Subdivision: A subdivision created for the purpose of and restricted to the sale or lease of individual lots for occupancy by independent mobile homes and having public streets, utilities, and other public facility installations approved by the City Council in accordance with the Subdivision Regulations of the City of Cascade, IA.
42. Nursing Home: A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept and provided with food, or shelter and care, for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.
43. Parking Space: A surfaced area, enclosed in the main building or in any accessory building, or unenclosed, having an area of not less than one hundred and eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress for automobiles.

44. Permanent Foundation: A site built or site-assembled system of stabilizing devices capable of transferring design dead loads and live loads required by Federal and State regulations, and other design loads unique to local home sites, wind, seismic, soil, and water site conditions that may be imposed on a structure. The foundation shall be attached to footings at least fifty-four (54) inches below the final finished grade at the foundation, and any backfill should be properly compacted to prevent excessive frost penetration. Footing shall be at least twelve (12) inches wide and six (6) inches thick. All foundation materials shall be approved by Sections 25, 26 or 29 of the Uniform Building Code Standards dated 1991 or as revised.
45. Place: An open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.
46. Retail Business: Establishments engaged in providing services, or selling goods or merchandise to the general public for personal or household consumption.
47. Sign: Any structure or part thereof or device attached thereto or painted, or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard" but does not include the flag, pennant or insignia of any nation, state, city or other governmental subdivision or of any political, education, a charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event. All signs shall be subject to Zoning District Regulations and Supplementary District Regulations as they apply.
48. Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.
49. Story, Half: A partial story under a gable, hip or gambrel

roof, the wall plates of which on at least two opposite exterior walls are not more than three (3) feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

50. Street: A public or private thoroughfare which affords the principal means of access to abutting property.
51. Structure (Building): Anything constructed, erected, or built, the use of which requires more or less permanent location on the ground and designed for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind, including but without limiting the generality of the foregoing, installations such as signs, billboards, radio towers, and other facilities not designed for storage of property or occupancy by persons.
52. Travel Trailer or Camping Trailer: A vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicles to be used as a place of human habitation by one or more persons. Said vehicle may be up to 8 feet in width and any length provided its gross weight does not exceed 4,500 pounds, which shall be the manufacturer's shipping or the actual weight provided its over-all length does not exceed 28 feet. Such vehicle shall be customarily or ordinarily used for vacation or recreation purposes; if used as a place of human habitation for more than 90 days in any 12-month period, it shall be classified as a mobile home, regardless of the size and weight limitation provided herein. This definition shall also include house cars and camp cars having motive power and designed for temporary occupancy as defined herein.
53. Trailer Camp or Tourist Camp: An area providing spaces for two or more travel trailers, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public.
54. Yard: An open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the ground upward except as otherwise provided herein. In measuring a yard for

the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot lines and the main building shall be used.

55. Yard, Front: A yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projection thereof other than the projection of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where the owner shall elect to front his building on the street parallel to the lot line having the greater dimensions.
56. Yard, Rear: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.
57. Yard, Side: A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereto.

165.42 Separability Clause: Should any section or provision of this Ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not effect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

165.43 Repeal Of Conflicting Ordinances: 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.

165.44 Effective Date: THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AFTER ITS PASSAGE AND PUBLICATION AS PROVIDED BY LAW.