

**CITY OF LE GRAND, IOWA**

**ZONING ORDINANCE**

Recommended for Adoption by the  
Le Grand Zoning Commission on January 28, 2019,  
After a Public Hearing, on January 28, 2019

Adopted by  
Le Grand City Council  
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Prepared by the  
Region 6 Planning Commission, 903 E Main Street, Marshalltown, IA 50158

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## **Chapter 1**

### **TITLE, PURPOSE, NATURE, AUTHORITY, IOWA OPEN MEETING LAW AND DEFINITIONS**

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#### 1.1 Title.

This Ordinance shall be known as and may be referred to and cited as the “Zoning Ordinance of the City of Le Grand, Iowa.”

#### 1.2 Purpose.

The various use districts, which are created by this Ordinance and the various articles and sections of this Ordinance, are adopted for the purpose among others of:

1. Carrying out the Comprehensive Plan for the City of Le Grand, Iowa;
2. Promoting the public health, safety, morals, comfort, general welfare, and preserving the natural, scenic and historically significant areas of the City;
3. Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities, which have similar needs.
4. Encouraging such distribution of population, classification of land use, and distribution of land development throughout the City that will tend to facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;
5. Lessening, or avoiding congestion in public streets and highways;
6. Protecting against fire, explosion, noxious fumes, flood, panic, and other dangers in the interest of public health, safety, comfort, and general welfare;
7. Helping to ensure that all residential, commercial, and manufacturing structures as well as other types of structures will be accessible to fire fighting and other emergency equipment.
8. Prohibit the formation or expansion of nonconforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district;
9. Promoting the development of residential neighborhoods which are free of noise, dust, fumes and heavy traffic volumes in which each dwelling unit is assured of light, air, and open spaces;
10. Helping to prevent land development activities, which lead to roadside blight, and to minimize the effects of nuisance-producing activities;
11. To prevent, whenever possible, land boundary disputes or real estate title problems;
12. Promoting and guiding the continued growth and expansion of the City while protecting the natural, economic, historic and scenic resources of the City; Conserving the taxable value of land and buildings throughout the City; and Defining the powers and duties of the zoning officer and other bodies as provided herein.

#### 1.3 Nature.

This Ordinance classifies and regulates the use of land, buildings and structures within the corporate limits of the City of Le Grand, Iowa, and hereinafter set forth. The regulations contained herein are necessary to promote the health, safety, convenience, morals and welfare of the inhabitants, and to preserve the natural, scenic and historically significant areas of the City by dividing the City into zoning districts and regulating therein the use of the land and the use and size of the buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population.

#### 1.4 Authority.

This title, in pursuance of the authority granted by the Revised Statutes of the State of Iowa, Chapter 414, Section 1, shall be known and cited as the "Zoning Ordinance of the City of Le Grand, Iowa."

#### 1.5 Iowa Open Meetings Law.

The Le Grand City Council, Zoning Commission and Board of Adjustment, which are public bodies, are subject to the terms, regulations, and restrictions of the Iowa Open Meeting Law, Chapter 21 of the Code of Iowa as amended. Wherever in this Ordinance a conflict appears between the Ordinance and the open meeting law, the open meeting law shall control.

#### 1.6 Definitions

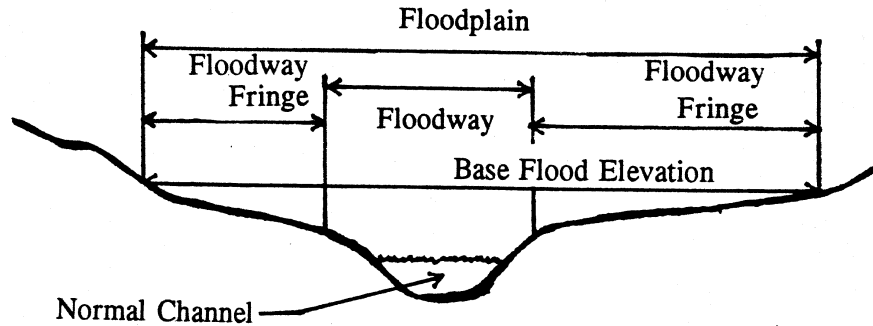
For the purpose of this title and in order to carry out the provisions contained herein, certain words, terms, phrases, and illustrations are to be interpreted and defined herein. Words used in the present tense shall include the future

tense; the singular number includes the plural, and the plural number includes the singular. The word "lot" includes the word "plot" or "parcel" and the word "building" includes "structure." The word "shall" is mandatory, and the word "may" is permissive. The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customarily assigned to them.

1. "Accessory building" or use is a building or use of the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use.
2. "Alterations, Structural" "Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
3. "Apartment" means 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.
4. "Appeal" a request for review by the Board of Adjustment of the Zoning Administrator's interpretation of any provision of this Ordinance.
5. "Auto Body Repair Shop" any building, structure or land use for automobile body repair, restoration, and painting.
6. "Board of adjustment" shall mean the zoning board of adjustment of the City of Le Grand, Iowa.
7. "Building height," means 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.
8. "Building Line" a line on a plat between which said line and street, alley, or private place no building or structure may be erected.
9. "Carport" shall mean a portion of a principal residential building or an accessory building to a residential use designed to be utilized for the shelter of one or more motor vehicles, which is open (unenclosed) on two or more sides including on the vehicular entry side, and which is covered with a solid roof.
10. "Child Care Center (Institutional)" Any established institution, such as a church or nonprofit organization, which receives three (3) or more children under the age of sixteen (16) years for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation. An institutional child care center shall not be conducted in a dwelling unit or private home.
11. "Child Care Center (In-Home)" An organization located in a dwelling unit, or private home, which provides care services for children under the age of sixteen (16) years for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation. For the purposes of this Ordinance, a child care center operated in the home shall be considered a "home occupation" and shall follow the provisions outlined in this Ordinance.
12. "Clinic" means a building or buildings used by physicians, dentists, veterinarians, osteopaths, chiropractors and allied professions for out-patient care of persons requiring such professional service.
13. "Comprehensive Plan" The general plan outlining the development of the community, which may also be titled or referred to as the master plan, comprehensive land use plan or some other title, which has been adopted by the City Council. Said Comprehensive Plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
14. "Convenience Store" A retail store that is designed and stocked to sell primarily food, beverages, fuel, and other household supplies to customers who purchase only a relatively few items. It is designed to attract and depends on a large volume of stop-and-go traffic.
15. "Court" An open, unobstructed, and unoccupied space other than a yard which is bounded on two (2) or more sides by a building on the same lot.
16. "Deck" An outdoor structure that is attached or unattached to a house or accessory building which is generally constructed of wood or structurally approved materials and used for recreational or relaxation purposes. A deck is not an accessory building unless it is a minimum of five (5) feet away from other buildings or structures. An attached deck shall be considered part of the principal building for setback measurement purposes.
17. "Development" Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.
18. "District" A section or sections of the City within which certain uniform regulations and requirements governing the use of buildings and premises or the height and areas of buildings and premises are enforced.

19. "Driveway" means a private roadway, providing access for vehicles to a parking space, garage, dwelling or other structure.
20. "Dwelling" is any building or portion thereof which is designed for, or used for, residential purposes and is not less than twenty-four feet in width. Does not include a tent, cabin, trailer, or mobile home.
21. "Dwelling, Attached" A dwelling that is physically attached by a common roof, wall, or floor to another dwelling or accessory building.
22. "Dwelling, Condominium" a multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each owner having an undivided interest in the common real estate.
23. "Dwelling, Rowhouse or Townhouse" Any one of two (2) or more attached dwellings in a continuous row, each dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.
24. "Dwelling unit" is a dwelling which consists of one (1) or more rooms which are arranged, designed, or used as living quarters for one (1) family only.
25. "Dwelling, Single-Family" is a detached residential dwelling unit, other than a mobile home, designed for occupancy by one (1) family only.
26. "Dwelling, Two-Family" is a detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families with separate housekeeping and cooking facilities for each.
27. "Dwelling, Multiple-Family" is a residential building designed for occupancy by three (3) or more families, with separate housekeeping and cooking facilities for each.
28. "Dwelling, detached" means a dwelling, which is not attached to any other dwelling, by any means. The detached dwelling does not have any roof, wall, or floor in common with any other dwelling unit.
29. "Exotic Animals" Domesticated animals kept for commercial or personal purposes that are not common domesticated animals including, but not limited to: emus, ostriches, llamas, monkeys, snakes, spiders, chinchillas, and mink.
30. "Family" means one (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or adoption, no such family shall contain over eight (8) persons.
31. "Family home" means a community-based residential home which is licensed as a residential care facility under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. A "family home" does not mean an individual foster care family as licensed under Chapter 237 of the Code of Iowa.
32. "Farm or Farmland" means a parcel of land used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of livestock.
33. "Farm animal" means the production, keeping or maintenance for sale, lease or personal use of animals useful to humans, including but not limited to: dairy animals, poultry, livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; and fur animals but not including rabbits kept as pets.
34. "Feedlot" means any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs, sheep or poultry. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.
35. "Fence, residential" means a barrier and/or structure erected in an "R" district intended to provide security, mark a boundary or as a means of landscaping with the centerline of said barrier to be located one foot away from the designated property line. Such fence shall be constructed of materials commonly used for landscape fencing such as masonry block, lumber, and chain link, but shall not include corrugated sheet metal, barbed wire, or salvage material.
36. "Fence, nonresidential" A barrier and/or structure erected in a district other than an "R" district intended to provide security, mark a boundary, or as a means of landscaping with the centerline of said barrier to be located one foot away from the designated property line provided no such fence is constructed of salvaged material or uses barbed wire closer than six (6) feet to the ground except a fence used purely for agricultural purposes. Such fence shall be constructed of materials commonly used for landscape fencing such as masonry block, lumber, and chain link, but shall not include corrugated sheet metal, barbed wire, or salvage material. Barbed wire is allowed in zoned A-1 areas.
37. "Floodplain" The channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater. See Figure 1 below.

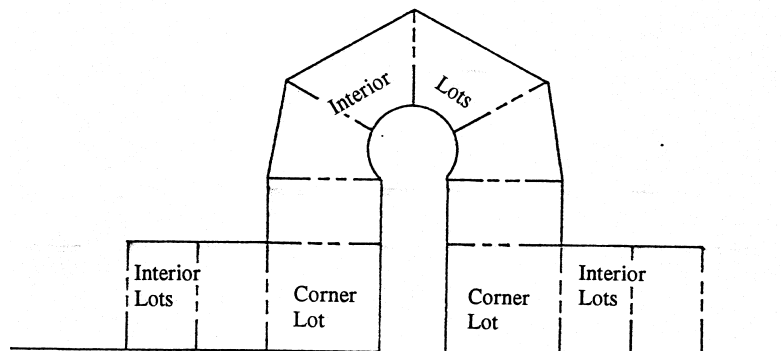
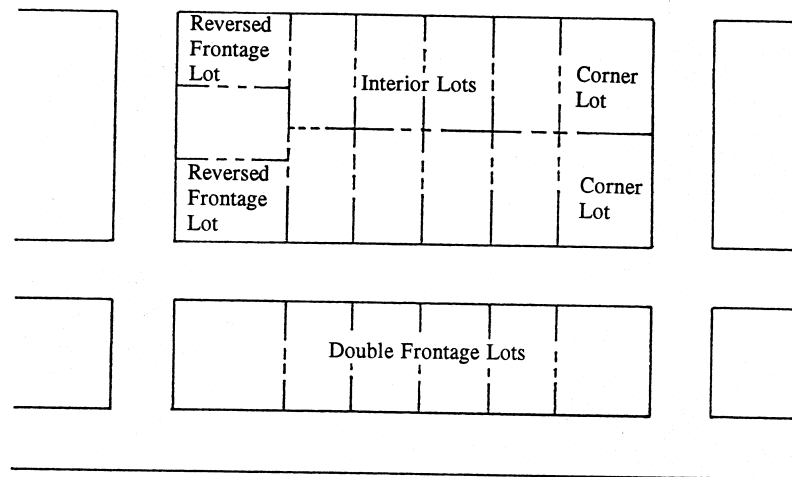
**Figure 1: Floodplain Definitions**



38. "Frontage" That side of a lot abutting on a street; the front lot line.
39. "Garage, Attached" An attached structure designed or used for the storage of motor-driven vehicles owned and used by the occupants of the primary building.
40. "Garage, Detached" A detached accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the primary building.
41. "Governing Body" The City Council of the City of Le Grand, Iowa.
42. "Group care facility" A facility, which provides resident services to seven (7) or more individuals of whom one or more, are unrelated. These individuals are handicapped, aged or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category includes any licensed or supervised federal, state or county health/welfare agencies, such as group homes (all ages), halfway houses, resident schools, resident facilities and foster or boarding homes.
43. "Home Industry" An occupation or profession conducted entirely within an enclosed accessory building(s) and/or an attached garage of a dwelling unit that is clearly incidental and secondary to the residential occupancy and does not change the character thereof.
44. "Home Occupation" An occupation or profession conducted entirely within an enclosed dwelling unit that is clearly incidental and secondary to residential occupancy and does not change the character thereof.
45. "Hotel" A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or rooming house
46. "Household" A family living together in a single dwelling unit, with common access to and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.
47. "Improvements" Changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, storm sewers, sanitary sewers, drainage ways, and other public works and appurtenances.
48. "Junk or Salvage" All old or scrap copper, brass, lead, broken glass, rope, rags, batteries, paper trash, tires and rubber, debris, waste, tin-ware, plastics, appliances, furniture, equipment, building demolitions materials including wood and lumber, structural steel materials, or similar materials. This definition shall also include junked, dismantled, or wrecked motor vehicles, or parts of motor vehicles, and iron, steel, or other scrap ferrous or nonferrous material.
49. "Junkyard" means any area where waste, discarded or salvaged materials are bought, sold, exchanged, stored or abandoned, baled or packed, disassembled, or handled, including the dismantling or "wrecking" of automobiles or other vehicles or machinery, house wrecking yards, house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.
50. "Junk Vehicle" As defined in Chapter 51 of the Le Grand Code of Ordinances.

51. "Kennel, Dog Commercial" means any parcel of land on which three (3) or more dogs, six (6) months old or older are kept for the purposes of breeding, grooming, boarding or other activities associated with the care of dogs for commercial purposes.
52. "Kennel, Dog Private" means any parcel of land on which three (3) or more dogs are kept, however, this shall not include breeding, grooming, boarding or other activities associated with the care of dogs other than the owner's dogs.
53. "Livestock," an animal belonging to the bovine, caprine, equine, poultry, ovine or porcine species; farm deer, as defined in § 481A.1 of the Code of Iowa; ostriches, rheas, emus
54. "Lot area" The total area within the lot lines of a lot, excluding any street rights-of-way. (See Figure 2.)
55. "Lot Corner" means a lot abutting upon two (2) or more streets at their intersections.
56. "Lot depth," means the mean horizontal distance between the front and rear lot lines. (See Figure 2.)
57. "Lot, Double Frontage" means a lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.
58. "Lot frontage" the length of the front line measured at the street right-of-way line. (See figure 2)
59. "Lot, Interior," means a lot other than a corner lot.
60. "Lot line" A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.(See Figure 2)
61. "Lot line, rear" The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. (See Figure 2.)
62. "Lot lines, side" Any lot line other than a front or rear lot line. (See Figure 2)
63. "Lot, minimum area" The smallest lot area established by the Zoning Ordinance on which a use or structure may be located in a particular district.
64. "Lot of record" means a lot which is a part of a subdivision, the plat of which has been recorded in the office of the county recorder of the county in which it is located.
65. "Lot width," means the width of a lot measured at the building line and at right angles to its depth. (See Figure 2)

**Figure 2: Examples of Lot Definitions**



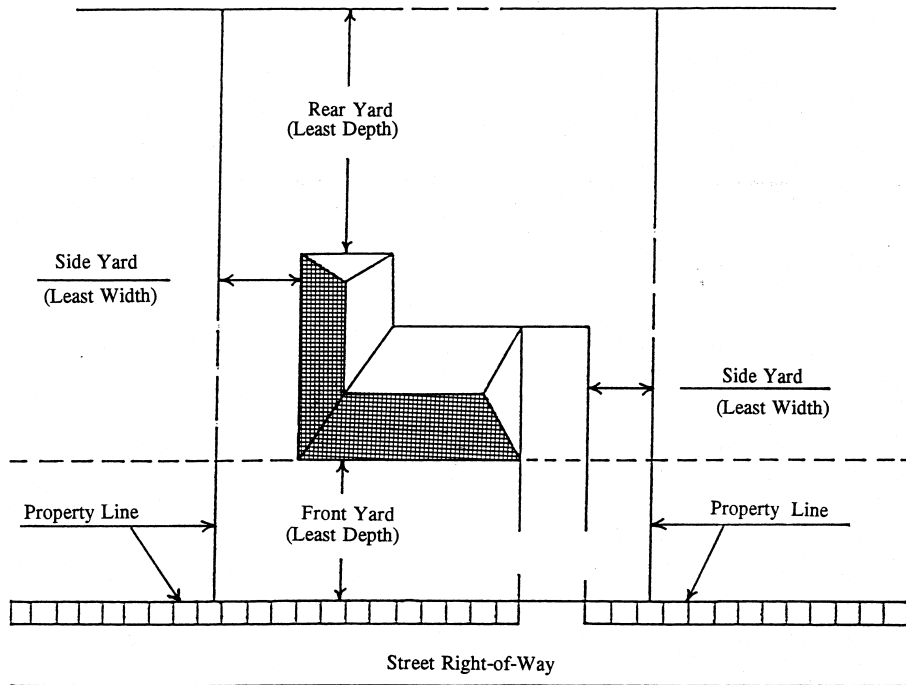
66. "Manufactured Home" A single-family structure which is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. The home shall also be converted to real estate and taxed as such, as required by Chapter 435 of the Iowa Code. For the purposes of this Ordinance, a manufactured home may also be known as a modular home. The principal portion of such building shall have a continuous and complete frost protected perimeter foundation. A manufactured home as defined in this ordinance shall be placed upon piers per the manufacturer's requirements but said home must meet the foundation requirements contained herein, namely it shall also have a complete permanent perimeter frost protected foundation with piers. The building shall have for the exterior wall covering either:
- i. Wood or masonry finish, or its appearance, and/or
  - ii. Vertical or horizontal grooved siding or lap siding, or its appearance.
67. "Mobile home" A structure, transportable in one or more sections, which is at least eight feet in width and thirty-two feet in length, which is built on a permanent chassis and designed to be used as a dwelling unit.
68. "Motor Court or Motel" is a building or group of buildings used primarily for the temporary residence of motorists or travelers with parking facilities conveniently located to each unit, and may include accessory facilities such as swimming pool, restaurant, meeting rooms, etc.
69. "Nonconforming Building" A building which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is situated.
70. "Nonconforming Use" A use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is situated
71. "Owner" The legal entity holding title to the property, or such representative or agent as is fully empowered to act on its behalf.
72. "Parcel" A part of a tract of land.
73. "Parking Lot" A parcel of land devoted to unenclosed parking spaces.
74. "Parking Space" A surfaced area, enclosed in the principal building, an accessory building, or an unenclosed area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.
75. "Sidewalk" A paved or surfaced area, paralleling and usually separated from the street, used as a pedestrian walkway.
76. "Sign" means any structure or part thereof or device attached thereto or painted, or represented thereon, which displays or includes any letter, work model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. Sign includes "billboard" but does not include the flag, pennant or insignia of any nation, state, City or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.
77. "Site plan" A plan (to scale) showing uses and structures proposed for a parcel of land as required by the regulations involved.
78. "Special Exception" A listed use that may not be in exact compatibility with other principal permitted uses of a zoning district, but which may be allowed according to the provisions and requirements of this Ordinance by the Board of Adjustment.
79. "Structure" Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards and poster panels.
80. "Structural Alteration" Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
81. "Towers" Any radio, television, telephone, short-wave, cellular telephone, wind generation, or microwave antenna or tower.
82. "Utilities" Systems for the distribution or collection of water, gas, electricity, wastewater, stormwater, telephone and cablevision.
83. "Variance" A grant of relief considered by the Board of Adjustment to an applicant from the terms of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific



enforcement would result in unnecessary hardship.

84. "Violation" An intentional or deliberate failure of a structure or other development to be fully compliant with the provisions of this Ordinance.
85. "Yard, front" A yard extending across the full width of the lot and measured between the front lot line and the building.
86. "Yard, Rear" means 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. (See Figure 3.)
87. "Yard, Side" means 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 projections thereto. (See Figure 3.)
88. "Zero Lot Line" means the location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line.
89. "Zoning Administrator" The administrative officer designated or appointed by the City Council to administer and enforce the regulations contained in this Ordinance.

**Figure 3: Yard Definitions**



## **Chapter 2**

### **ESTABLISHMENT OF DISTRICTS, ZONING MAP, RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES, ANNEXED TERRITORY**

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#### 2.1 Establishment of Districts.

For the purposes of this Ordinance, the City of Le Grand is hereby organized into the following zoning districts:

- A-1 Agricultural District;
- R-1 Single-Family Residential District;
- R-2 Multi-Family Residential District;
- R-3 Mobile Home Residential District;
- C-1 Light Commercial District;
- C-2 Heavy Commercial District;
- FP Floodplain Overlay District

#### 2.2 Zoning Map.

The location and boundaries of the zoning districts established by this title are set forth on the map entitled "Zoning Map" which is located in the Le Grand City Hall and made a part of this title. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this title as though fully set forth and described herein.

#### 2.3 Rules for Interpretation of District Boundaries.

Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the zoning map, the following rules shall apply:

1. Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the center lines of such streets, highways or alleys;
2. Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to follow said boundary lines;
3. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines;
4. Boundaries shown as following or approximately following the center lines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel center line of such water courses taken at a mean low water mark;
5. Boundaries shown as following or closely following the City limits of Le Grand shall be construed as following such City limit lines;
6. 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, the Board of Adjustment shall interpret the district boundaries;
8. Whenever any street, alley or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classifications of the vacated land.

#### 2.4 Annexed Territory.

All territory, which may hereafter be annexed to the City of Le Grand, shall be classed automatically as being in an "A-1" Agricultural District until such classification shall have been changed by amendment of this Ordinance as provided hereafter.

**Chapter 3**  
**GENERAL PROVISIONS**

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3.1 Zoning Affects Every Structure.

Except as hereinafter provided, no building, structure, or land shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired, except in conformity with the regulations herein specified for the class of District in which it is located.

3.2 Minimum Street Frontage, Lot of Record, Number of Buildings on Lot and Lots Unserved by Sewer or Water.

1. Minimum Street Frontage. No lot shall be created after the adoption of this Ordinance unless it abuts at least thirty (30) feet on a public street.
2. Lot of Record: in any Residential District on a lot of record at the time of enactment of this Ordinance, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this Ordinance are met.
3. Further, where two (2) or more contiguous recorded lots are held in common ownership, they may be combined into a zoning lot and shall thereafter be maintained in common ownership by deed restriction and shall be so joined and developed for implementing this section. The razing of a building on a substandard lot shall constitute the formation of a vacant lot.
4. Lots Unserved by Sewer and/or Water. In any residential district where neither public water supply nor public sanitary sewer is reasonably available, one (1) single dwelling may be constructed, provided the otherwise specified lot area and width requirements shall be a minimum of two (2) acres.

3.3 Bulk Requirements.

1. All new buildings shall conform to the building regulations established herein for the district in which each building shall be located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict or to further conflict with the bulk regulations of this title for the district in which such buildings shall be located.
2. Minimum bulk requirements are listed on Table 1, Bulk Requirements, Le Grand, Iowa, on the following pages.

**Table 1: Bulk Requirements.**

District Use	Maximum Building Height	Minimum Building Width	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Side Yard on a Corner Lot	Minimum Rear Yard
<b>A-1 Agricultural</b>								
Single Family	---	20 Ft.	1 Acre	150 Ft.	30 Ft.	20 Ft.	30 Ft.	30 Ft.
Other Permitted Uses	---	20 Ft.	1 Acre	150 Ft.	30 Ft.	20 Ft.	30 Ft.	30 Ft.
<b>R-1 Single-Family Residential</b>								
Single Family and Two-Family	35 Ft.	20 Ft.	6,000 Sq. Ft.	60 Ft.	30 Ft.	4 Ft.	30 Ft.	4 Ft.
Other Permitted Uses	35 Ft.	20 Ft.	6,000 Sq. Ft.	60 Ft.	30 Ft.	4 Ft.	30 Ft.	4 Ft.
<b>R-2 Multi-Family Residential</b>								
Single Family and Two-Family	35 Ft.	20 Ft.	6,000 Sq. Ft.	60 Ft.	30 Ft.	4 Ft.	30 Ft.	4 Ft.
Multi-Family	50 Ft.	20 Ft.	6,000 Sq. Ft. plus 1,000 Sq. Ft. for each unit beyond 2 units	60 Ft.	30 Ft.	4 Ft.	30 Ft.	4 Ft.
Other Permitted Uses	50 Ft.	20 Ft.	6,000 Sq. Ft.	60 Ft.	30 Ft.	4 Ft.	30 Ft.	4 Ft.
C-1 Light Commercial	50 Ft.	20 Ft.	40 Ft. in width 50 Ft. in depth	40 Ft.	5 Ft.	3 Ft. if provided	3 Ft. if provided	10% of the depth of the lot
C-2 Heavy Commercial	50 Ft.	20 Ft.	40 Ft. in width 50 Ft. in depth	40 Ft.	5 Ft.	3 Ft. if provided	3 Ft. if provided	10% of the depth of the lot

**3.4 Required Yard Cannot be Reduced or Used by Another Building.**

No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by this title, and if already less than the minimum required it shall not be further reduced. No required open space provided around any building or structure shall be included as part of any open space required for another building or structure.

**3.5 Yard and Parking Space Restriction.**

No part of any yard, or 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 title, shall be included as part of yard, open space, off-street parking or loading space similarly required for any other building.

**3.6 Public Right-of-Way Use.**

No portion of the public 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 title, or for any other purpose that would obstruct the use or maintenance of the public right-of-way. No structure, building, sign, fencing or landscaping shall be placed in an easement. The City will not bear any responsibility, financial or otherwise, for moving or reconstructing any of these types of structures when access is required to an easement

**3.7 Height Exceptions.**

The height limitations contained in Chapter 3.3 do not apply to spires, belfries, cupolas, chimneys, antennas, water

tanks, ventilators, elevator housing or other structures placed above roof level and not intended for human occupancy.

### 3.8 Essential Services.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the community. With the exception of buildings and telecommunication towers, it is the intent to exempt such essential services from the application of this Ordinance. Associated buildings and telecommunication towers must be located in the appropriate Zoning District, and must abide by the corresponding requirements thereof.

### 3.9 Access Required.

Every building hereinafter erected or structurally altered shall be accessible from a public right-of-way, either directly or by easement.

### 3.10 Fences.

For the purposes of this ordinance, fences shall not be classified as a structure but shall be deemed a separate and distinct use of the land so as to allow their placement on a portion of a lot in which a structure or accessory building may not be allowed. The following regulations shall apply to fences:

1. No fence shall be constructed within the city limits of Le Grand, Iowa, until a building permit has been obtained from the Zoning Administrator. Building permit fees for fence construction shall be \$25 (twenty-five). Fences shall be subject to the same rules and regulations as other building projects within the City of Le Grand, Iowa. No building permit shall be issued until the Zoning Administrator has determined that all the requirements are met. If there is any disagreement as to where the property line is located, the Zoning Administrator, prior to issuing a building permit, may require the property owner to have a survey of the property done at the owner's expense to make certain that the requirements are met.
2. Property owners may construct a fence on the property line with a written letter of approval from all adjoining neighbors and the letter of approval shall be filed with City Hall. This applies to both residential and commercial districts.
3. All fences shall be constructed so the "finished" side faces away from the owner's property with posts on the inside of the fence.
4. Barbed wire and electric fences shall not be permitted within any district in the City of Le Grand, Iowa.
5. Except in a Commercial District, there shall be provided an unobstructed view across a triangle formed by joining points measured twenty (20) feet distant along the property line from the intersection of two (2) streets or fifteen (15) feet along both the street and the alley line from the intersection of a street and an alley. Within said triangle there shall be no sight obscuring or partly obscuring wall, fence or foliage higher than thirty (30) inches above grade or in the case of trees, foliage lower than five (5) feet.
6. On portions of a lot not covered by street or alley intersection restrictions, the height of fences of any length and foliage continuous for five (5) feet or more shall be limited to forty-eight (48) inches on any street line and the front thirty (30) feet of any side lot line. On all other portions of lot lines, fences, hedges and continuous foliage barriers may not exceed a height of eight (8) feet.
7. Heights of fences, hedges and other continuous foliage shall be measured from the adjacent top of the street curb, surface of an alley or the official established grade thereof, wherever is the higher. On inside lot lines the measurement shall be from the average grade of the lot line of the parcel or property having the lower elevation.
8. The Board of Adjustment may approve, or may direct as a condition for granting an appeal, that fences or plantings of a height in excess of these regulations be placed as screening between different uses, or between like uses upon agreement between the parties affected thereby, provided that no such approval shall have the effect of reducing corner visibility as provided for herein.
9. Fences or foliage may be placed within the required setback in any zoning district at the distance specified from the property line for that district. This shall not exempt a fence or foliage from the corner visibility requirement as specified in (4) above, nor the height restrictions of (5) above.
10. The following required distances from property line and maximum heights shall apply to fences:

**Table 2: Fence Requirements.**

District Use	Front Yard	Side Yard	Street Side Yard	Rear Yard
<b>Residential Districts</b>				
Minimum Distance From Property Line	1 Ft.	1 Ft.	1 Ft.	1 Ft.
Maximum Height	4 Ft.	8 Ft.	8 Ft.	8 Ft.
<b>Commercial Districts</b>				
Minimum Distance From Property Line	1 Ft.	1 Ft.	1 Ft.	1 Ft.
Maximum Height	4 Ft.	8 Ft.	8 Ft.	8 Ft.

**3.11 Accessory Buildings, Structures, and Uses for Residential Districts**

The following provisions in this section shall apply to all accessory buildings constructed within residential districts within the city:

1. An accessory building shall not exceed eighteen (18) feet in height. Height shall be measured from the ground to the highest point of the roof.
2. No accessory building or part thereof shall be located in the front yard.
3. An accessory building located entirely or in part in a side yard shall be erected in conformity with the side yard regulations.
4. An accessory building located entirely in the required rear yard shall not be nearer than four (4) feet to any lot line.
5. Where the rear lot line of a corner lot is the side lot line of the adjoining lot, the side yard regulations of the district shall apply to the location of the accessory building.
6. A carport shall comply with all associated rules governing accessory buildings or structures for residential districts in this section.

**3.12 Prohibited Accessory Buildings, Structures, and Uses**

The following types of accessory buildings shall be prohibited in all districts in the City of Le Grand:

1. Portable containers, converted storage or shipping containers.
2. Structures without a permanent hard weather proof exterior.
3. Structures with nylon or plastic type flexible covers.
4. Arched metal structures.

**3.13 Zero Lots Lines**

All dwellings constructed within the zero lot line development shall be so constructed as to share a common property line with an adjoining parcel or lot. A zero lot line development shall comply with the following standards:

1. The lot for one dwelling unit shall not be lesser than 5,800 square feet. Each dwelling unit lot width shall not be lesser than 40 feet.
2. The minimum side yard on the non-zero lot line side is 8 feet.
3. For zero lot line units, the dwellings and all accessory structures, shall not cover more than 60% of the lot area.

All other standards that apply to single family homes that are not zero lot lines shall apply. No more than two dwelling units shall share a common wall in this district.

**3.14 Adult Entertainment**

1. Not allowed in any commercial or industrial district in the City of Le Grand.

**3.15 Home Occupation Standards**

The following standards and criteria shall apply to home occupations.

1. The home occupation shall be clearly incidental and secondary to the use of the dwelling unit as a residence.
2. The home occupation shall be conducted entirely within an existing dwelling unit.
3. The home occupation shall be conducted by a member(s) of the family residing within the dwelling unit and no

- more than two (2) non-resident employee.
4. There shall be no evidence of such occupation being conducted within the dwelling unit, which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation.
  5. Water, sewer, and waste disposal systems shall be subject to approval of the City Council.
  6. Off-street parking space shall be adequate to accommodate the parking demand generated by the home occupation.
  7. The home occupation shall occupy less than fifty (50) percent of the floor area of the dwelling unit in which it is located.

### 3.16 Home Industry Standards

The following standards and criteria shall apply to home industries.

1. The home industry shall be clearly incidental and secondary to the residential occupancy of a dwelling unit located up on the property.
2. The home industry shall be conducted entirely and confined within an accessory detached building(s) located upon the property.
3. The home industry shall be conducted by a member(s) of the family residing within the dwelling unit located on the property and no more than two (2) non-resident employee.
4. There shall be no evidence of such industry being conducted within the accessory building(s) which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation.
5. Water, sewer, and waste disposal systems shall be subject to approval of the City Council.
6. Off-street parking space shall be adequate to accommodate the parking demand generated by the home occupation. Meet the accessory building requirements outlined in Section 3.3.

### 3.17 Proposed Use Not Covered By Title.

Any proposed use not specifically addressed or listed in this Ordinance as a principal permitted use or special exception shall be referred to the Zoning Commission for a recommendation as to the proper District in which said use should be permitted. The Ordinance shall be amended as provided herein, before a request is made or permit is issued for the proposed use.

### 3.18 Application of Regulations.

The regulations within each district of this Ordinance shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

### 3.19 Validity of Existing Building Permits.

Nothing contained in this title shall require any change in the overall layout, plans, construction, size or designated uses of any development, building, structure or part thereof, for which the official approvals and required building permits have been granted before the enactment of this Ordinance, the construction of which, conforming with such plans, shall have been started prior to the effective date of the title and the completion thereof carried on in a normal manner within the subsequent twelve (12) month period, and not discontinued until completion, except for reasons beyond the builder's control.

### 3.20 Permitted Uses.

1. Use is permitted in all zoning districts for the purposes of the distribution of public utilities. However design and placement of said equipment and devices shall be reviewed by the Zoning Commission and approved by the City Council.
2. All other uses are permitted only as listed under each specific zoning district.

### 3.21 Temporary Special Exceptions.

The following uses may be permitted by a temporary special exception permit, valid for ten (10) days or less to the applicant, subject to the review and approval of the application by the Board of Adjustment:

1. Carnival, circus;
2. Festivals;

3. In determining whether a temporary special exception permit shall be granted, the board of adjustment shall give consideration to the health, safety, morals and comfort of area residents, any adverse impact on land uses, possibility of traffic congestion, harm to public roads, erosion of adjacent property and threat to any source of water supply. Conditions and restrictions as determined necessary to protect the public health, safety, morals, and comfort may be attached to the permit.

3.22 Requirements for Rezoning, Variances and Special Permits.

All petitions for rezoning, special exception, variance, etc. must be in writing, stating the exact legal description of land involved. Said petitions must be received by the Zoning Administrator twenty (20) days prior to a stated or special meeting of the Zoning Commission or Board of Adjustment. A preliminary plat plan shall be submitted with a petition for rezoning for subdivisions.



## **Chapter 4**

### **A-1 AGRICULTURAL DISTRICT**

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#### 4.1 General Description.

The A-1 agricultural district is intended to provide regulations for land situated on the fringe of the urban area that is used primarily for agricultural purposes. Many tracts in this district will be in close proximity to residential, commercial or industrial uses. The purpose of this district is to restrict the permitted uses to those which are compatible with both agricultural uses and developing residential, commercial or industrial uses.

#### 4.2 Principal Uses Permitted

1. Agricultural crops;
2. No feedlots, farm animals or storage of manure or odor-producing substances are permitted
3. Single family detached dwellings, including manufactured homes that comply with all provisions of this ordinance;
4. Churches and temples;
5. Public schools, elementary, junior high and high schools;
6. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes;
7. Public buildings; public, semipublic parks, playgrounds or community buildings;
8. Golf courses and country clubs, miniature courses or driving ranges;
9. Accessory uses and buildings which are customarily incidental to any of the above stated uses, but not involving the conduct of business;
10. Roadside stand for sale of produce raised on the premises;
11. Public buildings and facilities, including essential service buildings; and
12. Home occupations and home industries

#### 4.3 Special Exceptions.

The following special exceptions deemed appropriate on review by the board of adjustment in accordance with provisions contained herein:

1. Hospitals; rest, nursing, convalescent, and family homes; homes for children and aged; off-street parking and yards comparable for other institutional uses to be provided under its chapter;
2. Public utilities;
3. Cemetery or mausoleum;
4. Recreational development for seasonal or temporary use;
5. Extraction of sand, gravel, topsoil or other natural resources provided the land is restored to a condition suitable for the permitted uses of this district;
6. Dog kennels;
7. Greenhouses and plant nurseries operated for commercial purposes;
8. Telecommunications towers and other towers.

#### 4.4 Lot Area, Frontage and Yard Requirements.

In the A-1 agricultural district, lot area, frontage and yard requirements shall be those regulations as specified in Section 3.3.

#### 4.5 Percentage of Lot Covered by Buildings, and Other Structures.

All dwellings or other structures, including accessory buildings, shall not cover more than forty (40) percent of the area of the lot in an A-1 agricultural district. If more than one lot is used, the percentage limitation shall be computed on the combined size of the lots.

#### 4.6 Off-Street Parking.

In the A-1 agricultural district, off-street parking and loading requirements shall be those regulations as specified in Chapter 11.

#### 4.7 Sign Regulations.

In the A-1 agricultural district, sign regulations shall be those regulations as specified in Chapter 12.

## **Chapter 5**

### **R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

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#### 5.1 General Description.

The R-1 Residential District is intended to provide for single-family dwelling structures. The principle use of land may range from single family to duplexes. Certain other uses are permitted which are more compatible functionally with intensive residential uses than with commercial uses. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

#### 5.2 Principal Uses Permitted.

Property and buildings in an R-1 residential district shall be used only for the following purposes:

1. Agricultural crops are permitted on parcels that are undeveloped. Once a parcel is developed into a residential use, the growing of agricultural crops shall be prohibited in an R-1 residential district;
2. Single family detached dwellings, including manufactured homes that comply with all provisions of this ordinance;
3. Two-family rental housing, condominium housing, or townhouse housing;
4. Churches and temples;
5. Public schools, elementary, junior high and high schools;
6. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes;
7. Public, semi-public parks and playgrounds;
8. Libraries;
9. Public bus storage and maintenance facilities;
10. Public buildings and facilities, including essential service buildings;
11. Home occupations and home industries; and
12. Accessory buildings and accessory uses which are customarily incidental to any of the above stated uses, but not involving the conduct of business. Accessory uses shall include private garages and private greenhouses not operated for commercial purposes. Accessory uses shall not involve excessive noise, dust or vibrations.

#### 5.3 Special Exceptions.

The following special exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions contained herein:

1. Family homes, nursing homes, convalescent homes, public buildings, and/or community buildings, with the same off-street parking and yards as those required for other institutional uses;
2. Public utilities;
3. Public swimming pools;
4. Golf courses and country clubs, miniature golf courses, and driving ranges;
5. Private kindergartens and day nurseries, and child care centers;

#### 5.4 Lot Area, Frontage and Yard Requirements.

In the R-1 single-family residential district, lot area, frontage and yard requirements shall be those regulations as specified in Section 3.3.

#### 5.5 Percentage of Lot Covered by Buildings, and Other Structures.

All dwellings or other structures, including accessory buildings, shall not cover more than forty (40) percent of the area of the lot in an R-1 Single Family Residential District. If more than one lot is used, the percentage limitation shall be computed on the combined size of the lots.

#### 5.6 Off-Street Parking.

Each multi-family living unit shall have two parking spaces per living unit. These parking spaces shall be in the side or rear yard. The parking spaces shall be graveled or hard surface and free of ruts and weeds.

5.7 Sign Regulations.

In the R-1 single-family residential district, sign regulations shall be those regulations as specified in Chapter 12.

5.8 Height Regulations, Lot Area, Frontage and Yard Requirements.

On a corner lot the least width of a side yard along the side street lot line shall be equal to the required front yard along the side street. No part of any accessory building shall be nearer a side street lot line than the least depth on any front yard required along such side street.

5.9 More Than One Principal Structure on Lot.

No more than one single-family detached dwelling may be erected on a single lot.

## **Chapter 6**

### **R-2 RESIDENTIAL MULTI-FAMILY DISTRICT**

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#### 6.1 General Description.

The R-2 Residential Multi-Family District is intended to provide for a variety of residential dwellings. The principle use of land may range from single-family to duplex to multi-family dwellings. Certain other uses are permitted which are more compatible functionally with intensive residential uses than with commercial uses. Medium and high population density neighborhoods are recognized and provided for by varying the minimum bulk regulations.

#### 6.2 Principal Uses Permitted.

Property and buildings in an R-2 residential district shall be used only for the following purposes:

1. Single-family detached dwellings;
2. Two-family rental housing, condominiums or townhouses;
3. Multi-family housing larger than a duplex;
4. Family homes, nursing homes, convalescent homes, public buildings, and/or community buildings, with the same off-street parking and yards as those required for other institutional uses;
5. Churches and temples;
6. Public schools, elementary, junior high and high schools;
7. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes;
8. Private swimming pools;
9. Public, semi-public parks and playgrounds;
10. Public buildings and facilities, including essential service buildings;
11. Home occupations and home industries; and
12. Accessory buildings and accessory uses which are customarily incidental to any of the above stated uses, but not involving the conduct of business. Accessory uses shall include private garages and private greenhouses not operated for commercial purposes. Accessory uses shall not involve excessive noise, dust or vibrations.

#### 6.3 Special Exceptions.

The following special exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions contained herein:

1. Public utilities;
2. Public swimming pools;
3. Golf courses and country clubs, miniature golf courses, and driving ranges;
4. Private kindergartens and day nurseries, and child care centers;
5. Group care facilities.

#### 6.4 Lot Area, Frontage and Yard Requirements.

In the R-2 multi-family residential district, lot area, frontage and yard requirements shall be those regulations as specified in Section 3.3.

#### 6.5 Percentage of Lot Covered by Buildings, and Other Structures.

All dwellings or other structures, including accessory buildings, shall not cover more than forty (40) percent of the area of the lot in an R-2 Multi-Family Residential District. If more than one lot is used, the percentage limitation shall be computed on the combined size of the lots.

#### 6.6 Off-Street Parking.

Each multi-family living unit shall have two parking spaces per living unit. These parking spaces shall be in the side or rear yard. The parking spaces shall be graveled or hard surface and free of ruts and weeds.

#### 6.7 Sign Regulations.

In the R-2 multi-family residential district, sign regulations shall be those regulations as specified in Chapter 12.

#### 6.8 Height Regulations, Lot Area, Frontage and Yard Requirements.

On a corner lot the least width of a side yard along the side street lot line shall be equal to the required front yard along the side street. No part of any accessory building shall be nearer a side street lot line than the least depth on any front yard required along such side street.

**Chapter 7**  
**R-3 MOBILE HOME RESIDENTIAL DISTRICT**

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7.1 General Description.

The R-3 Mobile Home Residential District is intended to provide an area for mobile home or manufactured home dwellings to be located.

7.2 Principal Uses Permitted.

Property and buildings in an R-3 mobile home residential district shall be used only for the following purposes:

1. Mobile homes;
2. Manufactured homes;
3. Home occupations and home industries;
4. Parks, playgrounds, recreational uses, and community buildings, all non-commercial, and;
5. Accessory buildings and accessory uses which are customarily incidental to any of the above stated uses, but not involving the conduct of business. Accessory uses shall include sheds and private garages. Accessory uses shall not involve excessive noise, dust or vibrations.

7.3 Yard Requirements.

The following requirements and setback distances shall be observed for individual lots in a mobile home park:

Front Yard	Fifteen (15) feet minimum. Existing non-conforming lots: 5 feet. Yard depth shall be measured from the edge of the surfaced public or private street or right-of-way to the closest point on the lower face of the mobile home.
Side Yard	Zero lot lines are encouraged in order to utilize yard space, but in no event shall there be less than twenty (20) feet between any two mobile home units in the side yard. Yard depth shall be measured from the closest point on the lower face of one mobile home unit to closest point on the lower face of an adjacent mobile home unit.
Rear Yard	Zero lots lines are encouraged in order to utilized yard space, but in no event shall there be less than ten (10) feet between any two mobile home units in the rear yard. Yard depth shall be measured from the closest point on the lower face of one mobile home unit to closest point on the lower face of an adjacent mobile home unit.
Accessory Buildings and Other Accessory Uses	Accessory buildings and other accessory uses shall not be located within the required front yard. These uses may be located in the side and rear yards but must be at least ten (10) feet away from any adjacent mobile home unit. Distance shall be measured from the closest point of the accessory structure to closest point on the lower face of an adjacent mobile home unit.

7.4 Permit Required.

A building permit shall be required from the City for any placement, alteration, modification or trailer enlargement, including covered additions, to any mobile home, manufactured home, accessory building or any other building located in an R-3 mobile home residential district. A building permit shall also be required if more than 50% of the trailer value is damaged for any reason, including but not limited to storms, wind, or fire. All provision of Chapter 16 of this ordinance shall apply to building permits for the R-3 Mobile Home Residential District. In addition to the provisions of Chapter 16, the following shall be provided to obtain a building permit in the R-3 Mobile Home Residential District:

1. Site plan – show the following:
  - a. Lot number (park map must be provided identifying lot locations/numbers)
  - b. A plot plan showing the size, shape, and location of all buildings or structures to be erected or affected and of every existing building on the property
  - c. Distance to adjacent structures, measured from the lower face of the mobile home unit to the adjacent structure. Possible adjacent structures to be considered include:
    - i. Homes
    - ii. Garages

- iii. Storage Buildings
  - iv. Decks
2. All provisions required to meet the requirements of this Ordinance shall be clearly illustrated in the permit application. Final placement, alteration, modification, or addition to any mobile home, manufactured home, accessory building or any other building shall be in completed in accordance with the approved building permit.

7.5 Off-Street Parking.

Each living unit shall have one parking space per mobile home site. The parking space shall be graveled or hard surface and free of ruts and weeds.

7.6 Sign Regulations.

In the R-3 mobile home residential district, sign regulations shall be those regulations as specified in Chapter 12.

7.7 Manufactured Home Stand.

The manufactured home stand shall provide for the practical placement of the manufactured home and removal of the manufactured home from the manufactured home space. Access to the manufactured home stand shall be kept free of trees or other immovable obstructions. The manufactured home stand shall be constructed of appropriate material (such as concrete), be property graded, placed and compacted in order to provide durable and adequate support of the maximum loads during all seasons of the year. The manufactured home stand shall react as a fixed support and remain intact under the weight of the manufactured home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Adequate surface drainage shall be obtained by proper grading of the manufactured home stand and the manufactured home space. Manufactured home stands shall not occupy an area in excess of one-third of the respective manufactured home space.

7.8 Ground Anchors and Tiedowns.

Ground anchors shall be installed by the lot owner or developer at each manufacture home stand, prior to or when the manufactured home is located thereon to permit tiedowns of manufactured home. Ground anchors shall meet manufacturer's recommendations and applicable administrative rules of the State of Iowa. Every owner or occupant of a manufactured home shall secure the same against wind damage, and every owner, operator or person in charge and control of a manufactured home park shall inspect and enforce this requirement.

7.9 Skirting.

The frame, wheels and crawlspace, storage areas, and utility connections of all manufactured homes shall be concealed from view by skirting made of a durable all-weather construction that is consistent with the exterior of the manufactured home. Installation of the skirting must be completed within 60 days of the placement of the manufactured home on the stand.

7.10 Lot Markers.

All units shall be marked with a number identifying the unit and the name of the lessee or owner of the unit shall be furnished to the City Clerk within 30 days of the rental or transfer of ownership.

7.11 Penalty.

Any person, firm or corporation violating any provision, section, or paragraph of this chapter shall be subject to the remedies of Chapter 17.

7.12 New Mobile Home Park or Expansion of Existing Mobile Home Park.

When an existing mobile home park expands or a new mobile park is proposed, the following shall apply:

1. All standards in this Chapter shall be followed.
2. All mobile home parks shall have a structure to provide shelter from tornadoes and other weather-related storms. This structure shall either have a basement or shall itself be underground for storm protection. This structure shall be required to have a minimum occupancy ratio of seven (7) square feet of floor area per each individual lot in the mobile home residential district.

## **Chapter 8**

### **C-1 LIGHT COMMERCIAL DISTRICT**

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#### 8.1 General Description.

The C-1 light commercial district is intended and designed to permit the development of service, retail, and other commercial uses, excluding industrial uses. Permitted uses are designed to provide commercial services to the residential community.

#### 8.2 Principal Uses Permitted.

Property and buildings in a C-1 light commercial district shall be used only for the following purposes:

1. No new single family detached dwellings shall be permitted. Existing dwellings shall be allowed to remain and to expand, as long as they remain in conformance with the height and setback standards of this district.
2. Multi-family housing. No units are allowed on the ground floor.
3. Animal hospitals and veterinary clinics;
4. Antique shops;
5. Automobile accessory stores;
6. Automobile repair shops;
7. Automobile sales. No non drivable vehicles shall be within public view. No item shall be displayed for longer than 6 (six) months. No junk or unrepaired wrecked vehicles shall be stored in public view on the lot. All the vehicles shall be in immediately operable condition.
8. Trailer, motorcycle, boat and farm implement establishments for display, hire, rental, and sales. No items that are not in working order shall be stored outside.
9. Bakeries;
10. Banks, savings and loan associations, and similar financial institutions;
11. Barbershops and beauty parlors;
12. Business offices, professional offices and studios;
13. Car washes, including self-service and truck bays.
14. Carpenter and cabinet making shops; excluding the processing of products.
15. Churches;
16. Clothes cleaning and laundry pick-up stations;
17. Commercial recreational facilities
18. Commercial sales;
19. Confectionery stores, including ice cream or snack bars;
20. Construction businesses, contractor's shops, and storage yards;
21. Custom dressmaking, tailoring and millinery;
22. Dance studio;
23. Dental and medical clinics;
24. Drug stores;
25. Dry goods stores;
26. Florist shops;
27. Food lockers – retail sales, no live animal processing;
28. Funeral homes and mortuaries;
29. Furniture stores;
30. Gas stations and service stations
31. Gift shops;
32. Grocery stores, including supermarkets;
33. Hardware stores;
34. Health club;
35. Hotels and motels;
36. Household appliances, sale and repair. No items shall be stored or displayed outside of the building.;
37. Jewelry stores and watch repair shops;
38. Liquor stores and lounges;
39. Locker plant for storage and retail sales only;
40. Lumber yards – all materials shall be stored inside a building;
41. Music studios;



42. Office buildings
43. Pet shops – no pets shall be kept outside of the building;
44. Photographic studios, printing and developing establishments;
45. Playgrounds and public parks;
46. Plumbing and heating shops. No items shall be stored or displayed outside of the building;
47. Post offices;
48. Printing and lithographing shops;
49. Public buildings and facilities, including essential service buildings.
50. Publishing and engraving establishments;
51. Radio and television sales and repair shops. No items shall be stored or displayed outside of the building;
52. Rental storage buildings provided that all items are stored inside of the buildings;
53. Restaurants, restaurant drive-in and carry-out;
54. Service stations and convenience stores;
55. Shoe repair shops;
56. Sign shops – not items shall be stored outside of the building;
57. Sporting goods stores;
58. Storage sheds;
59. Upholstering shops;
60. Variety stores;
61. Welding and machine shops. No items shall be stored outside of the building;
62. Wholesale display and sales rooms and offices;
63. Accessory uses and buildings which are customarily incidental to the above stated uses;
64. Other uses similar to the foregoing designated uses after review and approval of the Board of Adjustment.

### 8.3 Special Exception.

The following special exception deemed appropriate on review by the Board of Adjustment in accordance with the provisions stated herein:

1. Agricultural feed and seed sales, but excluding grinding, mixing and bleeding;
2. Private clubs and lodges.

### 8.4 Off-Street Parking Areas

In the C-1 light commercial district, off-street parking areas and loading requirements shall be those regulations as specified in Chapter 11.

### 8.5 Signs.

In the C-1 light commercial district, sign regulations shall be those regulations as specified in Chapter 12.

### 8.6 Percentage of Lot Covered.

No building with its accessory buildings, to be used for said commercial purposes, shall occupy in excess of ninety (90) percent of the area of the lot.

### 8.7 Front Yard Greenspace Required.

There shall be a front yard of five (5) feet containing open space abutting a right-of-way of any street or road. The open space shall be landscaped with grass, trees, shrubs or other plant materials. The owners and their agent shall be responsible for providing, protecting, and maintaining all landscaping in healthy and growing condition, replacing it when necessary, and keep it free from refuse and debris. See Chapter 3, Bulk Requirements, for other yard requirements in this district.

**Chapter 9**  
**C-2 HEAVY COMMERCIAL DISTRICT**

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9.1 General Description.

The C-2 heavy commercial district is intended and designed to permit the development of service, retail, and other commercial uses, including light industrial and manufacturing. Heavy commercial firms will locate in close proximity to residential and business uses. District regulations are designed to permit operations that would not be detrimental to the surrounding area or the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factors. No residential uses are permitted in this district.

9.2 Principal Uses Permitted.

Property and buildings in a C-2 heavy commercial district shall be used only for the following purposes:

1. All uses permitted within the C-1 light commercial district;
2. Agricultural sales and services, including the sale or storage of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered;
3. Accessory uses and buildings which are customarily incidental to the above stated uses;
4. Other uses similar to the foregoing designated uses after review and approval of the Board of Adjustment.

9.3 Special Exception.

The following special exception deemed appropriate on review by the Board of Adjustment in accordance with the provisions stated herein:

1. Assembly of appliances and equipment, including manufacture of small parts;
2. Sale or storage of building material;
3. Wholesale distribution of all standard types of prepared or packaged merchandise.

9.4 Off-Street Parking Areas

In the C-2 heavy commercial district, off-street parking areas and loading requirements shall be those regulations as specified in Chapter 11.

9.5 Signs.

In the C-2 heavy commercial district, sign regulations shall be those regulations as specified in Chapter 12.

9.6 Percentage of Lot Covered.

No building with its accessory buildings, to be used for said commercial purposes, shall occupy in excess of ninety (90) percent of the area of the lot.

## **Chapter 10**

### **FLOODPLAIN OVERLAY DISTRICT**

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#### 10.1 Establishment of Floodplain (Overlay) District

The areas within the jurisdiction of the City of Le Grand having special flood hazards are hereby designated as a Floodplain (Overlay) District and shall be subject to the standards of the Floodplain (Overlay) District (as well as those for the underlying zoning district). The Floodplain (Overlay) District boundaries shall be as shown on the Flood Insurance Rate Map (FIRM) for Marshall County and Incorporated Areas, City of Le Grand, Panels 19127C0200C dated November 16, 2011 and 19171C0275C dated January 19, 2006.

#### 10.2 Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. APPURTENANT STRUCTURE – A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
2. BASE FLOOD - The flood having one (1) percent chance of being equaled or exceeded in any given year (also commonly referred to as the “100-year flood”).
3. BASE FLOOD ELEVATION (BFE) – The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
4. BASEMENT - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
5. DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. “Development” does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
6. ENCLOSED AREA BELOW LOWEST FLOOR – The floor of the lowest enclosed area in a building when all the following criteria are met:
  - a. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Section 9.6 of this Ordinance, and
  - b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
  - c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
  - d. The enclosed area is not a "basement" as defined in this section.
7. EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.
8. EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
9. EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
10. FACTORY-BUILT HOME - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
11. FACTORY-BUILT HOME PARK - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
12. FIVE HUNDRED (500) YEAR FLOOD – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at

- least once every five hundred (500) years.
13. FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
  14. FLOOD INSURANCE RATE MAP (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
  15. FLOOD INSURANCE STUDY (FIS) – A report published by FEMA for a community issued along with the community’s Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
  16. FLOODPLAIN - Any land area susceptible to being inundated by water as a result of a flood.
  17. FLOODPLAIN MANAGEMENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
  18. FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
  19. FLOODWAY - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
  20. FLOODWAY FRINGE - Those portions of the Special Flood Hazard Area outside the floodway.
  21. HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure
  22. HISTORIC STRUCTURE - Any structure that is:
    - a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
    - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
    - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
    - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.
  23. LOWEST FLOOR - The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.
  24. MAXIMUM DAMAGE POTENTIAL USES - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.
  25. MINOR PROJECTS - Small development activities (except for filling, grading and excavating) valued at less than \$500.
  26. NEW CONSTRUCTION - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
  27. NEW FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.
  28. RECREATIONAL VEHICLE - A vehicle which is:
    - a. Built on a single chassis;
    - b. Four hundred (400) square feet or less when measured at the largest horizontal projection;

- c. Designed to be self-propelled or permanently towable by a light duty truck; and
  - d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
29. ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
  - b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
  - c. Basement sealing;
  - d. Repairing or replacing damaged or broken window panes;
  - e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.
30. SPECIAL FLOOD HAZARD AREA (SFHA)- The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.
31. START OF CONSTRUCTION - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
32. STRUCTURE - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, grain storage facilities and/or other similar uses.
33. SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.
34. SUBSTANTIAL IMPROVEMENT - Any improvement to a structure which satisfies either of the following criteria:
- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
- The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
- b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
35. VARIANCE - A grant of relief by a community from the terms of the floodplain management regulations.

36. VIOLATION - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

#### 10.3 Standards for Floodplain (Overlay) District

All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations and floodway data have not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination. All development within the Floodplain (Overlay) District shall:

1. Be consistent with the need to minimize flood damage.
2. Use construction methods and practices that will minimize flood damage.
3. Use construction materials and utility equipment that are resistant to flood damage.
4. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

#### 10.4 Residential Structures

All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevations. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevations and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

#### 10.5 Non-Residential Structures

All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

#### 10.6 All New and Substantially Improved Structures

The following standards shall apply to all new and substantially improved structures in the Floodplain Overlay District:

1. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
  - d. Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.
2. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent

flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

3. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities elevated or floodproofed to a minimum of one (1) foot above the base flood elevation).

#### 10.7 Factory-Built Homes

1. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.
2. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

#### 10.8 Utility and Sanitary Systems

The following standards shall apply to utility and sanitary systems in the Floodplain Overlay District:

1. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
2. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.
3. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.
4. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

#### 10.9 Storage of Materials and Equipment

Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

#### 10.10 Flood Control Structural Works

Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

#### 10.11 Watercourse Alterations or Relocations

Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

#### 10.12 Subdivisions

Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Floodplain (Overlay) District.

#### 10.13 Accessory Structures to Residential Uses

The following standards shall apply to accessory structures to residential uses in the Floodplain Overlay District:

1. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.
  - a. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the BFE must be constructed of flood-resistant materials.
  - b. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
  - c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
  - d. The structure shall be firmly anchored to resist flotation, collapse and lateral movement.
  - e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
  - f. The structure's walls shall include openings that satisfy the provisions of 10.5 (1) of this Ordinance.
2. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

#### 10.14 Recreational Vehicles

Recreational vehicles are exempt from the requirements of 10.6 of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

1. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
2. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
3. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of 10.6 of this Ordinance regarding anchoring and elevation of factory-built homes.

#### 10.15 Pipeline River and Stream Crossings

Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

#### 10.16 Maximum Damage Potential Use

All new or substantially improved maximum damage potential uses shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988 to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

#### 10.17 Establishment of Variance Procedures

1. The Board of Appeals may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
  - a. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
  - b. Variances shall only be granted upon a determination that the variance is the minimum necessary,



- considering the flood hazard, to afford relief.
- c. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
2. Factors Upon Which the Decision of the Board of Adjustment Shall be Based - In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
    - a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
    - b. The danger that materials may be swept on to other land or downstream to the injury of others.
    - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
    - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
    - e. The importance of the services provided by the proposed facility to the County.
    - f. The requirements of the facility for a floodplain location.
    - g. The availability of alternative locations not subject to flooding for the proposed use.
    - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
    - i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
    - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
    - k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
    - l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
    - m. Such other factors which are relevant to the purpose of this Ordinance.
  3. Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
    - a. Modification of waste disposal and water supply facilities.
    - b. Limitation of periods of use and operation.
    - c. Imposition of operational controls, sureties, and deed restrictions.
    - d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
    - e. Floodproofing measures.

#### 10.18 Nonconforming Uses

A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

1. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

#### 10.19 Penalties for Violation

Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon

conviction thereof be fined not more than five hundred (500) dollars or imprisoned for not more than thirty (30) days. Nothing herein contained prevent the City of Le Grand from taking such other lawful action as is necessary to prevent or remedy violation.

10.20 Amendments

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

**Chapter 11**  
**OFF-STREET PARKING AREAS AND LOADING SPACES**

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11.1 Lighting Standards.

Any lighting used to illuminate such parking areas shall be arranged as to reflect light away from adjoining premises in a residential district.

11.2 Parking Not Permitted in Front Yard.

In a residential district, motor vehicle parking in the front yard is not permitted unless the motor vehicles are parked in a driveway. Front yard shall mean any portion of a lot or parcel of land which extends its full width and lies between the edge of a public right-of-way, including the sidewalk, and the front of the principal building on the lot or parcel.

## **Chapter 12**

### **SIGNS**

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#### 12.1 General Provisions.

1. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use will cease, they shall be removed promptly and the surrounding area restored to a condition free from refuse and debris.

#### 12.2 Agricultural Districts.

In any agricultural district the following signs are permitted:

1. Name plates not to exceed one (1) square foot in area;
2. Church or public bulletin boards;
3. Temporary signs advertising the lease or sale of the premises, not to exceed twelve square feet in area;
4. Signs announcing candidates seeking public political office or pertinent political issues. Such signs shall be confined to private property, except as hereinafter provided, shall not exceed 16 square feet in area, and shall not exceed 4 feet in height. Signs may be erected not more than 45 days prior to the date of an election and shall be removed within 7 days after the date of said election.
5. Bulletin boards and signs pertaining to the lease, hire or sale of a building or premises, or signs pertaining to any material that is grown or treated within the district; provided, however, that such signs shall be located upon or immediately adjacent to the building or in the area in which such materials are treated, processed or stored.

#### 12.3 Residential Districts.

In any residential district the following signs are permitted:

1. Name plates not to exceed one (1) square foot in area;
2. Church or public bulletin boards;
3. Temporary signs advertising the lease or sale of the premises, not to exceed twelve square feet in area;
4. Signs announcing candidates seeking public political office or pertinent political issues. Such signs shall be confined to private property, except as hereinafter provided, shall not exceed 16 square feet in area, and shall not exceed 4 feet in height. Signs may be erected not more than 45 days prior to the date of an election and shall be removed within 7 days after the date of said election.
5. Facilities, other than single family dwellings, normally required to provide an attractive residential area may illuminate signs, bulletin boards and name plates only with indirect non-intermittent lights that do not exceed sixty watts;
6. Signs for home occupations not exceeding four (4) square feet in area;
7. Signs must not project more than four feet above the roofline.

#### 12.4 Home Occupation and Home Industry Sign Regulations

For home occupations in any residential district, only one (1) identification sign may be displayed upon the lot, subject to the following requirements:

1. Contains only the name of the occupant and the nature of the occupation.
2. Shall not contain more than four (4) square feet and shall be attached to the principal building.
3. Shall not be illuminated.
4. If located along a state or federal highway, an Iowa Department of Transportation permit must be obtained.

#### 12.5 Commercial Districts.

The following signs are permitted in commercial districts:

1. Signs permitted in the residential districts;
2. Two signs per business shall be permitted in commercial districts. There shall only be one (1) post sign for each business, however, that said post any exterior sign shall pertain only to a use conducted within the building and be integral or attached thereto. No sign may project over any street line (back of curb) or sidewalk. The maximum height of any post sign is 24 feet.
3. In commercial districts no sign shall project more than four (4) feet above the roof line. Signs shall not have a

surface of greater than forty (40) square feet on any one (1) side thereof and not more than two (2) sides of post sign shall be used for advertising purposes.

4. A post or ground sign that is within 50 feet of the edge of any part of the right-of-way for State Highway 30 may have a height not to exceed 40 feet measured from the base of the sign support to the top of the sign and a maximum of 150 square feet of sign surface on a side. Such a sign shall pertain only to a use conducted on the premises. No sign may project over any street line, sidewalk, or the DOT right-of-way.

#### 12.6 Portable and Banner Signs

Portable and banner signs are subject to the following requirements:

1. Banner signs are permitted in all zones within the City of Le Grand. A banner sign shall not exceed one-hundred (100) square feet in area. No banner sign shall be displayed longer than ninety (90) consecutive days without removal or replacement. A banner sign does not require a sign permit.
2. Portable signs, or any sign which by its construction or nature is designed to be moves from one location to another, shall be permitted in commercial districts. Portable signs shall not exceed 50 square feet in area, shall not exceed 6 feet in height, and shall not be located in any public right of way. One portable sign shall be permitted on any zoning lot for a period of not more than 14 consecutive days and not more than 60 total days in any calendar year. Off premises advertising is prohibited.

#### 12.7 Prohibited Signs.

The following signs are prohibited in all zoning districts within the City of Le Grand:

1. Abandoned signs.
2. Flashing signs, including those illuminated by or containing flashing, intermittent, rotating, or moving light or lights. This prohibition shall not apply to electronic message centers.
3. Any sign which contains statements, words or pictures of an obscene, pornographic or immoral character.
4. In no event shall an illuminated sign or lighting device be placed or directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance. All signs shall be screened from beaming on residential windows.
5. No neon sign or other illuminated advertisement shall be of such color or located in such a manner as to diminish or detract in any way from the effectiveness of any traffic signal or similar safety or warning device.
6. No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.
7. No sign or sign structure shall be placed on private or public property without the consent of the owner or authorized agent thereof.

#### 12.8 Exempt Signs.

The following signs are allowed without a permit but shall comply with all other applicable provisions of this ordinance:

1. Name plates that do not exceed one (1) square foot in area;
2. The Flag of a government or a noncommercial institution, such as a school;
3. Religious Symbols and Seasonal Decorations within the appropriate public holiday season;
4. Real estate signs (on-site) advertising for sale, rental, or lease only, the premises, lots or tracts on which they are located;
5. Campaign Signs as allowed by Section 68A.406-yard signs, Code of Iowa.
6. Log signs that do not exceed twelve (12) square feet in area;
7. Temporary banner signs;
8. Home occupation and home industry signs that do not exceed four (4) square feet in area;
9. Community identification, information, or directional signs which are owned by the City, identify the name of the city, advertises community events, new businesses or directs traffic to public facilities or commercial districts.

#### 12.9 Signs Not to Constitute Traffic Hazard

1. In all districts where permitted, signs shall be set back from the proposed right-of-way line of any state or federal highway, any major City thoroughfare so designated by the official major street plan, and from the right-

of-way line of any other street or highway.

2. No signs shall be permitted on corner lots in the triangle formed by measuring 20 feet along the curb line of each street and then running a line between the two end points.

## **Chapter 13**

### **NONCONFORMING BUILDINGS, STRUCTURES AND USES OR LAND**

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#### 13.1 Nonconforming Building.

General: A lawful, or authorized, nonconforming building or structure existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section even though said building or structure may not conform with the regulations of this Ordinance for the District in which it is located. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe.

#### 13.2 Alteration or Enlargement of Building and Structures.

A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all the regulations of the district in which it is located; provided, however, that if a building or structure is conforming as to its use, but nonconforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which said building or structure is located. No nonconforming building or structure shall be moved in whole or part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located.

#### 13.3 Building Vacancy.

A building or structure or portion thereof, which is nonconforming as to use, which is or hereafter becomes vacant and remains unoccupied for continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

#### 13.4 Destruction of Nonconforming Building or Structure.

Any nonconforming building or structure which has been or may be damaged by fire, flood, explosions, earthquake, war, riot, or any other act of God, may be reconstructed and used as before if it can be done within twelve months of such calamity, unless damaged more than fifty (50) percent of its fair market value, as determined by the board of adjustment, at the time of the damage, in which case reconstruction shall be in accordance with the provisions of this title.

#### 13.5 Change of Uses.

1. A nonconforming use of a conforming building or structure may be expanded or extended into any other portion of the structure provided the structure was manifestly arranged or designed for such use at the time of adoption or amendment of the ordinance codified in this title, but no such use shall be extended to occupy any land outside such building.
2. If such a nonconforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant conforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of this Ordinance, but otherwise it shall be used in conformity with the regulations of the district in which it is located.
3. The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of nonconforming building or structure is changed to a use of a more restricted district classification it thereafter shall not be changed to a use of a less restricted district classification; provided, however, that a building or structure that is nonconforming at the time of adoption of this title is not in violation. For the purpose of this subsection only, the R-1 district shall be considered the most restrictive and the M-1 Manufacturing/Industrial District the least restrictive district.

#### 13.6 Nonconforming Uses of Land.

1. General: A lawful, or authorized, nonconforming use existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section. Any nonconforming use in existence at the adoption hereof that was not a lawful, or authorized use under previous zoning ordinances shall not be authorized to continue as a nonconforming use pursuant to this Ordinance, or amendments thereto.

2. Extension or Expansion of Use: A nonconforming use may not be extended or expanded, nor shall it occupy more lot area or be considered a more intense use than was in existence on the effective date of this Ordinance.

#### 13.7 Nonconforming Lots

1. General: A lawful, or authorized, nonconforming lot existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section. Any nonconforming lot in existence at the adoption hereof that was not a lawful, or authorized use under previous zoning ordinances shall not be authorized to continue as a nonconforming lot pursuant to this Ordinance, or amendments thereto.
2. Nonconforming Lots as Lots of Record: A nonconforming lot in existence on the effective date of this Ordinance shall be considered a “lot of record”, as defined and regulated within this Ordinance.



## **Chapter 14**

### **ADDITIONAL REQUIREMENTS, EXCEPTIONS, MODIFICATIONS AND INTERPRETATIONS**

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#### 14.1 Generally.

The requirements and regulations specified elsewhere in this title shall be subject to additional requirements, exceptions, modifications, and interpretations contained in this chapter.

#### 14.2 Height and Size Limits.

Height limitations stipulated elsewhere in this title shall not apply in the following situations:

1. To barns, silos, or other farm buildings or structures on farms provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts, and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if in the opinion of the zoning administrator, such structure would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustment;
2. To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors, wind generators and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height than specified, such may be authorized by the board of adjustment;
3. Telecommunication towers and other towers.

#### 14.3 Rear Yard Exceptions and Modifications.

The following projections or structures may be permitted in rear yards:

1. Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.
  - a. In any Commercial or Residential District, a building which is non-conforming as to rear yard setbacks may be expanded or enlarged, provided the enlargement or expansion does not encroach closer to the rear property line than the already existing building. All other Bulk Requirements must be met.
  - b. Accessory buildings or structures subject to the provisions contained elsewhere in this title;
  - c. Fire escapes, bays and balconies.
  - d. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, and the like.
  - e. Terraces, steps, uncovered porches, or similar features.
  - f. Swimming pools.

## **Chapter 15**

### **ADMINISTRATION AND ENFORCEMENT**

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#### 15.1 Organization

The administration of this Ordinance is vested in the following four (4) offices of the government of the City of Le Grand: Mayor and City Council; Board of Adjustment; Zoning Commission; and Zoning Administrator.

#### 15.2 Basis of Regulations

Regulations are made in accordance with Iowa Code, Chapter 414, as amended, and with the City's Comprehensive Plan. These regulations 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 promote 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 sewerage, schools, parks, and other public requirements.

#### 15.3 Mayor and City Council

1. Jurisdiction: The Mayor and City Council of the City of Le Grand, Iowa, shall discharge the following duties under this Ordinance. Appointments shall be made by the Mayor, subject to approval by the City Council.
  - a. Appoint a Zoning Administrator whose responsibilities it will be to enforce the provisions of this Ordinance.
  - b. Appoint members of the Board of Adjustment as provided for in this Ordinance.
  - c. Appoint members to the Zoning Commission as provided for in this Ordinance.
  - d. Receive and decide upon all recommendations concerning amendments, supplements, and changes presented by the Zoning Commission.
  - e. Receive from the Zoning Commission all recommendations on the effectiveness of this Ordinance.
  - f. To decide all matters upon which it is required to pass under this Ordinance.

#### 15.4 Board of Adjustment

1. Creation: the Board of Adjustment, as established under applicable provisions of the Code of Iowa, is the Board referred to in this Ordinance.
2. Appointment-Terms-Removal: The Board shall consist of five (5) members, who are residents, to be appointed by the Mayor and subject to approval by City Council for a term of five (5) years except when the Board shall first be created then one (1) member shall be appointed for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year. A majority of the members of the Board shall be persons representing the public at large. The Board of Adjustment members shall not also be members of the Zoning Commission or City staff, and members shall not hold an elective office in municipal government nor shall a majority of the members be involved in the business of purchasing or selling real estate. Members of the Board may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by the Mayor, subject to City Council approval for the unexpired term of the member affected. There shall be no term limits for the Board of Adjustment.
3. Powers and Duties: The Board of Adjustment is hereby vested with the following powers and duties:
  - a. To hear and decide all applications for variances from the terms provided in the Ordinance in the manner prescribed and subject to the standards herein.
  - b. To hear and decide all applications for special exceptions in the manner prescribed in this Ordinance.
  - c. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance. The Board shall also interpret the Official Zoning Map, if necessary.
4. Meetings and Rules: The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this article. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in their absence, the acting chairperson, 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 agenda item requiring action, 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 filed in the office of the Zoning Administrator and City Clerk. The concurring vote of three (3) 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 title, or to effect any variation in application of this title. At the first meeting of each calendar the Board of Adjustment members shall name a chair and vice-chair for that coming year. If one of those officers shall choose not to be a member of the board during the year, a new officer shall be selected by the remaining board members for the remaining term of that calendar year. A chair can serve for multiple terms.

5. Finality of Decisions of the Board of Adjustment: All decisions and findings of the Board of Adjustment on appeals applications, applications for a variance, or application for a special exception, after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as is stated in the Code of Iowa.

### 15.5 Variances

1. Purpose and Findings of Fact: The Board of Adjustment, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment makes written findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are no practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.
2. Application for Variance: An application for a variance shall be filed in writing with the Zoning Administrator. Said application shall contain such information, and appropriate non-refundable fee, as the Board of Adjustment may, by rules, require.
3. Hearing on Application: Upon receipt in proper form of the application, the Board of Adjustment shall hold at least one (1) public hearing on the proposed variance. Notice of time and place of such hearing shall be published not less than seven (7) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in the City of Le Grand. Property owners within two hundred (200) feet of the property for which the change is being requested shall be notified as a courtesy as well. Before an application is filed with the Board of Adjustment, the applicant shall pay a non-refundable fee to the City of Le Grand to cover the publishing and administration costs of said request, per the adopted fee schedule.
4. Standards for Variance: The Board of Adjustment shall not vary the regulations of this Ordinance, as authorized in this Section, unless there is evidence presented to it in each specific case that:
  - a. Special conditions and circumstances exist which are unique to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. Special conditions shall include but not be limited to a property owner who can show that their property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographic conditions or other exceptional or extraordinary situations the strict application of the terms of this Ordinance actually prohibits the use of the property in manner reasonably similar to that of other property in the district.
  - b. 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. In other words, an unnecessary hardship would result from literal enforcement of this Ordinance.
  - c. Special conditions and circumstances do not result from the actions of the applicant.
  - d. 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.
5. Further Requirements:
  - a. The Board of Adjustment shall 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.
  - b. 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 the Le Grand Comprehensive Plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
  - c. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations 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 title and punishable under this Ordinance.

- d. Under no circumstances shall the Board of Adjustment grant a variance to allow for 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 the District.
  - e. If property lines cannot be determined through existing surveys or property markers, the request must be accompanied by a certified survey.
6. Denial and Revocation of Variance:
- a. Denial: No application for a variance that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions that may be found to be valid by the Board of Adjustment.
  - b. Revocation: In any case where variance has not been established within one (1) year after the date of granting thereof, the Board shall provide notice to the applicant that the approved variance may be revoked. Said notice shall offer the applicant an opportunity to be heard by the Board of Adjustment. The Board may, after this process, revoke or extend the approved variance.

### 15.6 Special Exceptions

#### Special Exception Requirements:

1. Purpose: The development and administration of this Ordinance is based upon the division of the City into Zoning Districts, within said Districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized that there are certain uses, because of their unique characteristics, cannot be properly classified in any particular District or Districts, without special consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use that locations. Such special exceptions fall into two categories:
  - a. Uses publicly operated or traditionally affected with a public interest, and
  - b. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
2. Initiation of Special Exceptions: Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one (1) or more of the special exceptions provided for in this Ordinance in the zoning district in which the land is located.
3. Application for Special Exception: An application for a special exception shall be filed with the Zoning Administrator on a form as the Zoning Administrator shall prescribe. The application shall be accompanied by an appropriate non-refundable fee and such plans and/or data prescribed by the Board of Adjustment and shall include a statement indicating the Section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
4. Hearing on Application: Upon receipt in proper form of the application and statement, the Board of Adjustment shall hold at least one (1) public hearing on the proposed special exception. Notice of time and place of such hearing shall be published not less than seven (7) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in the City of Le Grand. Property owners within two hundred (200) feet of the property for which the exception is being requested shall be notified as a courtesy as well. Before an application is filed with the Board of Adjustment, the applicant shall pay a non-refundable fee to the City of Le Grand to cover the publishing and administration costs of said request, per the adopted fee schedule.
5. Authorization: For each application for a special exception the Zoning Administrator shall prepare and file with the Board of Adjustment findings and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.
6. Standards: No special exception shall be granted by the Board of Adjustment unless such Board shall find:
  - a. That the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
  - b. That the special exception will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood;
  - c. That the establishment of special exceptions will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
  - d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided and that the request not impair an adequate supply of air or light to adjacent properties;

- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
  - f. That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment;
  - g. That the special exception shall be consistent with the Le Grand Comprehensive Plan and the Code of Ordinances.
7. Conditions and Guarantees: Prior to the granting of any special use, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the Standards and requirements specified in Subsection (f) above. In all cases in which special exceptions are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be met.
  8. Denial and Revocation of Special Exception:
    - a. Denial: No application for a special exception that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.
    - b. Revocation: In any case where special exception has not been established within one (1) year after the date of granting thereof, the Board shall provide notice to the applicant that the approved exception may be revoked. Said notice shall offer the applicant an opportunity to be heard by the Board of Adjustment. The Board may, after this process, revoke or extend the approved exception.

#### 15.7 Appeals of the Staff and Other Powers of the Board of Adjustment

##### 1. Appeals of Staff Interpretations and Decisions

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by a decision of the Zoning Administrator or official in enforcement of this Ordinance. Such appeal shall be taken to the Board within a reasonable time, as prescribed by the Board's Rules of Procedure. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

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

The Board shall hold one (1) public hearing and shall give a reasonable time for the hearing on the appeal. Notice of time and place of such hearing shall be published not less than seven (7) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in the City of Le Grand. Property owners within two hundred (200) feet of the property for which the appeal is being requested shall be notified as a courtesy as well. Before an application is filed with the Board of Adjustment, the applicant shall pay a non-refundable fee to the City of Le Grand to cover the publishing and administration costs of said request, per the adopted fee schedule.

In exercising the above-mentioned powers, the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it believes proper and to that end will have the powers of the Zoning Administrator. The concurring vote of three (3) 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 which it is required to pass under this Ordinance, provided that the action of the Board shall not become effective until after the written decision or resolution of the Board, setting forth the full reason for its decision and the vote of each participating member has been recorded in the minutes. Said written decision or resolution shall be filed in the office of the Zoning Administrator and shall be open to public inspection.

##### 2. Other Powers of the Board of Adjustment

The Board of Adjustment is hereby vested with the following additional authority and jurisdiction:

- a. Interpretation of District Map: Where the application of the rules for interpretation of district boundaries leaves a reasonable doubt to the boundary between two (2) Zoning Districts the Board of Adjustment after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purposes of this Ordinance.

#### 15.8 Appeals of Board of Adjustment Decisions

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 record of said decision, in the manner provided by the laws of the state and particularly by the Code of Iowa.

#### 15.9 Zoning Commission

1. Creation: the Zoning Commission of the City of Le Grand, as established under the applicable provisions of the Code of Iowa, is the Zoning Commission referred to in this Ordinance.
2. Membership: The Zoning Commission shall consist of five (5) members, who are residents, to be appointed for a term of five (5) years except when the Commission shall first be created then one (1) member shall be appointed for a term of five (5) years, one (1) for a term of four (4) years, and one (1) for a term of three (3) years. Said Zoning Commission shall consist of persons who are qualified by knowledge or experience to act in matters pertaining to the development of a city planning and who shall not hold any elective office in the municipal government or be a member of the Board of Adjustment or City staff. Members shall be appointed by the Mayor, subject to the approval of the City Council.

Vacancies shall be filled by appointments for unexpired terms only. All members of the Commission shall serve without compensation except for actual expenses, which shall be subject to the approval of the City Council.

Immediately following their appointment, the members of the Zoning Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with City Ordinances and state laws. The Commission shall keep written records of its proceedings which shall be filed with the Zoning Administrator and City Clerk and open at all times to public inspection.

3. Powers and Duties: The Zoning Commission shall hold the following powers, discharge the following duties, and make recommendations to the City Council under this Ordinance. Included are the following responsibilities:
  - a. Review and make recommendations regarding the adoption, or amendment of, the Le Grand Comprehensive Plan;
  - b. Review and make recommendations regarding the adoption, or amendment of, this Ordinance. This includes all amendments to the written, map, and application components of the Ordinance, as well as any other duties or responsibilities assigned to the Commission within this Ordinance;
  - c. Conduct the necessary public hearings, as prescribed under the Le Grand Comprehensive Plan, this Ordinance, or the Iowa Code;
  - d. Review, adopt, and amend the Commission's Administrative Rules or Rules of Procedure, which govern the actions of the Commission;
  - e. Rely on the City Council to provide sufficient staffing in order to ensure that the business of the Commission is addressed in a timely fashion; and
  - f. Review any other land use change or issue, which at the direction of the City Council, are sent to the Commission for consideration and recommendation.
  - g. Amendments made to the Le Grand Comprehensive Plan and to this Ordinance shall, when directed by the City Council or an applicant, be considered by the Zoning Commission within thirty (30) days of their receipt.

#### 15.10 Zoning Administrator

1. Designation of Zoning Administrator: The Zoning Administrator shall be designated by the Mayor and subject to the approval of the City Council.
2. Powers and Duties of the Zoning Administrator: The Zoning Administrator shall enforce this Ordinance and in addition shall:
  - a. Issue all building permits and collect any fees.
  - b. Process and review all applications for variances, special exceptions, and interpretation for referral to the Board of Adjustment.

- c. Respond to complaints of alleged violations to the Ordinance. If after response by the Zoning Administrator the complaint remains unresolved, the issue shall be referred by the Administrator to the Mayor and City Council for resolution.
- d. Provide applications and forms and maintain public information relative to all matters arising out of this Ordinance.
- e. Process and review all applications for rezoning prior to consideration by the Zoning Commission.
- f. Review site plans for conformance with this Ordinance.
- g. Attend meetings of the Zoning Commission and the Board of Adjustment, as well as carry out duties that may be requested by both bodies.

#### 15.11 Amendments to this Ordinance

1. Procedure: The regulations, restrictions, and boundaries may from time to time, be amended, supplemented, changed, modified, or repealed by the City Council. No such amendments shall be made final without: (1) the applicant completing a rezoning application, unless the City is the applicant; (2) holding a public hearing before the Zoning Commission, who shall thereafter send a recommendation to the City Council; and (3) after a public hearing is held by the City Council and the proper ordinance amendment procedures, as required by the Code of Iowa, are followed by the City Council. The notice of the time and place of the hearings shall be published in a newspaper with general circulation in the City not less than seven (7) days nor more than twenty (20) days before either of the public hearings. Property owners within two hundred (200) feet of the property for which the amendment is being requested shall be notified of the hearings as a courtesy as well. In no case shall the City Council hearing be held earlier than the next regularly scheduled City Council meeting after the Zoning Commission hearing.

In case the Zoning Commission does not approve the change, or in the case of a protest filed with the City Council against such change 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 to, not to exceed two hundred (200) feet, such amendments shall not be passed except by the favorable vote of three-fourths ( $\frac{3}{4}$ ) of all members of the City Council. As part of an amendment to this Ordinance changing land from one (1) zoning district to another zoning district, or as part of approving a site development plan, the City Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this Section or any adjournment of that hearing. The conditions must be reasonable and imposed to satisfy public needs that are directly caused by the requested change.

2. Ordinance Amendment Application: (Text or Map/Rezoning Amendments): An application for rezoning shall contain the following items:
  - a. The legal description and local address, if applicable, of the property to be rezoned.
  - b. The present zoning classification and the zoning classification requested for the property.
  - c. The existing use and proposed use of the property.
  - d. The names and addresses of the owners of all property within two hundred (200) feet of the property for which the change is requested.
  - e. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
  - f. A plat or sketch showing the locations, 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.
  - g. The property owner's signature.
3. Fees: Before any action is taken upon an application as provided in this section, the applicant shall pay the Zoning Administrator a non-refundable fee. The applicant shall pay this fee to the credit of the general revenue fund of the City. Failure to approve the change, by either the Zoning Commission or City Council, will not be construed as any reason for refunding the fee to the applicant.

## **Chapter 16**

### **BUILDINGS CONSTRUCTION, CERTIFICATES, FEES**

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#### 16.1 Building Construction

No building or structure shall hereafter be erected, constructed, reconstructed, enlarged, moved, or converted unless a separate permit for each building or structure has first been obtained from the Zoning Administrator. Any structure, including a structure on skids, that is one-hundred (100) square feet or larger shall require a building permit. Said permit and the application for the permit shall contain a plot plan showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building or structure to be erected or affected and of every existing building on the property, the name and address of the owner or owners of the involved lot, and such other information as may be necessary to provide for the enforcement of this Ordinance. The application and permit shall be on forms prepared by the Zoning Administrator and approved by the Council. No permit shall be issued for any construction not in compliance with this Chapter. Any construction started without a permit shall be stopped immediately, and shall be subject to the remedies of Chapter 17.

#### 16.2 Commencement and Completion of Construction

An applicant who is issued a permit under the provisions of this chapter is bound, by acceptance of the permit, to commence the construction for which the permit is issued within six (6) months from and after the date of issue of said permit, and is bound to finish said construction within twelve (12) months from and after said date of issue. Failure to commence construction within six (6) months shall cause the permit to expire. A permit issued under the provisions of this chapter shall be valid for a period of twelve (12) months from and after the date of issue of said permit. Upon expiration of a permit, the holder shall make a new application for a new permit under the provisions of this chapter and shall otherwise go through the same procedure as required for issuance of the original permit. The fee for the second permit, as in the case of the original permit fee, shall be set by resolution by the City Council. The zoning administrator can issue extensions as long as there is obvious progress.

#### 16.3 Structure Standards

The following standards shall apply to all structures and all construction for which building permits are issued on or after the effective date of the Ordinance codified by this chapter:

1. All dwellings shall be affixed to a permanent foundation system in accordance with building construction standards.
2. All structures shall comply with all requirements of this Chapter, including all requirements contained in the definitions of this Ordinance including, without limitation the definitions of “Dwelling(s)”, and “Fence”; all bulk requirements; and all other provisions of this Ordinance.

#### 16.4 Application Requirements

The Zoning Administrator is instructed to issue permits upon properly approved written applications under this Ordinance. Applicable requirements for an application include but are not limited to, the following:

1. Graph or professional blueprint of the lot diameter with the structure that is to be built or remodeled drawn on that graph.
2. Lot pins must be marked with spray paint or flagged prior to the Zoning Administrator’s review of the site.
3. Side setbacks, rear setbacks, and front setbacks must all be clearly marked and must meet current code requirements.
4. Legal description of the property and current owner of the property shall be clearly written with full name and contact information.
5. New structures using blue prints and/or model home photos shall be accompanied by a lot diagram to confirm setbacks are being met.

#### 16.5 Applications and Non-Refundable Fees

The Zoning Administrator is instructed to issue permits upon properly approved written applications under this Ordinance, and charge a non-refundable fee as determined by the City Council and adopted by resolution. If the City initiates any of the actions listed below, it shall not be required to pay the corresponding fee. Applicable fees include, but are not limited to, the following.



1. Zoning Map Amendments (Rezoning Requests) or Ordinance Text Amendments - \$250 + fees for publications and mailings.
2. Variances - \$50.
3. Special Exceptions - \$50.
4. Appeals of Staff Interpretations and Decisions - \$50
5. Building permits – The building permit fee structure shall be as follows:
  - a. Commercial: \$250
  - b. Residential (new construction): \$250
  - c. Residential (remodel or addition): \$100
  - d. Structure 350 square feet or greater: \$60
  - e. Structure less than 350 square feet: \$45
  - f. Driveways or Parking Pads (new or altered): \$25
  - g. Sidewalks (new only): \$25
  - h. Decks and Fences: \$25

**Chapter 17**  
**VIOLATIONS AND LEGAL REMEDIES PROVISIONS**

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17.1 Notice to Violators

If the Zoning Administrator finds that any provision of this Ordinance is being violated, they 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 illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance or by the City Code to insure compliance with or to prevent violation of its provisions.

17.2 Responsibility

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 of this chapter may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

17.3 City Remedies

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the City may, in addition to other remedies, institute an injunction, municipal infraction, mandamus, or other appropriate lawful action necessary to prevent, correct, or abate such violation. A violation of this Ordinance shall be deemed a violation of City Code and thus a municipal infraction, under the Le Grand Code of Ordinances, and punishable as such. Any construction started without a permit or which does not comply with the requirements of the Code of Ordinances shall be removed immediately. The City Council may, without limitation, provide for abatement of such infraction, pursue civil action in court, or prosecute such violation, such action to be prosecuted in the name of the City, or may pursue any combination of remedies. Each day that said violation is continued shall constitute a separate violation. Nothing in this section shall limit the remedies and enforcement powers of the City, which shall include injunctive relief.

17.4 Building Permit Violators

Anyone violating any of the provisions of this ordinance shall, upon conviction, be subject a civil penalty not to exceed \$500.

**Chapter 18**  
**ORDINANCE REPEALER, SEVERABILITY CLAUSE, AND EFFECTIVE DATE**

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18.1 Repealer

All ordinances and resolutions or any part thereof in conflict with all or any part of this Ordinance are hereby repealed.

18.2 Severability Clause

If any section or part thereof of this Ordinance shall be held to be unconstitutional by a court of competent jurisdiction, the remainder of the provisions herein shall be deemed to continue in full force and effect.

18.3 Effective Date

This Ordinance repeals Chapter 165 Zoning Regulations of the Le Grand Code of Ordinances, and any amendments thereto. This Ordinance is enacted in lieu thereof and shall be known as the Le Grand Zoning Ordinance which shall be integrated into the City Code of Ordinances. This is an ordinance creating zoning regulations for the purpose of protecting health, welfare, and public safety within the City of Le Grand, Iowa. This Ordinance shall become effective upon publication.

A recommendation for adoption was made by the Le Grand Zoning Commission on January 28, 2019, after a public hearing was held on January 28, 2019.

Passed and approved by the City Council on the following dates:

Public Hearing: November 12, 2019

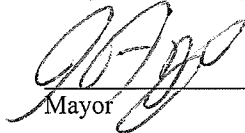
First Reading: November 12, 2019

Second Reading: December 10, 2019

Third and Final Reading: January 14, 2020

Ordinance Number 237, "The City of Le Grand, Iowa Zoning Ordinance", as adopted, shall be in full force and effect upon publication.

Adopted by the City Council of Le Grand, Iowa.

  
\_\_\_\_\_  
Mayor

03/18/2020  
Date

Attest:

  
\_\_\_\_\_  
City Clerk

03/18/2020  
Date