

ORDINANCE NO. 2024-006

AN ORDINANCE AMENDING THE CODE OF
ORDINANCES OF THE CITY OF NEW SHARON, IOWA, BY
ADDING A NEW CHAPTER ESTABLISHING A ZONING
ORDINANCE FOR THE CITY OF NEW SHARON, IOWA

BE IT ENACTED by the City Council of the City of New Sharon, Iowa:

SECTION 1. NEW SECTION. The code of Ordinances of the City of New Sharon, Iowa, is amended by adding a new Chapter 158 Sections 158.01-158.37, entitled ZONING, which is hereby adopted to read as follows:

CHAPTER 158

ZONING

- | | |
|--|---|
| 158.01 Title | 158.20 Conversion of Dwellings |
| 158.02 Statement of Purpose | 158.21 Yard and Parking Space Restriction |
| 158.03 Definitions | 158.22 Traffic Visibility Across Corner Lots |
| 158.04 Establishment of Districts | 158.23 Essential Services |
| 158.05 District Regulations | 158.24 Validity of Existing Building
Permits |
| 158.06 Agriculture | 158.25 Height Exceptions |
| 158.07 Low-Density Residential | 158.26 Public Right-Of-Way Use |
| 158.08 High-Density Residential | 158.27 Hedges and Fences |
| 158.09 Mixed-Use Neighborhood | 158.28 Access Required |
| 158.10 Low Density Commercial | 158.29 Application of Regulations |
| 158.11 High Density Commercial | 158.30 Permitted Uses |
| 158.12 Low Density Industrial | 158.31 Temporary Use Exceptions |
| 158.13 High Density Industrial | 158.32 Bulk Regulations |
| 158.14 Mixed-Use Commerce | 158.33 Limitation on Vehicles Used as
Residences |
| 158.15 Land Use Matrix | 158.34 Annexation |
| 158.16 General Use Regulations | 158.35 Impact Regulations |
| 158.17 Accessory Buildings, Structures,
and Uses | 158.36 Nonconforming Uses |
| 158.18 Additional Principal Structures on
Lots | 158.37 Nonconforming Land Uses |
| 158.19 Required Yard Cannot Be Reduced
or Used by Another | 158.38 Board of Adjustment |

- 158.01** **TITLE.** The ordinance codified in this title shall be known as and may be referred to and cited as the "Zoning Ordinance of the City of New Sharon, Iowa."
- 158.02** **STATEMENT OF PURPOSE.** Zoning shall be consistent with the Comprehensive Plan. The City of New Sharon expects this title and any amendments to it to be consistent with the City's Comprehensive Plan and other adopted plans.
- 158.03** **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 as defined in this chapter. 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 defined as follows and shall be interpreted as such throughout these regulations. Terms not defined in this chapter shall have the meaning customarily assigned to them.
- (1) "Accessory building or use" is a building or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use.
 - (2) "Alley" means a public way, other than a street, twenty feet or less in width, affording secondary means of access to abutting property.
 - (3) "Alterations, structural" means any change in the supporting members of a building such as bearing walls, columns, beams or girders.
 - (4) "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.
 - (5) "Automobile service station" is any building, structure or land use for the dispensing, sale or offering for sale at retail of any vehicular fuels, oils or accessories and in connection with which is performed general vehicular servicing, as distinguished from automotive repairs.
 - (6) "Basement" is a story of the house having part, but not more than, two feet of it's height above the average grade of the adjoining ground. A basement shall be counted as a story for purposes of height measurement.
 - (7) "Bed and breakfast inn" means an owner- or manager-occupied dwelling unit that contains no more than six guest rooms where lodging, with or without meals, is provided for compensation.
 - (8) "Billboard" is a type of sign, having more than one hundred square feet of display surface, which is either erected on the ground or attached to or supported by a building or structure.

- (9) "Board of adjustment" means the zoning board of adjustment of the city of New Sharon, Iowa.
- (10) "Boarding, rooming and lodging house" means a building other than a hotel where, for compensation and by arrangement, meals or lodging and meals are provided for three or more persons on a weekly or monthly basis.
- (11) "Building" means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.
- (12) "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.
- (13) "Carport" means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides. For the purpose of this title, a carport attached to a principal building shall be considered a part of the principal building and subject to all yard requirements applicable thereto.
- (14) "Cellar" is a story having fifty percent or more of its height below the average grade of the adjoining ground. A cellar shall be counted as a story, for purposes of height measurement, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.
- (15) "Childcare center" is any place, home, or institution which receives three or more children under the age of sixteen years, and not of common parentage, for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation.
- (16) "Clinic" is an establishment where patients who are not lodged overnight are admitted for examination or treatment by a physician and/or practitioners practicing together.
- (17) "Consignment and auction sales operations" means a business which, on an ongoing basis, stores and sells personal property to the public indoors.
- (18) "Developmentally disabled" describes a person whose disability has continued or can be expected to continue indefinitely and which is one of the following:
 - (a) Attributable to mental retardation, cerebral palsy, epilepsy, or autism;
 - (b) Attributable to any other condition found to be closely related to mental retardation;
 - (c) Attributable to dyslexia resulting from a disability;

- (d) Attributable to a mental or nervous disorder.
- (19) "Drive-in restaurant or refreshment stand" is any place or premises principally used for the sale, dispensing, or serving of food, refreshment or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on or off the premises.
- (20) "Driveway" means a private roadway, providing access for vehicles to a parking space, garage, dwelling or other structure.
- (21) "Dwelling" is any building or portion thereof which is designed for, or used for, residential purposes and is not less than twenty feet in width.
- (22) "Dwelling, condominium" means a multiple dwelling as defined in this chapter 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, row" means any one of three 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. Also referred to as a "townhouse."
- (24) "Dwelling unit" is a dwelling which consists of one or more rooms which are arranged, designed, or used as living quarters for one family only.
- (25) "Dwelling, single-family " is a detached residential dwelling unit, other than mobile home, designed for occupancy by one family only.
- (26) "Dwelling, two-family" is a detached residential building containing two dwelling units, designed for occupancy by not more than two families" Dwelling, multiple family" is a residential building designed for occupancy by three or more families.
- (27) "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.
- (28) "Easement" means a grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.
- (29) "Economic base" means the production, distribution and consumption of goods and services within a planning area.
- (30) "Egress" means an exit.

- (31) "Eminent domain" means the authority of a government to take, or to authorize the taking of, private property for public use for just compensation.
- (32) "Environmental Impact Statement" means a statement on the effect of development proposals and other major activities which significantly affect the environment.
- (33) "Essential services" are the erection, alteration, or maintenance, by public utilities or municipal or other government agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare; but not including buildings.
- (34) "Family" means one or more individuals occupying a dwelling unit and living as a single household unit.
- (35) "Family home" means a community-based residential home which is licensed as a residential care facility under Chapter 135C of the Iowa Code or as a child foster care facility under Chapter 237 of Iowa Code to provide room and board, personal care, habitation services and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. A "family home" does not mean an individual foster care family home as licensed under Chapter 237 of the Iowa Code.
- (36) "Farm or farmland" means a parcel of land used for agricultural activities.
- (37) "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; bees, fish, and fur animals but not including rabbits kept as pets.
- (38) "Feasibility study" means an analysis of a specific project or program to determine if it can be successfully carried out.
- (39) "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.

- (40) "Fence" means a structure partially or completely surrounding a part of or the whole of a zoning lot, which is intended to prevent intrusion from without and straying from within the area controlled, but not including a hedge or natural growth. Such a fence shall not be less than five feet in height, above grade. It may be either solid or of other substantial construction consisting of vertical structural members with clear openings between each, not exceeding four inches, and with horizontal rails or supporting members no closer together than three feet. Chain link or woven wire fencing materials, with or without slats, may also be utilized. Gates in such a fence shall be self-closing and self-latching with a latch and lock not less than four and one-half feet above grade. In no case shall a fence of this classification include design features that would facilitate its ascent, or permit the passage of a child's body, as determined by the building official.
- (41) "Flag lot" is a lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.
- (42) "Flood" means the temporary overflowing of water onto land which is usually devoid of surface water.
- (43) "Floodplain" means 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.
- (44) "Grain Elevator" means a structure or group of related structures which is designed or used to receive, store and dry bulk grain.
- (45) "Hospital" means an institution providing health care services for human in-patient medical care for the sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.
- (46) "Hotel" means a residential building licensed by the state and occupied and used principally as a place of lodging for guests. Hotels may or may not provide meals and there are usually no cooking facilities in guest rooms.
- (47) "Livestock" means any animal or fowl which is generally produced primarily for use as food or food products for human consumption, including cattle, sheep, swine, and poultry.
- (48) "Motel" is any commercial enterprise having a building or group of buildings which must be licensed by the state to furnish temporary living accommodations to guests, provided that such accommodations may serve two (2) or more families.
- (49) "Nonconforming Lot" means a lot which does not conform to the provisions of this chapter regarding lot frontage, width or area for the zone in which it is located, provided that such lot is made nonconforming due to the adoption

of this chapter or amendments to this chapter.

- (50) "Nonconforming structure" means a structure or part of a structure which does not conform to the provisions of this chapter regarding height, yards, or building coverage for the zone in which it is located, provided that such structure is made nonconforming due to the adoption of this chapter or amendments to this chapter.
- (51) "Nonconforming use" means any use which is not allowed within the zone in which it is located or any way in which property or a building is used, provided that such use is made nonconforming due to the adoption of this chapter or amendments to this chapter.
- (52) "Office" means a place where services are provided to clients or to the public, or managerial, administrative, executive decisions are made by personnel in governmental or commercial establishments, rather than where goods, wares or merchandise are created, sold, or exchanged.
- (53) "Public way" means any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
- (54) "Sidewalk" means that surfaced portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.
- (55) "State" means the State of Iowa.

158.04 ESTABLISHMENT OF DISTRICTS. The city is divided into nine classes of districts to classify, regulate, and restrict the location of trades, industries, and buildings designed for specified uses. These regulations address building height, bulk, and the intensity of lot area use, as well as the determination of yard and open space surrounding buildings. Said districts shall be known as

- (1) A-1 Agriculture
- (2) R-1 Low Density Residential
- (3) R-2 High Density Residential
- (4) MUN Mixed-Use Neighborhood
- (5) C-1 Low Density Commercial
- (6) C-2 High Density Commercial
- (7) M-1 Low Density Industrial
- (8) M-2 High Density Industrial

- (9) MUC Mixed-Use Commerce

158.05 DISTRICT REGULATIONS

- (1) *Uses permitted by right.* These uses are permitted subject to the issuance of a building permit by the Zoning Administrator, subject only to compliance with all regulations of this title. Uses permitted by right might be subject to supplemental regulations contained in this title.
- (2) *Conditional uses.* These uses are subject to the approval of a conditional use permit by the Board of Adjustment.

158.06 AGRICULTURE. The A-1 district is intended to encompass those areas which are presently used primarily for agriculture. It is further intended to provide for areas of managed growth in which agricultural and other non-urban uses of property may continue and/or for the preservation of farm ground, until such time as the city is able to provide municipal services and urban development can take place. Before installation of facilities providing municipal services, the city must and the property owner may initiate rezoning of property to uses consistent with the Comprehensive Plan.

- (1) *Principal uses permitted.* Property and buildings in an A-1 district shall be used only for the following purposes:
- (a) Agricultural. All uses and structures identified with agriculture, except for feedlot operations;
 - (b) Single Family Dwellings;
 - (c) Farm Dwellings;
 - (d) Commercial Grain Elevators;
 - (e) Veterinary Establishments;
 - (f) Forest and Forestry;
- (2) *Use exceptions.* The following use exceptions are deemed appropriate on review by the Zoning Committee in accordance with the provisions contained in this title:
- (a) Recreational grounds;
 - (b) Religious Institutions;
 - (c) Schools;
 - (d) Park Areas;

- (e) Golf Courses;
- (3) *Bulk regulations.*
 - (a) Building Requirements
 - (1) Maximum height is 35 ft or 2.5 stories
 - (2) Minimum Lot area is 43,560 square feet
 - (3) Minimum Frontage is 150 feet
 - (b) Yard Requirements
 - (1) Minimum Front Yard = Setback 25 feet
 - (2) Minimum Rear Yard = Setback 20 feet
 - (3) Minimum Side Yard = Setback 15 feet
 - (c) Livestock Requirements
 - (1) Livestock Allowances
 - (a) Chickens
 - (1) 8 Hens per acre not to exceed 40

158.07 LOW DENSITY RESIDENTIAL. The R-1 district is the most restrictive residential district. The principal use of land is for low-density residential dwellings and related recreational, religious, and educational facilities normally required to provide an orderly, accessible, and attractive residential area. These residential areas are intended to be defined and protected from encroachment of uses which are not appropriate to a residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing adequate light, air, and open space for dwellings and related facilities, and through consideration of the proper functional relationship of the different uses.

- (3) *Principal uses permitted.* Property and buildings in an R-1 district shall be used only for the following purposes:
 - (a) Low-density residential detached dwellings;
 - (b) Manufactured housing;
 - (c) Churches and temples;
 - (d) Family homes;

- (e) Public schools, elementary, junior high, and high schools;
 - (f) Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes;
 - (g) Public buildings, public and semi-public parks, playgrounds or community buildings;
 - (h) 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 carports, private swimming pools and private greenhouses not operated for commercial purposes.
- (4) *Use exceptions.* The following use exceptions are deemed appropriate on review by the board of adjustment in accordance with the provisions contained in this title:
- (a) Hospitals, sanitariums, nursing homes and convalescent homes on sites of one acre or more, with the same off-street parking and yards as those required for other institutional uses under this title;
 - (b) Public utilities;
 - (c) Swimming pools, golf courses and country clubs, except miniature courses or driving ranges operated for a profit;
 - (d) High-density residential dwellings;
 - (e) The taking of boarders or the leasing of rooms by a resident family, providing total number does not exceed two per building;
 - (f) Home occupations;
 - (g) A bed and breakfast inn, provided off-street parking is available for a total of five spaces.
- (5) *Bulk regulations.*
- (a) Building Requirements
 - (1) Maximum height is 35 ft or 2.5 stories
 - (2) Minimum Lot area is 8,712 square feet
 - (3) Minimum Frontage is 80 feet
 - (b) Yard Requirements
 - (1) Minimum Front Yard Setback is 25 feet

- (2) Minimum Rear Yard Setback is 20 feet
- (3) Minimum Side Yard Setback is 10 feet
- (c) Livestock Requirements
 - (1) Livestock Allowances
 - (a) Chickens
 - (1) 6 Hens per 0.25 acre not to exceed 12

158.08 HIGH DENSITY RESIDENTIAL. The R-2 district is a high-density residential district. The principal use of land is for multi-family designed housing opportunities, consisting of individually owned horizontally attached single family dwellings, single family cluster detached dwellings, and multi-family attached dwellings. The R-2 district is appropriately located near primary and secondary collectors or arterials.

- (1) *Principal uses permitted.* Property and buildings in an R-2 district shall be used only for the following purposes:
 - (a) Single-family dwellings;
 - (b) Two, Three, and Four family dwelling units attached horizontally;
 - (c) One family detached dwellings in a cluster development of two or more;
 - (d) Five or more unit apartments;
 - (e) Public Parks, open spaces and recreational facilities;
 - (f) In-home day care;
 - (g) Group care facilities, family care facilities with over ten residents;
 - (h) 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 carports, private swimming pools and private greenhouses not operated for commercial purposes.
- (2) *Use exceptions.* The following use exceptions are deemed appropriate on review by the board of adjustment in accordance with the provisions contained in this title:
 - (a) Hospitals, sanitariums, nursing homes and convalescent homes on sites of one acre or more, with the same off-street parking and yards as those required for other institutional uses under this title;
 - (b) Public utilities;

- (c) Swimming pools, golf courses and country clubs, except miniature courses or driving ranges operated for a profit;
 - (d) The taking of boarders or the leasing of rooms by a resident family, providing total number does not exceed two per building;
 - (e) Home occupations;
 - (f) A bed and breakfast inn, provided off-street parking is available for a total of five spaces.
- (3) *Bulk regulations.*
- (a) Building Requirements
 - (1) Maximum height is 45 ft or 3 stories
 - (2) Minimum Lot area is 10,890 square feet
 - (3) Minimum Frontage is 60 feet
 - (b) Yard Requirements
 - (1) Minimum Front Yard Setback is 25 feet
 - (2) Minimum Rear Yard Setback is 10 feet
 - (3) Minimum Side Yard Setback is 10 feet

158.09 MIXED-USE NEIGHBORHOOD. The MUN district is a combination of residential and neighborhood commercial uses. The principal use of land is for mixed-use buildings that accommodate neighborhood retail and commercial uses, along with high-density residential uses, and related recreational, religious, and educational facilities normally required to provide an orderly, accessible, and attractive neighborhood. These mixed-use areas are intended to be defined and protected from encroachment of uses which are not appropriate to a residential environment. 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 the different uses.

- (1) *Principal uses permitted.* Property and buildings in an MUN district shall be used only for the following purposes:
- (a) High-density residential dwellings;
 - (b) Neighborhood commercial;
 - (c) Churches and temples;

- (d) Family homes;
 - (e) Public schools, elementary, junior high, and high schools;
 - (f) Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes;
 - (g) Public buildings, public and semi-public parks, playgrounds or community buildings;
 - (h) 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 carports, private swimming pools and private greenhouses not operated for commercial purposes.
- (2) *Use exceptions.* The following use exceptions are deemed appropriate on review by the board of adjustment in accordance with the provisions contained in this title:
- (a) Hospitals, sanitariums, nursing homes, and convalescent homes on sites of one acre or more, with the same off-street parking and yards as those required for other institutional uses under this title;
 - (b) Public utilities;
 - (c) Swimming pools, golf courses, and country clubs, except miniature courses or driving ranges operated for a profit;
 - (d) High-density residential dwellings;
 - (e) The taking of boarders or the leasing of rooms by a resident family, providing total number does not exceed two per building;
 - (f) Home occupations;
 - (g) A bed and breakfast inn, provided off-street parking is available for a total of five spaces.
- (3) *Bulk regulations.*
- (a) Building Requirements
 - (1) Maximum height is 45 ft or 3 stories
 - (2) Minimum Lot area is 800 square feet
 - (3) Minimum Frontage is 20 feet
 - (b) Yard Requirements

- (1) Minimum Front Yard Setback is not applicable
- (2) Minimum Rear Yard Setback is not applicable
- (3) Minimum Side Yard Setback is not applicable

158.10 LOW DENSITY COMMERCIAL. The purpose of the C-1 district is to accommodate small-scale retail sales and personal service uses in a neighborhood shopping area. The permitted uses are intended to primarily serve the local community and nearby residential neighborhoods. Additionally, C-1 districts may be located near residential areas and should not include high-traffic volume businesses that require frequent customer visits. Residential dwellings are allowed above the first floor of commercial spaces, while any proposals for new multi-family dwelling units on or below the first floor are subject to a special provisional use process.

- (1) *Principal uses Permitted.* Property and buildings in a C-1 district shall be used only for the following purposes;
 - (a) Restaurant, café, liquor store;
 - (b) Dry cleaners or laundry;
 - (c) Retail businesses;
 - (d) Beauty and barber shops;
 - (e) Real estate, insurance, and financial institutions
 - (f) Childcare facilities;
 - (g) Public and semi-public parks, open spaces, playgrounds, and recreational facilities.
- (2) *Use exceptions.* The following use exceptions are deemed appropriate on review by the board of adjustment in accordance with the provisions contained in this title:
 - (a) Multi-family residential structures as permitted in R-2 which are not located in prime retail commercial locations adjacent to arterial and collector street corridors;
 - (b) Public utilities.
- (3) *Bulk regulations.*
 - (a) Building Requirements
 - (1) Maximum height is 35 ft or 2.5 stories

- (2) Minimum Lot area is 2,178 square feet
- (3) Minimum Frontage is 20 feet
- (b) Yard Requirements
 - (1) Minimum Front Yard Setback is not applicable
 - (2) Minimum Rear Yard Setback is not applicable
 - (3) Minimum Side Yard Setback is not applicable

158.11 HIGH DENSITY COMMERCIAL. The purpose of the C-2 district is to accommodate commercial and predominantly retail activities typically associated with automobile traffic, located adjacent to arterial and collector streets and highways requiring amounts of space too great to be located in the central business district and characterized by high retail activity levels during business hours.

- (1) *Principal uses permitted.* Property and buildings in an C-2 district shall be used only for the following purposes:
 - (a) Any use permitted in the C-1 district or MUN district;
 - (b) Restaurant, café, liquor store;
 - (c) Hotels or motels;
 - (d) Public Parks, open spaces and recreational facilities;
 - (e) Group care facilities, family care facilities with over ten residents;
 - (f) Drive-in restaurants;
 - (g) Drive-in bank;
 - (h) Bowling alley;
 - (i) Plant nursery and garden supplies sales;
 - (j) Public uses;
 - (k) Semi-public uses;
 - (l) Essential services;
 - (m) Convenience stores and service stations.
- (2) *Use exceptions.* The following use exceptions are deemed appropriate on review by the board of adjustment in accordance with the provisions contained in this

title:

- (a) Hospitals, sanitariums, nursing homes, and convalescent homes on sites of one acre or more, with the same off-street parking and yards as those required for other institutional uses under this title;
 - (b) Public utilities;
 - (c) Swimming pools, golf courses, and country clubs, except miniature courses or driving ranges operated for a profit;
 - (d) The taking of boarders or the leasing of rooms by a resident family, providing total number does not exceed two per building;
 - (e) Home occupations;
 - (f) A bed and breakfast inn, provided off-street parking is available for a total of five spaces.
- (3) *Bulk regulations.*
- (a) Building Requirements
 - (1) Maximum height is 55 ft or 3.5 stories
 - (2) Minimum Lot area is 10,890 square feet
 - (3) Minimum Frontage is 60 feet
 - (b) Yard Requirements
 - (1) Minimum Front Yard Setback is 25 feet
 - (2) Minimum Rear Yard Setback is 20 feet
 - (3) Minimum Side Yard Setback is 25 feet

158.12 LOW DENSITY INDUSTRIAL. The purpose of the M-1 district is to create areas for light industrial activities while adhering to standards that promote visually appealing development with minimal impact on neighboring properties.

- (1) *Principal uses permitted.* Property and buildings in an M-1 district shall be used only for the following purposes:
 - (a) Manufacturing and processing uses that create no offensive noise, dust, odor, vibration, or electrical interference for all of the following uses:
 - (b) Food processing;

- (c) Research and testing facilities;
 - (d) Contractors' shop and storage yard;
 - (e) Recycling plant;
 - (f) Plumbing, heating, air conditions, and metal shops;
 - (g) Animal hospitals and kennels.
- (2) *Use exceptions.* The following use exceptions are deemed appropriate on review by the board of adjustment in accordance with the provisions contained in this title:
- (a) Sale or storage of fuels and chemicals;
 - (b) Storage of junk or non-operative vehicles.
- (3) *Bulk regulations.*
- (a) Building Requirements
 - (1) Maximum height is 45 ft or 3 stories
 - (2) Minimum Lot area is 87,120 square feet
 - (3) Minimum Frontage is 100 feet
 - (b) Yard Requirements
 - (1) Minimum Front Yard Setback is 40 feet
 - (2) Minimum Rear Yard Setback is 25 feet
 - (3) Minimum Side Yard Setback is 40 feet

158.13 HIGH DENSITY INDUSTRIAL. The purpose of the M-2 district is to designate areas for heavy industrial and accommodate various types of warehousing, storage, and manufacturing uses. These areas are chosen based on their location, transportation needs, and the significant impact they have on the city.

- (1) *Principal uses permitted.*
- (a) Any uses permitted in the M-1 district;
 - (b) Manufacturing and processing uses;
 - (c) Wholesaling and warehousing uses;

- (d) Food processing;
 - (e) Public utilities including storage buildings and yards;
 - (f) Building fabrication;
 - (g) Incineration plants;
 - (h) Railroads.
- (2) *Bulk regulations.*
- (a) Building Requirements
 - (1) Maximum height is 45 ft or 3 stories
 - (2) Minimum Lot area is 130,680 square feet
 - (3) Minimum Frontage is 100 feet
 - (b) Yard Requirements
 - (1) Minimum Front Yard Setback is 50 feet
 - (2) Minimum Rear Yard Setback is 30 feet
 - (3) Minimum Side Yard Setback is 50 feet

158.14 MIXED-USE COMMERCE. The MUC district is a combination of commercial and light industrial uses. The principal use of land is for mixed-use buildings that accommodate commercial uses, along with light industrial uses. These mixed-use areas are intended to be separated from incompatible uses through consideration of the proper functional relationship of the different uses.

- (1) *Principal uses permitted.* Property and buildings in an MUN district shall be used only for the following purposes:
 - (a) Commercial uses;
 - (b) Industrial uses.
- (2) *Use exceptions.* The following use exceptions are deemed appropriate on review by the board of adjustment in accordance with the provisions contained in this title:
- (3) *Bulk regulations.*
 - (a) Building Requirements

- (1) Maximum height is 45 ft or 3 stories
- (2) Minimum Lot area is 2,178 square feet
- (3) Minimum Frontage is 20 feet

(b) Yard Requirements

- (1) Minimum Front Yard Setback is 20 feet
- (2) Minimum Rear Yard Setback is 15 feet
- (3) Minimum Side Yard Setback is 20 feet

158.15 LAND USE MATRIX. Within the zoning districts of the City, different uses are permitted with different conditions. These are displayed in the Land Use Matrix. Levels of permission include:

- (1) *Uses permitted by right.* These uses are permitted subject to the issuance of a building permit by the Zoning Administrator, subject only to compliance with all regulations of this title. Uses permitted by right might be subject to supplemental regulations contained in this title. These uses are indicated in the Land Use Matrix by a “P” in the applicable cell.
- (2) *Conditional uses.* These uses are subject to the approval of a conditional use permit by the Board of Adjustment. These uses are indicated in the Land Use Matrix by a “C” in the applicable cell.

Land Use Categories	A-1 Agricultural District	R-1 Low Density Residential	R-2 High Density Residential District	MUN Mixed-Use Neighborhood District	C-1 Low Density Commercial	C-2 High Density Commercial District	M-1 Low Density Industrial District	M-2 High Density Industrial District	MUC Mixed-Use Commerce District
C - Compatible PC - Partially Compatible									
Agricultural /Open Space	C	PC							
Commercial					C	C			
Industrial							C	C	
Institutional				C	C	C			

Mixed-Use				C					
Mixed-Use Commerce									C
Recreation	PC	C	C	C	C				
Residential		C	C						

158.16 GENERAL USE REGULATIONS. Zoning impacts 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.

- (1) *Minimum street frontage, lot of record, number of buildings on lot, and lots unserved by sewer or water.*
 - (a) **Minimum Street Frontage.** No lot shall be created after the adoption of the ordinance codified in this title unless it abuts at least thirty feet on a public street.
 - (b) **Lot of Record.** In any residence district on a lot of record at the time of enactment of the ordinance codified in this title, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this title are complied with. However, where two or more vacant and contiguous substandard recorded lots are held in common ownership, they shall be combined into zoning lots and shall thereafter be maintained in common ownership and shall be so joined and developed for the purpose of forming an effective and conforming zoning lot. For the purpose of this section, the razing of a building on a substantial lot shall constitute the formation of a vacant lot.
 - (c) **Lots Unserved by Sewer and/or Water.** In any residential district where neither public water supply nor public sanitary sewer are reasonably available, one single-family detached dwelling may be constructed, provided the otherwise specified lot area and width requirements shall be a minimum of twenty thousand square feet.

158.17 ACCESSORY BUILDINGS, STRUCTURES, AND USES.

- (1) *Time of Construction.* No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- (2) *Percentage of Rear Yard Occupied.* No detached accessory building or buildings shall occupy more than thirty percent of the area of a rear yard.

- (3) *Height of Accessory Buildings.* No detached accessory building or structure shall exceed fifteen feet in height, and the side walls shall not exceed ten feet in height.
- (4) *Location on Lot.* No accessory building or structure shall be erected in any front or side yard. Accessory buildings or structures shall be no closer than five feet from any main buildings.
- (5) *Swimming Pool Fences.* No public or private swimming pool shall be erected unless the same be entirely enclosed by buildings, fences or walls not less than five nor more than seven feet in height and of such construction that a child may not reach the pool from the street or from any adjacent property without opening a door or gate or scaling a wall or fence. Holes or openings in the fence shall be four inches or less. Such fences or walls shall be equipped with self-latching gates or doors. All doors from houses and garages must also be self-closing and self-latching.

158.18 ADDITIONAL PRINCIPAL STRUCTURES ON LOT. In any district more than one principal structure, housing a permitted principal use, may be erected on a single lot provided that the area, yard and other requirements shall be met for each structure as though it were on an individual lot.

158.19 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 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.

158.20 CONVERSION OF DWELLINGS. The conversion of any building or structure into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building or similar occupancy would be permitted under this title, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the chapter applying to such district.

158.21 YARD AND PARKING SPACE RESTRICTION. No part of a 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.

158.22 TRAFFIC VISIBILITY ACROSS CORNER LOTS. In a residential or agricultural district on any corner lot, no fence, wall, hedge, or other planting or structure that will

obstruct vision between a height of two and one-half feet and ten feet above the centerline grades of the intersecting streets shall be erected, placed, or maintained within the triangular area formed by the right-of-way lines at such corner and a straight line joining the right-of-way lines at points which are twenty-five feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines.

- 158.23 ESSENTIAL SERVICES.** Essential services shall be permitted as authorized and regulated by law and other ordinances of the community, it being the intention of this section to exempt such essential services from the application of this title.
- 158.24 VALIDITY OF EXISTING BUILDING PERMITS.** Nothing herein contained 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 title, the construction of which, conforming with such plans, shall have been started prior to the effective date of the ordinance codified in this title and the completion thereof carried on in a normal manner within the subsequent six-month period, and not discontinued until completion, except for reasons beyond the builder's control.
- 158.25 HEIGHT EXCEPTIONS.** The height limitations do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, or other structures placed above roof level and not intended for human occupancy.
- 158.26 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 purposes that would obstruct the use or maintenance of the public right-of-way.
- 158.27 HEDGES AND FENCES.** Fences or hedges shall not exceed four feet in height in any required front yard and shall not exceed the six feet in height in any required side yard, subject to the further restriction of Section 157, with the exception of swimming pool fences which shall be governed by Section 158.17, and not by this section.
- 158.28 ACCESS REQUIRED.** Every building erected or structurally altered after the effective date of the ordinance codified in this title shall be on a lot having frontage on a public street.
- 158.29 APPLICATION OF REGULATIONS.** The regulations set by this title within each district apply uniformly to each class or kind of structure or land, and particularly except as hereinafter provided.
- 158.30 PERMITTED USES.** The following uses are permitted in all zoning districts: Public utility distribution equipment such as poles, towers, wires, cables, conduits, laterals, etc. All other uses are permitted only as listed under each specific zoning district.

158.31 TEMPORARY USE EXCEPTIONS. The following uses may be permitted by a temporary use exception permit, valid for ten 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 use 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 sources of water supply. Conditions and restrictions as determined necessary to protect the public health, safety, morals, and comfort may be attached to the permit.

158.32 BULK REQUIREMENTS. 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.

- (1) Minimum bulk requirements are listed on Table 1 Bulk Requirements, New Sharon, Iowa, following:

District Use	Maximum Height	Minimum Lot Area	Minimum Frontage	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
A-1	35 ft or 2.5 stories	43, 560 sq ft.	150 ft.	25 ft	15 ft	20 ft
R-1	35 ft or 2.5 stories	8,712 sq ft	80 ft	25 ft	10 ft	20 ft
R-2	45 ft or 3 stories	10,890 sq ft	60 ft	25 ft	10 ft	10 ft
MUN	45 ft or 3 stories	800 sq ft	20 ft	n/a	n/a	n/a
C-1	35 ft or 2.5 stories	2,178 sq ft	20 ft	n/a	n/a	n/a
C-2	55 ft or 3.5 stories	10,890 sq ft	60 ft	25 ft	20 ft	25 ft
M-1	45 ft or 3 stories	87,120 sq ft	100 ft	40 ft	25 ft	40 ft
M-2	45 ft or 3 stories	130,680 sq ft	100 ft	50 ft	30 ft	50 ft
MUC	45 ft or 3 stories	2,178 sq ft	20 ft	20 ft	15 ft	20 ft

158.33 LIMITATION ON VEHICLES USED AS RESIDENCES.

- (1) No recreational vehicle or mobile home not otherwise permitted by the provisions of the zoning ordinance of the city, or other vehicle of any kind, shall be used as a residence or a dwelling within the city limits. Recreational vehicles may be temporarily occupied for not more than fourteen days, but any such use of a recreational vehicle shall not be repeated by the use of the same or a different recreational vehicle on the same lot or contiguous lots unless not less than thirty days has expired between the termination of the occupation of the recreational vehicle for one to fourteen days, and the commencement of the next period of occupation of any recreational vehicle for one to fourteen days. It is the intention of this section to permit occupation of recreational vehicles for periods of up to fourteen days by persons traveling through the area and visiting or stopping within the city on a temporary basis, but for not more than fourteen days, and with the requirement that this section limit any attempt to extend such occupation by occasional brief interruptions of the period of occupancy.
- (2) In addition to recreational vehicles, as defined in Section 69.11, this section shall, likewise, restrict the occupation of mobile homes, manufactured homes, automobiles, or any other vehicle as an attempted form of temporary residence. Mobile homes, manufactured homes, and recreational vehicles shall, in addition, be limited by all provisions of the zoning ordinance or the city code relating to them.
- (3) In the event that the zoning administrator or the police department finds that any owner or occupant of a recreational vehicle or other vehicle or mobile home has violated this section, such owner or occupant shall be subject to the penalties provided in Section 70.06. The remedies of the city for a violation of this section shall specifically include the right of the city to file criminal charges against any such owner or occupant, and any person violating any of the provisions of this section, shall, upon conviction, be subject to imprisonment not exceeding thirty days or a fine not exceeding two hundred dollars. A violation of this section shall also, at the election of the city, be punishable as a nuisance, as provided in Section 50 of the New Sharon Municipal Code. The provisions of criminal and nuisance remedies in this section shall not limit the city's right to utilize any other remedies, either legal or equitable, available to the city under Iowa law.

158.34 ANNEXATION. All territory which may hereafter be annexed to the City of New Sharon shall be classed automatically as being in an "A-1" agriculture district until such classification has been changed by amendment through the Zoning Committee. No land shall be annexed without prior approval of the Zoning Committee with assessment of access to sufficient services including water and utilities.

158.35 IMPACT REGULATIONS

- (1) *Parking.* Off-street parking shall be provided for any new building constructed

or enlargements of existing structures.

- (2) *Trucks, buses, mobile homes.* Trucks, buses, and mobile homes shall not be parked or stored on any lot occupied by a dwelling or any lot in any agricultural or residential district except in accordance with the following provisions:
 - (a) *Truck or Bus.* No "truck or bus" exceeding one and one-half tons capacity shall be parked or stored in any residential district for longer than twenty-four hours.
 - (b) *Mobile Home.* A "mobile home" shall be parked or stored in a safe, unobstructive manner. A mobile home shall not be occupied whether temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under the ordinances of the city of New Sharon.
- (3) *Home Businesses.* Any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit. Any question of whether a particular use is permitted as a home occupation shall be determined by the Zoning Committee pursuant to the provisions of this chapter. The regulations of this section are designed to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and limited business activities have traditionally been carried on in the home. This section recognizes that, when properly limited and regulated, such activities can take place in a residential structure without changing the character of either the neighborhood or the structure. The following regulations apply to dwellings located in all zoning districts except the A-1.
- (4) *Use Limitations.* In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
 - (a) No more than two (2) employees that are not residents on the premises shall be employed.
 - (b) No more than 25% or 400 square feet of the floor area of the dwelling unit, whichever is less, shall be devoted to the home occupation.
 - (c) No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.
 - (d) The home occupation shall be conducted entirely within the principal dwelling unit or in a permitted building accessory thereto, and in no event shall such use be apparent from any public way.
 - (e) There shall be no outdoor storage of equipment or materials used in the home occupation.

- (f) Not more than one commercial vehicle used in connection with any home occupation shall be parked on the property.
 - (g) No more than one vehicle or piece of equipment shall be displayed for sale on the property.
 - (h) No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used.
 - (i) No home occupation shall be permitted which is noxious, offensive, or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.
 - (j) No sign, other than one unlighted sign not over two (2) square feet in area attached flat against the dwelling and displaying only the occupant's name and occupation, shall advertise the presence or conduct of the home occupation.
 - (k) There shall be no off-premises signs.
- (5) *Home Occupations Permitted.* Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each such home occupation shall be subject to the use limitations set out in subsection 1 above.
- (a) Providing instruction to not more than four students at a time.
 - (b) Office facilities for accountants, architects, brokers, doctors, dentists, engineers, lawyers, insurance agents and real estate agents.
 - (c) Office facilities for religious purposes.
 - (d) Office facilities for salesmen, sales representatives, and manufacturer's representatives when no retail or wholesale sales are made or transacted on the premises.
 - (e) Studio of an artist, photographer, craftsman, writer, or composer.
 - (f) Homebound employment of a physically, mentally, or emotionally handicapped person who is unable to work away from home by reason of his or her disability.
 - (g) Shop of a beautician, barber, hair stylist, dressmaker, or tailor.
 - (h) Bed and Breakfast establishments limited to not more than three guest rooms.

- (i) Providing day care to not more than seven (7) children at one time.

158.36 NONCONFORMING USES. Nonconforming buildings and structures.

- (1) *General.* A nonconforming building or structure existing at the time of adoption of the ordinance codified in this title may be continued, maintained, and repaired, except as otherwise provided in this section. Nothing in this title shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe.
- (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 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 structures 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 in 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.
- (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 a continuous period of one year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.
- (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 and rebuilt using the same footprint, as at the time of damage.
- (5) *Change of Use.* A nonconforming use of a conforming building or structure may be explained 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 of amendment of the ordinance codified in this title, but no use shall be extended to occupy any land outside such building.
 - (a) 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 year after the effective date of the ordinance codified in this title, but otherwise it shall be used in conformity with the regulations of the district in which it is located.

- (b) The use of a nonconforming building or structure may be changed to a use of the same or 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 the ordinance codified in 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 I-2 district the least restrictive district.
- (6) *Swimming Pool Fences.* The lawful use of a swimming pool existing at the effective date of the ordinance codified in this title may be continued, provided that twelve months after the effective date of the ordinance codified in this title all nonconforming pools shall conform to subsection (e) of Section 158.17.

158.37 NONCONFORMING USES OF LAND. A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than five hundred dollars, existing at the time of adoption of the ordinance codified in this title may be continued for a period of not more than three years there from provided that.

- (1) Said nonconforming use may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of the ordinance codified in this title;
- (2) If said nonconforming use or any portion thereof is discontinued for a period of six months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which said land is located.

158.38 BOARD OF ADJUSTMENT

- (1) *Creation.* The board of adjustment, as established under applicable provisions of the Iowa State Statutes, is the board of adjustment referred to in this title.
- (2) *Appointment—Terms—Removal.* The board shall consist of five members to be appointed by the city council for a term of five years, excepting that when the board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. A majority of the members of the board of adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate. Members of the board of adjustment may be removed from office by the city council for cause upon written charges and after public hearing. Vacancies shall be filled by the city council for the unexpired term of the member affected.

- (3) *Powers and Duties.* The board of adjustment is hereby vested with the following powers and duties:
 - (a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the City Clerk in the enforcement of this title;
 - (b) To hear and pass on all applications for special exceptions in the manner prescribed in this title;
 - (c) To hear and pass on all applications for variances from the terms provided in this title in the manner prescribed and subject to the standards herein.
- (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 chapter. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public.
 - (a) The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the board.
 - (b) The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision, or determination of the City Clerk, 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.
- (5) *Finality of Decisions of the Board of Adjustment.* All decisions and finding of the board of adjustment on appeals 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 by law may be provided.

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. This ordinance shall be in effect from and after its final passage, approval, and

publication as provided by law.

Passed by the Council the November ____, 2024, and approved this November ____, 2024.

Dustin Hite, Mayor

Attest:

Lisa Munn, City Clerk

I certify the foregoing was published as Ordinance No. _____ November ____, 2024.

Lisa Munn, City Clerk