

CHAPTER 165

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GENERAL PROVISIONS AND DEFINITIONS

165.01 PURPOSE. The purpose of this chapter is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, safety, and general welfare in the City of Hubbard, Iowa.

165.02 APPLICATION OF DISTRICT REGULATIONS. The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

2. 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 chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
3. No yard or lot existing as of the effective date of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by these zoning regulations.
4. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.
5. All structures existing, as of the effective date of this chapter and which comply with the terms and conditions of this chapter, shall be considered lawful and be allowed to continue.

165.03 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP.

1. Official Zoning Map. The City shall be divided into districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, shall be adopted by ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 165.03 of the City Code of the City of Hubbard, Iowa." together with the date of adoption.

If, in accordance with the provisions of this chapter and Chapter 414, Code of Iowa, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: "By official action of the City Council, the following changes were made to the Official Zoning Map." (Indicating the changes by ordinance numbers and date of publication.)

No amendment of these zoning regulations which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

2. Annexation of New Land. Any land annexed to the City after the effective date of this chapter shall be zoned [AG] Agricultural until the Planning and Zoning Commission and City Council shall have studied the area and adopted a final zoning plan for the area in accordance with this chapter.

3. Replacement of the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. _____ of the City of Hubbard, Iowa."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

165.04 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits.

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.
8. Whenever the Council vacates and disposes of a street or alley, adjacent districts shall extend to the center line of the vacation.
9. Whenever a variance exists between the Official Zoning Map and the legal description on an amendment to this chapter, the legal description applies.

165.05 DEFINITIONS. For purposes of this chapter, certain terms or words used herein shall be interpreted as follows:

The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word “shall” is mandatory; the word “may” is permissive.

The words “used” or “occupied” include the words “intended,” “designed,” or “arranged to be used or occupied.”

The word “lot” includes the words “plot” or “parcel.”

1. Abutting – Having property or district lines in common.
2. Access – A way of approaching or entering a property from a public street.

3. Accessory Buildings – A subordinate building or structure located on the same lot with the main building, occupied by or devoted to, an accessory use. Where an accessory building is attached to the main building in the subordinate manner, as by a wall or roof, such accessory building shall be considered part of the main building.
4. Accessory Structure – A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.
5. Accessory Use – A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
6. Adult Uses – The retail sale of any obscene material as defined by §728.1, 3 & 5 of the Code of Iowa and/or any live entertainment or performance presented for commercial purposes that consists in whole or part of persons exposing human genitalia, human buttocks, or the human female breasts.
7. Agriculture – The use of land for agricultural purposes, including animal husbandry, agriculture, dairying, farming, floriculture, forestry, groves, horticulture, orchards, poultry husbandry, ranching viticulture, and the necessary accessory uses for packing, treating or storing the produce; however, the operation of the accessory uses shall be subordinate to that of the normal agriculture activities. The above does not include commercial feeding of livestock.
8. Agricultural Sales and Services – Establishments or places of business engaged in sale from the premises 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. Typical uses include nurseries, hay, feed and grain stores, and tree service firms.
9. Alley – A public way, other than a street, thirty (30) feet or less in width, affording secondary means of access to abutting property.
10. Animal Feeding Operation – Any laying, nursing, farrowing, or finishing operation which is conducted within a building or structure with a central waste collection system, for the purpose of raising livestock or poultry for sale.

11. Auction House – A place where objects of art, furniture, or other goods are offered for sale to persons who bid on the objects in competition with each other.
12. Basement – A story having part but not more than one-half (1/2) its height above grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.
13. Bed and Breakfast Houses – A house or portion thereof where short-term lodging, rooms, and meals are provided. The operator shall live on the premises.
14. Board – The Board of Adjustment.
15. Boarding Houses – A building other than a hotel where, for compensation, meals and lodging are provided for four (4) or more persons.
16. Building – Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards and not including structures or vehicles originally designed for transportation purposes.
17. Building, Height of – The vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, and gambrel roofs.
18. Convenience Storage – Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobbyshops, manufacturing, or commercial activity. Typical uses include mini-warehousing.
19. District – A section or sections of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.
20. Dwelling – Any building, or portion thereof designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.
21. Dwelling, Multiple – A building or portion thereof designed for or occupied exclusively for residence purposes by two (2) or more families.

22. Dwelling, Single-family – A building designed for or occupied exclusively for residence purposes by one (1) family.
23. Elder Home – Any residential facility which meets the definition of an elder home as defined in Section 414.29 and referenced sections of the Code of Iowa.
24. Family – One or more persons related by blood, marriage or adoption occupying a single dwelling unit.
25. Family Home – A community-based residential home which is licensed as a residential care facility under Chapter 135C or as a child foster care facility under Chapter 237 to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.
26. Frost-Free Foundation – A foundation supporting a structure which is required to be at least forty-two (42) inches below grade.
27. Garage – A building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank is stored, repaired, or kept.
28. Garage, Private – A building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.
29. Garage, Public or Storage – A building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.
30. Grade – The average elevation of the finished ground at the exterior walls of the main building.
31. Home Occupation – An incidental occupation conducted for financial gain in a dwelling unit and subject to rules set out within the AG, RS and RM Districts.
32. Horticulture – The growing of horticultural and floracultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales. Typical uses include wholesale plant nurseries and greenhouses.

33. Hospital – An institution which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding twenty-four (24) hours of two (2) or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four (24) hours of obstetrical or other medical or nursing care for two (2) or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four (24) hours of two (2) or more nonrelated aged or infirm persons requiring or receiving chronic or convalescent care; and shall include sanitariums or other related institutions. Provided, however, this shall not apply to hotels or other similar places that furnish only food and lodging, or either, to their guests. “Hospital” shall include, in any event, any facilities wholly or partially constructed or to be constructed with federal financial assistance, pursuant to Public Law 725, 79th Congress, approved August 13, 1946.

34. Hotel – A building occupied as the more or less temporary residence of individuals who are lodged for compensation with or without meals, in which there are sleeping rooms or suites of rooms with no provision made for cooking in any individual room or suite of rooms, and entrance is through a common lobby or office.

35. Junk Yard – Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged materials as part of manufacturing operations. A junk yard shall also include auto wrecking and salvage operations.

36. Kennel (Commercial) – An establishment in which dogs or domestic animals more than six (6) months old are housed, groomed, bred, boarded, trained, or sold.

37. Lodging House – A building originally designed for or used as single-family, two-family, or multiple-family dwelling, all or a portion of which contains lodging rooms or rooming units which accommodate persons who are not members of the keeper’s family. Lodging or meals, or both, are provided for compensation. The term “lodging house” shall

be construed to include: boarding house, rooming house, fraternity house, sorority house and dormitories.

38. Lot – For purposes of this chapter, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an approved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;
- D. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

39. Lot Frontage – The front of a lot shall be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “Yards” in this section. The principal building on a lot shall front on a street or a public place except in the case of lots abutting lake shore where the lots shall front on the lake and the rear yard shall be opposite the front yard.

40. Lot Measurements –

- A. Width of a lot shall be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the building line; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line or front property line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac where eighty (80) percent requirement shall not apply.
- B. Depth of a lot shall be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

41. Lot of Record – A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

42. Lot Types – The chart on the following page illustrates terminology used in this chapter with reference to “corner” lots, “interior” lots, “through” lots, and “reversed corner” lots as follows:

“corner” lot – a lot located at the intersection of two (2) or more streets.

“interior” lot – a lot other than a corner lot with only one (1) frontage on a street other than an alley.

“through” lot – a lot other than a corner lot with frontage on more than one (1) street other than an alley. Lots with frontage on two (2) non-intersecting streets may be referred to as “through” lots. On through lots the required front yard shall be provided on both streets.

“reversed corner” lot – a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

CHART - LOT

43. **Manufactured Home** – A manufactured home shall be located and installed according to the same standards, including but not limited to, a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. A manufactured home is a factory-built 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 or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. A mobile home as defined in Section 435.1 of the Code of Iowa is not a manufactured home, unless it has been converted to real property as provided in Section 435.26 of the Code of Iowa, and shall be taxed as a site-built dwelling. This section shall not be construed as abrogating a recorded restrictive covenant.

44. **Mobile Home** – Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term “mobile home” shall include camp car and house car.

45. **Motel (Also Motor Hotel, Motor Court, Motor Lodge, or Tourist Court)** – A building or group of buildings designed to provide sleeping accommodations to transient guests for compensation, and provides near each guest room a parking space for the guest’s vehicle. A swimming pool, restaurant, meeting rooms, management offices and other such accessory facilities may be included.

46. **Nonconformities** – Lots, structures, uses of land and structures, or characteristics of uses, which are prohibited under the terms of these zoning regulations but were lawful at the date of enactment of these zoning regulations.

47. **Parking Space** – An area of not less than one hundred eighty (180) square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.

48. **Permitted Use** – A use by right which is specifically authorized in a particular zoning district.

49. **Planning and Zoning Commission** – A Commission referred to as the Commission or Planning and Zoning Commission appointed by the

Council to recommend the boundaries of the various districts and appropriate regulations and restrictions to be enforced through this chapter and as granted powers under Chapter 414 of the Code of Iowa.

50. **Preschool/Child Care Center** – An establishment providing for the care, supervision and protection of children for a fee, not otherwise qualified as a home occupation.

51. **Principal Use** – The main use of land or structures as distinguished from an accessory use.

52. **Projections (into yards)** – Parts of buildings such as architectural features that extend beyond the building's exterior wall.

53. **Public Space** – An open or unoccupied public place which is permanently reserved for the purpose of access to abutting property.

54. **Quorum** – A majority of the full authorized membership.

55. **Recreational Vehicle** – A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. This definition shall also include boats and appurtenant trailers, as well as snowmobiles, jet skis and their associated trailers.

56. **Remodel** – To construct an addition or alter the design or layout of a building or make substantial repairs or alterations.

57. **Restaurant** – A use engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty (50) percent of the gross income. A general restaurant may include live entertainment. Typical uses include restaurants, coffee shops, dinner houses, and similar establishments with incidental alcoholic beverage service.

58. **Retail Sales** – Sale or rental of commonly used goods and merchandise for personal or household use, but excludes those classified more specifically in this section inclusive. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby

materials, toys, and hand-crafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories (excluding service and installation).

59. Service Station (Gas Station) – A building or premises used for dispensing or offering for sale at retail any automobile fuels, oils, or having pumps and storage tanks therefor, or where battery, tire or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale.

60. Setback – The required distance between every structure and lot line on the lot in which it is located.

61. Signs – Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

62. Signs, On-Premises – An advertising device concerning the sale or lease of the property upon which they are located and advertising devices concerning activities conducted or products sold on the property upon which they are located.

63. Signs, Off-Premises – An advertising device including the supporting structure which directs the attention of the general public to a business, service, or activity not usually conducted or a product not usually sold upon the premises where such a sign is located. Such a sign shall not include: On-premises signs, directional or other official sign or signs which have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.)

64. Signs, Portable – Any sign that is not permanently affixed to a building, structure, or the ground.

65. Signs, Real Estate – A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

66. Special Exception – A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all

the conditions and standards for the location or operation of the use as specified in these zoning regulations and authorized by the Board of Adjustment.

67. Statement of Intent – A statement preceding regulations for individual districts, intended to characterize the districts and their legislative purpose.

68. Story – That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.

69. Story, Half – A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.

70. Street – All property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.

71. Street Line – The right-of-way line of a street.

72. Structural Alteration – Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

73. Structure – Anything constructed or erected more than twenty-four (24) square feet in size, which requires location on the ground or attached to something having location on the ground, including signs and billboards, and including fences or walls used as fences.

74. Terrace – A level, landscaped, and/or surfaced area, also referred to as a deck or patio, directly adjacent to a principal building at or within three (3) feet of the finished grade and not covered by a permanent roof.

75. Use – The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

76. Variance – A device used by the Board of Adjustment which grants a property owner relief from certain provisions of these zoning regulations when the result would be an opportunity for improved zoning and planning which would benefit the community.

77. Vehicle Repair Shop – A business for the repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats including the sale, installation, and servicing of equipment and parts. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.

78. Warehousing – Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants.

79. Yard – An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. Fences and walls are permitted in any yard, subject to height limitations as indicated herein. (See chart on following page)

80. Yard, Front – A yard extending across the width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. Corner lots shall have two (2) front yards and two (2) side yards. (See chart on following page)

81. Yard, Rear – A yard extending across the width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On interior lots the rear yard shall be the opposite end of the lot from the front yard. (See chart on following page)

82. Yard, Side – A yard extending from the front yard to the rear yard and measured between the side lot lines and the building. (See chart on following page)

CHART - YARD

83. Zoning Administrator – The local official responsible for reviewing Certificates of Zoning Compliance and following actions of the Board of Adjustment for special exceptions and variances. Decisions of the official may be appealed to the Board of Adjustment. Certificates of Zoning Compliance and Building Permits are issued by the Zoning Administrator.

84. Zoning District – A section the City designated in the text of these zoning regulations and delineated on the Zoning Map in which requirements for the use of land, the building and development standards are prescribed. Within each district, all requirements are uniform.

85. Zoning Map – The map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Ordinance.

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NONCONFORMITIES

165.10 NONCONFORMITIES. Within the districts established by this chapter there exist:

1. lots,
2. structures,
3. uses of land and structures, and
4. characteristics of use,

which were lawful before these zoning regulations were adopted or amended, but which are prohibited, regulated, or restricted under the terms of this chapter or future amendments. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Further nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district; however, it is the intent of this chapter to allow structures which were nonconforming under the previous ordinance, but which are conforming under this chapter to be considered legal as of the date of adoption of this chapter and shall be allowed to be rebuilt, added to, or modified within the terms and requirements of this chapter.

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

165.11 NONCONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of the chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, if the lot shall conform to the regulations for the district in which such lot

is located. Variance of yard requirements shall be obtained only through the action of the Board of Adjustment.

165.12 NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY). Where at the time of adoption of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars (\$1,000.00), the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
3. If any such nonconforming use of land ceases for any reason for a period of one hundred eighty (180) days, then any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
4. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

165.13 NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of these zoning regulations by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in such a way which increases its nonconformity, except by special exception of the Board of Adjustment, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement value at time of destruction, it shall not be reconstructed, unless by special exception of the Board of Adjustment, in which case it shall be allowed only on the original perimeter. Such reconstruction shall be started within one (1) year of approval or, if less

than sixty (60) percent, within one (1) year of the damage or such structure shall lose said nonconforming status.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

165.14 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION. If lawful use involving individual structures with a replacement cost of one thousand dollars (\$1,000.00) or more, or of structure and land in combination, exists at the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the terms of these zoning regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

1. No existing structure which involves a nonconforming use shall be enlarged, extended, constructed, or reconstructed, except in changing the use of the structure to a use permitted in the district in which it is located or unless reconstructed by special exception of the Board of Adjustment.

2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

3. If no structural alterations are made, any nonconforming use of a structure, or structure and land, may be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.

4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

5. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period (except when government action impedes access to the premises) the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

6. When nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land, unless reconstruction is allowed by special exception of the Board of Adjustment. Destruction for the purpose of this subsection is defined as damage to an extent of more than sixty (60) percent of the replacement value at time of destruction.

If damage to the structure is less than sixty (60) percent of its replacement value, reconstruction shall be completed within one (1) year of the date the damage occurred or said nonconforming status shall be eliminated.

165.15 REPAIRS AND MAINTENANCE. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, provided that the cubic content of the building as it existed at the time of adoption or amendment of this chapter shall not be increased.

165.16 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NONCONFORMING USES. Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

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DISTRICT REGULATIONS

165.20 DISTRICTS ESTABLISHED. The City is herewith divided into the following districts:

- AG – Agricultural District
- CN – Conservation District
- RS – Single-Family Residential District
- RM – Multi-Family Residential District
- MH – Manufactured Housing District
- CBC – Central Business Commercial District
- HC – Highway Commercial District
- LI – Light Industrial District
- HI – Heavy Industrial District

These districts are established as identified on the Official Zoning Map which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be part of this chapter.

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165.22 AG – AGRICULTURAL DISTRICT.

1. Intent. This district is intended to provide for areas in which agriculture and related uses are encouraged as the principal use of land. However, uses which may be offensive to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic or physical appearance or other similar factors are not permitted. The district prohibits urban density residential use until these areas may be served by utilities and services of the City. This district is also intended to preserve land suited for eventual development into other uses, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur and the fiscal integrity of the City is preserved. All newly annexed areas to the City will automatically be placed into this district classification unless otherwise suitably classified.

2. Permitted Uses. The following uses are permitted in the AG District:

A. Agriculture, including farm dwellings and other usual agricultural buildings and structures.

B. Home occupations. (See Performance Standards in this section for more detail. See also Definitions in Section 165.05.)

3. Excluded Uses. The following uses are prohibited within the AG District:

None.

4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the AG District including, but not limited to, the following:

A. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.

B. Private garages, barns and other farm buildings.

C. Roadside stands offering for sale only agricultural products or other products produced on the premises.

D. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

- E Solar collectors.
 - F Radio and television receiving antennas.
5. Special Exceptions. Certain uses may be permitted in the AG District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:
- A. Cemeteries, crematories or mausoleums.
 - B. Commercial kennels.
 - C. Greenhouses and nurseries.
 - D. Publicly operated sanitary landfills.
 - E. Private recreational camps, golf courses and recreational facilities.
 - F. Public or private utility substations, relay stations, etc.
 - G. Churches, synagogues, chapels or accessory facilities.
 - H. Publicly owned and operated buildings and facilities.
 - I. Railroad tracks but no other facility.
 - J. Mining and extraction of minerals.
 - K. Parochial and private schools with curriculum similar to public schools.
 - L. Agricultural services.
 - M. Veterinary facilities.
 - N. Airports.
 - O. Animal feeding operations.
6. Performance Standards. The following performance standards shall apply to the uses indicated. They shall be supplemental to and in addition to other provisions applying to the property.
- A. Accessory Buildings. No accessory building shall be erected in any required yard other than a rear yard, except as provided hereinafter:
 - (1) Accessory buildings shall be set back at least five (5) feet from any adjoining lot, alley, or easement line. On any corner lot, an accessory building shall conform to the setback requirements on the side street as well.

- (2) An accessory building must be at least five (5) feet distant from the principal building and/or any other accessory building.
- (3) Accessory buildings may be connected by a breezeway to the principal building, or if connected, shall be considered part of the principal building.
- (4) No accessory building shall be constructed upon a lot until the construction of the principal building has been commenced and no accessory building shall be used unless the principal building on the lot is also being used for purposes in conformance with this chapter.
- (5) Any accessory building 480 square feet or more in area shall be placed on permanent, frost-free footings.
- (6) Any accessory structure or building attached in any way to a residential building shall be placed on a permanent, frost-free foundation.
- (7) Structures not originally designed with or for full enclosure shall not be enclosed without permanent, frost-free footings.

B. Home Occupations.

- (1) No more than one (1) person other than members of the family residing on the premises shall be engaged on the premises in such occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the main floor calculated from the outside perimeter shall be used in the conduct of the home occupation. This area restriction shall not apply to the care of children if the property otherwise qualifies as a home occupation.
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, except that one (1) sign, identifying the name of the business, is allowed. The sign shall not be larger than two (2) square feet in size, shall not be illuminated, and must be mounted flat against the building or within one (1) foot of the building.

(4) No home occupation may be conducted in any accessory building, except by special exception of the Board of Adjustment. All home occupations shall be conducted entirely within the principal structure or accessory building and no associated outdoor storage shall be allowed.

(5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met so as to not create traffic congestion.

(6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

(7) The following uses shall not be allowed as a home occupation:

None.

C. Terraces/Decks/Patios. Terraces, decks, or patios may project into required rear yards only, provided it is no closer than five (5) feet to any lot line.

D. Swimming Pools. Private swimming pools shall be allowed only in rear yards and shall not be closer than five (5) feet to side or rear lot lines.

E. Residential Dwelling Standards. All single-family dwelling units shall meet the following minimum standards:

(1) The minimum width of a dwelling structure or principal building shall be twenty (20) feet at the exterior dimension of three (3) or more exterior walls, exclusive of attached garages, porches or other accessory structures.

(2) All dwelling units including attached garages shall be placed on a permanent frost-free perimeter foundation or pier footings which are certified by an engineer or architect.

F. Recreational vehicles, campers, travel trailers, motor homes, boats, buses, trucks over three-quarters (¾) ton, and other similar recreational vehicles and apparatus shall not be parked or stored for a length of time greater than seventy-two (72) hours within the required front yard setback.

7. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the AG District:

Min. Lot Area	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	*Max. Height: The Lesser Of
5 acres	200	50	25	50	2½ stories or 35 feet

*Agricultural buildings are exempted from height regulations.

8. Off-street Parking. The following off-street parking requirements shall apply in the AG District:

A. Dwellings: two (2) parking spaces on the lot for each living unit in the building.

B. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.

C. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.

D. Roadside stands: one (1) parking space for each fifty (50) square feet of enclosed floor area.

- E. Greenhouses and nurseries: one (1) parking space per one thousand (1,000) square feet of enclosed floor area.
9. Off-street Loading. The following off-street loading requirements shall apply in the AG District:
- A. All activities or uses allowed in the AG District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot and shall be provided with a surface of asphalt or concrete.
 - B. Loading shall not be permitted to block public right-of-way unless otherwise provided for in the Hubbard Municipal Code.
10. Signs. Off-premises and on-premises signs are permitted as follows:
- A. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
 - B. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
 - C. No sign may imitate or resemble an official traffic control sign, signal or device.
 - D. Signs shall not encroach or extend over public right-of-way.
 - E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
 - F. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
 - G. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
 - H. Signs shall be allowed only in front and side yards.
 - I. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they

shall be removed promptly and the surrounding area restored to a condition free from refuse and rubbish. Any sign not conforming to the provisions of this chapter shall be made to conform or be removed.

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165.24 CN – CONSERVATION DISTRICT.

1. Intent. This district is intended to prevent, in those areas which are subject to periodic or potential flooding, such development as would result in a hazard to health or safety or be otherwise incompatible with the public welfare. Flood plain areas that overlap are also governed by the Hubbard Flood Plain Ordinance. This district is also intended to provide for water conservation, erosion control, protection of wildlife habitat, protect natural erosion control, protect natural drainage ways and to generally provide for ecologically sound land use of environmentally sensitive areas.

2. Permitted Uses. The following uses are permitted in the CN District:

- A. Undeveloped and unused land in its natural condition.
- B. Public parks and recreation open space.

3. Excluded Uses. The following uses are prohibited within the CN District:

None.

4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the CN District including, but not limited to, the following:

- A. Agriculture, exclusive of dwelling units.
- B. Agricultural or recreational buildings or structures whose use or value would not be impaired by being flooded.
- C. Flood control structures.
- D. Domestic animals such as cats, dogs, birds, tropical fish, etc., which are normally allowed to run free or are housed within the dwelling. Horses, cows, sheep, chickens, etc., normally considered farm or wild and untamed animals, shall be excluded except as otherwise provided for in this chapter.
- E. Roadside stands offering for sale only agricultural products or other products produced on the premises.

- F. Temporary buildings for the uses incidental to construction work which buildings shall be removed upon the completion or abandonment or the construction work.
- 5. Special Exceptions. Certain uses may be permitted in the CN District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:
 - A. Cemeteries, crematories or mausoleums.
 - B. Stables, private or public.
 - C. Greenhouses and nurseries.
 - D. Private recreational uses.
 - E. Public or private utility substations, relay stations, etc.
 - F. Publicly owned buildings and facilities.
 - G. Railroad tracks but no other facility.
- 6. Performance Standards. The following performance standards shall apply to the CN District:
 - A. Floodway and Floodway Fringe Districts. All areas within the flood plain are subject to the City’s Floodway and Floodway Fringe District regulations as adopted.
- 7. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the CN District:

Min. Lot Area	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
None	None	20	15	20	2½ stories or 35 feet, excluding farm buildings

- 8. Off-street Parking. The following off-street parking requirements shall apply in the CN District:
 - A. Roadside stands: one (1) parking space for each fifty (50) square feet of floor area.
 - B. Greenhouses and nurseries: one (1) parking space per 1,000 square feet of enclosed floor area.

9. Off-street Loading. The following off-street loading requirements shall apply in the CN District:

- A. All activities or uses allowed in the CN District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot and shall be provided with a surface of asphalt or concrete.
- B. Loading shall not be permitted to block public right-of-way unless otherwise provided for in the Hubbard Municipal Code.

10. Signs. Off-premises and on-premises signs are permitted as follows:

- A. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- B. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- C. No sign may imitate or resemble an official traffic control sign, signal or device.
- D. Signs shall not encroach or extend over public right-of-way.
- E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- F. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- G. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
- H. Signs shall be allowed only in front and side yards.
- I. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be removed promptly and the surrounding area restored to a condition free from refuse and rubbish. Any sign not conforming to the provisions of this chapter shall be made to conform or be removed.

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165.26 RS – SINGLE-FAMILY RESIDENTIAL DISTRICT.

1. Intent. This district is intended to provide for a variety of single and two family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Low and medium population density neighborhoods are recognized. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various single-family residential areas of the City.

2. Permitted Uses. The following uses are permitted in the RS District:

- A. Single-family detached dwellings.
- B. Family homes (no such home shall be within one quarter (1/4) mile of any other family home).
- C. Elder homes (no such home shall be within one quarter (1/4) mile of any other elder home).
- D. Home occupations. (See Performance Standards in this section for more detail. See also Definitions in Section 165.05.)

3. Excluded Uses. The following uses are prohibited within the RS District:

None.

4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RS District including, but not limited to, the following:

- A. Private garages.
- B. Private recreational facilities.
- C. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
- D. Any telecommunication receiving structure so designed to prevent direct attachment, mounting, or installation to the

principal building or structure in any residential district shall be considered an accessory structure or use. Such telecommunication receiver shall be installed within the rear yard, on a concrete pad and permanently affixed mounting structure. No mobile or portable structures will be allowed.

E. Radio and television receiving antennas provided they are not used for commercial purposes.

5. Special Exceptions. Certain uses may be permitted in the RS District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:

A. Preschools/child care centers.

B. Public or private utility substations, relay stations, etc.

C. Churches, synagogues, chapels, or accessory facilities.

D. Publicly owned and operated buildings and facilities.

E. Private schools that are accredited by the State of Iowa with a curriculum similar to public schools.

F. Golf courses but not miniature courses or separate driving tees.

G. Railroad tracks but no other facility.

H. Parking lots serving commercial or industrial districts.

6. Performance Standards. The following performance standards shall apply to the RS District:

A. Accessory Buildings. No accessory building shall be erected in any required yard other than a rear yard, except as provided hereinafter:

(1) Accessory buildings shall be set back at least five (5) feet from any adjoining lot, alley, or easement line. On any corner lot, an accessory building shall conform to the setback requirements on the side street as well.

(2) An accessory building must be at least five (5) feet distant from the principal building and/or any other accessory building.

(3) Accessory buildings may be connected by a breezeway to the principal building, or if connected, shall be considered part of the principal building.

- (4) No accessory building shall be constructed upon a lot until the construction of the principal building has been commenced and no accessory building shall be used unless the principal building on the lot is also being used for purposes in conformance with this chapter.
- (5) Any accessory building 480 square feet or more in area shall be placed on permanent, frost-free footings.
- (6) Any accessory structure or building attached in any way to a residential building shall be placed on a permanent, frost-free foundation.
- (7) Structures not originally designed with or for full enclosure shall not be enclosed without permanent, frost-free footings.
- (8) Any accessory building shall not occupy more than thirty (30) percent of the rear yard and shall not exceed one (1) story or fifteen (15) feet in height.

B. Home Occupations.

- (1) No more than one (1) person other than members of the family residing on the premises shall be engaged on the premises in such occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the main floor calculated from the outside perimeter shall be used in the conduct of the home occupation. This area restriction shall not apply to the care of children if the property otherwise qualifies as a home occupation.
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, except that one (1) sign, identifying the name of the business, is allowed. The sign shall not be larger than two (2) square feet in size, shall not be illuminated, and must be mounted flat against the building or within one (1) foot of the building.
- (4) No home occupation may be conducted in any accessory building, except by special exception of the Board of Adjustment. All home occupations shall be

conducted entirely within the principal structure or accessory building and no associated outdoor storage shall be allowed.

(5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met so as to not create traffic congestion.

(6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

(7) The following uses shall not be allowed as a home occupation:

None.

C. Terraces/Decks/Patios. Terraces, decks, or patios may project into required rear yards only, provided it is no closer than five (5) feet to any lot line.

D. Residential Dwelling Standards. All single-family dwelling units shall meet the following minimum standards:

(1) The minimum width of a dwelling structure or principal building shall be twenty (20) feet at the exterior dimension of three (3) or more exterior walls, exclusive of attached garages, porches or other accessory structures.

(2) All dwelling units including attached garages shall be placed on a permanent frost-free perimeter foundation or pier footings which are certified by an engineer or architect.

E. Parking. Recreational vehicles, campers, travel trailers, motor homes, boats, buses, trucks over three-quarters (¾) ton, and other similar recreational vehicles and apparatus shall not be parked or stored for a length of time greater than seventy-two (72) hours within the required front yard setback.

7. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the RS District:

Zoning Symbol	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
9 RS	9,000	75	30	7	30	3 stories or 35 feet
7 RS	7,000	50	30	7	30	3 stories or 35 feet

8. Off-street Parking. The following off-street parking requirements shall apply in the RS District and said requirements shall be met by providing surfacing of concrete or asphalt:

A. Dwellings: two (2) parking spaces on the lot for each living unit in the building. For dwellings not consisting of living units: two (2) parking spaces on the lot for each one thousand (1,000) square feet of floor area.

B. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.

C. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.

D. Elementary, junior high and equivalent private or parochial schools: one (1) parking space for each classroom and office plus one (1) parking space for each three hundred (300) square feet of gross floor area in the auditorium or gymnasium.

- E. Senior high schools and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each ten (10) students.
 - F. Colleges, universities, institutions of higher learning, and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each five (5) students.
 - G. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area.
 - H. Preschools/child care centers: one (1) parking space per employee.
9. Off-street Loading. The following off-street loading requirements shall apply in the RS District:
- A. All activities or uses allowed in the RS District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot and shall be provided with a surface of asphalt or concrete.
 - B. Loading shall not be permitted to block public right-of-way unless otherwise provided for in the Hubbard Municipal Code.
10. Signs. The following sign regulations shall apply to the RS District:
- A. Off-premises signs, except political signs, are not permitted.
 - B. On-premises signs, except real estate and home occupation signs, are not permitted. Real estate lease or sales signs, relating to the property on which the sign is located, are permitted but shall not exceed six (6) square feet in area.
 - C. Political signs on private property are permitted but shall not exceed thirty-two (32) square feet in size.
 - D. Construction-type signs are permitted.
 - E. Signs for residential use identifying the premises and occupant, but not including advertising matter, are permitted but shall not exceed six (6) square feet in area. Public, parochial, private schools and colleges, children's homes, and public and quasi-public buildings for cultural use, may have identification

signs not to exceed thirty-two (32) square feet in area. Churches, synagogues, and chapels shall be allowed one (1) sign not exceeding twenty-four (24) square feet in size.

F. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be removed promptly and the surrounding area restored to a condition free from refuse and rubbish. Any sign not conforming to the provisions of this chapter shall be made to conform or be removed.

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165.28 RM – MULTI-FAMILY RESIDENTIAL DISTRICT.

1. Intent. This district is intended to provide for a variety of multi-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Medium and high population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various multi-family residential areas of the City.

2. Permitted Uses. The following uses are permitted in the RM District:

- A. Single-family detached dwellings.
- B. Multi-family dwellings.
- C. Home occupations. (See Performance Standards in this section for more detail. See also Definitions in Section 165.05.)
- D. Family homes (no two (2) such homes shall be within one quarter (¼) mile of any other family home).
- E. Elder homes (no two (2) such homes shall be within one quarter (¼) mile of any other elder home).

3. Excluded Uses. The following uses are prohibited within the RM District:

None.

4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RM District including, but not limited to, the following:

- A. Private garages.
- B. Parking lots.
- C. Private recreational facilities.
- D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

E. Any telecommunication receiving structure so designed to prevent direct attachment, mounting, or installation to the principal building or structure in any residential district shall be considered an accessory structure or use. Such telecommunication receiver shall be installed within the rear yard, on a concrete pad and permanently affixed mounting structure. No mobile or portable structures will be allowed.

G. Radio and television receiving antennas provided they are not used for commercial purposes.

5. Special Exceptions. Certain uses may be permitted in the RM District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:

A. Preschools/child care centers.

B. Public or private utility substations, relay stations, etc.

C. Churches, synagogues, chapels or accessory facilities.

D. Publicly owned and operated buildings and facilities.

E. Private schools that are accredited by the State of Iowa with curriculum similar to public schools.

F. Lodging houses, dormitories, fraternities and sororities.

G. Bed and breakfast houses.

H. Health care facilities.

I. Golf courses but not miniature courses or separate driving ranges or driving tees.

J. Railroad tracks but no other facility.

6. Performance Standards. The following performance standards shall apply to the RM District:

A. Accessory Buildings. No accessory building shall be erected in any required yard other than a rear yard, except as provided hereinafter:

(1) Accessory buildings shall be set back at least five (5) feet from any adjoining lot, alley, or easement line. On any corner lot, an accessory building shall conform to the setback requirements on the side street as well.

- (2) An accessory building must be at least five (5) feet distant from the principal building and/or any other accessory building.
- (3) Accessory buildings may be connected by a breezeway to the principal building, or if connected, shall be considered part of the principal building.
- (4) No accessory building shall be constructed upon a lot until the construction of the principal building has been commenced and no accessory building shall be used unless the principal building on the lot is also being used for purposes in conformance with this chapter.
- (5) Any accessory building 480 square feet or more in area shall be placed on permanent, frost-free footings.
- (6) Any accessory structure or building attached in any way to a residential building shall be placed on a permanent, frost-free foundation.
- (7) Structures not originally designed with or for full enclosure shall not be enclosed without permanent, frost-free footings.
- (8) Any accessory building shall not occupy more than thirty (30) percent of the rear yard and shall not exceed one (1) story or fifteen (15) feet in height.

B. Home Occupations.

- (1) No more than one (1) person other than members of the family residing on the premises shall be engaged on the premises in such occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the main floor calculated from the outside perimeter shall be used in the conduct of the home occupation. This area restriction shall not apply to the care of children if the property otherwise qualifies as a home occupation.
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, except that one (1) sign,

identifying the name of the business, is allowed. The sign shall not be larger than two (2) square feet in size, shall not be illuminated, and must be mounted flat against the building or within one (1) foot of the building.

(4) No home occupation may be conducted in any accessory building, except by special exception of the Board of Adjustment. All home occupations shall be conducted entirely within the principal structure or accessory building and no associated outdoor storage shall be allowed.

(5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met so as to not create traffic congestion.

(6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

(7) The following uses shall not be allowed as a home occupation:

None.

C. Terraces/Decks/Patios. Terraces, decks, or patios may project into required rear yards only, provided it is no closer than five (5) feet to any lot line.

D. Residential Dwelling Standards. All single-family dwelling units shall meet the following minimum standards:

(1) The minimum width of a dwelling structure or principal building shall be twenty (20) feet at the exterior dimension of three (3) or more exterior walls, exclusive of attached garages, porches or other accessory structures.

(2) All dwelling units including attached garages shall be placed on a permanent frost-free perimeter foundation or pier footings which are certified by an engineer or architect.

E. Parking. Recreational vehicles, campers, travel trailers, motor homes, boats, buses, trucks over three-quarters (¾) ton, and other similar recreational vehicles and apparatus shall not be parked or stored for a length of time greater than seventy-two (72) hours within the required front yard setback.

7. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the RM District:

Zoning Symbol	Min. Lot Area Per Dwelling Unit (sq. ft.)	Maximum Units Per Building	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height (feet)
2 RM	2,000	6	9,000	75	30	7	30	3 stories or 45 feet
3 RM	3,000	6	9,000	75	30	7	30	3 stories or 45 feet
4 RM	4,000	6	9,000	75	30	7	30	3 stories or 45 feet

8. Off-street Parking. The following off-street parking requirements shall apply in the RM District and said requirements shall be met by providing surfacing of concrete or asphalt:

- A. Single-family dwellings: two (2) parking spaces on the lot.
- B. Multi-family dwellings: two (2) parking spaces on the lot for each dwelling unit.

- C. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.
 - D. Elementary, junior high and equivalent private or parochial schools: one (1) parking space for each classroom and office plus one (1) parking space per each three hundred (300) square feet of gross floor area in auditorium or gymnasium.
 - E. Senior high schools and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each ten (10) students.
 - F. Colleges, universities, institutions of higher learning, and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each five (5) students.
 - G. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.
 - H. Preschools/child care centers: one (1) parking space per employee.
9. Off-street Loading. The following off-street loading requirements shall apply in the RM District:
- A. All activities or uses allowed in the RM District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot and shall be provided with a surface of asphalt or concrete.
 - B. Loading shall not be permitted to block public right-of-way unless otherwise provided for in the Hubbard Municipal Code.
10. Signs. The following sign regulations shall apply to the RM District:
- A. Off-premises signs, except political signs, are not permitted.
 - B. On-premises signs, except real estate and home occupation signs, are not permitted. Real estate lease or sales signs, relating to the property on which the sign is located, are permitted but shall not exceed six (6) square feet in area.
 - C. Political signs on private property are permitted but shall not exceed thirty-two (32) square feet in size.

D. Construction-type signs are permitted.

E. Signs for residential use identifying the premises and occupant, but not including advertising matter, are permitted but shall not exceed six (6) square feet in area. Public, parochial, private schools and colleges, children's homes, and public and quasi-public buildings for cultural use, may have identification signs not to exceed thirty-two (32) square feet in area. Churches, synagogues, and chapels shall be allowed one (1) sign not exceeding twenty-four (24) square feet in size.

F. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be removed promptly and the surrounding area restored to a condition free from refuse and rubbish. Any sign not conforming to the provisions of this chapter shall be made to conform or be removed.

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165.30 MH – MANUFACTURED HOUSING DISTRICT.

1. Intent. This district is intended to provide for certain medium density residential areas in the City now developed as manufactured/mobile home parks which by reason of their design and location are compatible with surrounding residential areas and areas of the City where similar development seems likely to occur. This district has useful application as a transition zone between shopping areas and residential areas and is normally located along thoroughfares where direct access to the site is available.

2. Permitted Uses. The following uses are permitted in the MH District:

- A. Manufactured/mobile homes.
- B. Home occupations. (See Section 165.05, Definitions, for restrictions relating to home occupations).
- C. Buildings or structures under park management supervision shall be used only as office space, storage, laundry facilities, recreation facilities, garage storage or other necessary service for park residents' use only.
- D. Storm shelters serving district residents.

3. Excluded Uses. The following uses are prohibited within the MH District:

None.

4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the MH District including, but not limited to, the following:

- A. Private recreational facilities.
- B. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.
- C. Storage shed.

5. Special Exceptions. Certain uses may be permitted in the MH District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:

- A. Public or private utility substations, relay stations, etc.
- B. Preschools/child care centers.
- C. Churches, synagogues, chapels or accessory facilities.
- D. Railroad tracks but no other facility.
- E. Recreational uses which are temporary in nature.

6. Performance Standards. The following performance standards shall apply to the MH District:

A. Home Occupations.

(1) No persons other than members of the family residing on the premises shall be engaged on the premises in such occupation.

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the main floor calculated from the outside perimeter shall be used in the conduct of the home occupation. This area restriction shall not apply to the care of children if the property otherwise qualifies as a home occupation.

(3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, except that one (1) sign, identifying the name of the business, is allowed. The sign shall not be larger than two (2) square feet in size, shall not be illuminated, and must be mounted flat against the building or within one (1) foot of the building.

(4) No home occupation may be conducted in any accessory building, except by special exception of the Board of Adjustment. All home occupations shall be conducted entirely within the principal structure or accessory building and no associated outdoor storage shall be allowed.

(5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met so as to not create traffic congestion.

(6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

(7) The following uses shall not be allowed as a home occupation:

None.

7. Application Procedures. The following information shall be shown on the development plan or submitted in writing with it. All applications shall be approved, denied or amended and approved by the City Council after recommendation by the Planning and Zoning Commission.

A. The name of the proposed manufactured/mobile home park.

B. Names, addresses and telephone numbers of the developer or his representative.

C. Location of the manufactured/mobile home park, giving the subdivision and lot numbers.

D. A map of the entire area scheduled for development, if the proposed development is a portion of a larger holding intended for subsequent development.

- E. Allocation map showing the relationship of the proposed development and the adjacent tracts.
 - F. The present land use and existing zoning of the proposed development and the adjacent tracts.
 - G. Interior streets, street, street names, right-of-way and roadway widths.
 - H. All lot lines and open spaces with dimensions shown.
 - I. Delineation of all improvements required in this section.
8. Staging of Development. The following requirements shall apply to the MH District:
- A. Any MH District plan proposed to be constructed in stages shall include full details relating thereto and the City Council may approve or modify any proposals when necessary.
 - B. The staging shall include the time for beginning and completion of each stage.
 - C. The landowner or developer shall make such easements, covenants, or other arrangements and shall furnish such performance bond for other security as may be determined by the City Council to be reasonably required to assume performance in accordance with the plan and to protect the public interest in the event of abandonment of the plan before completion.
9. Administrative Procedure. The following administrative procedures shall apply to the MH District:
- A. The general procedure for application review and action on an MH District shall be according to the following outline:
 - (1) A concept plan at the option of the applicant may be submitted to the Planning and Zoning Commission for their review which indicates the general concept of the developer.
 - (2) An application, filing fee, and two (2) copies of the full plan shall be submitted to the Zoning Administrator.
 - (3) The City staff, including the Zoning Administrator or any others necessary, shall review and provide recommendations at the Planning and Zoning Commission public hearing.

(4) The Planning and Zoning Commission shall conduct a public hearing and said hearing shall have public notice in a paper of general circulation at least seven (7) but not more than twenty (20) days prior to said hearing.

(5) The Planning and Zoning Commission shall forward their recommendation to the City Council.

(6) The City Council shall hold a hearing as required and take action.

10. Minimum Plan Requirements. The following requirements shall apply to the MH District:

A. The minimum site for a manufactured/mobile home development shall be five (5) acres with a minimum of twenty (20) lots.

B. All manufactured/mobile homes shall be located at least thirty (30) feet from any park property boundary line abutting upon a public street or highway and at least fifteen (15) feet from other park property boundary lines.

C. There shall be a minimum distance of ten (10) feet between the manufactured/mobile home stand and the abutting park street.

D. Each manufactured/mobile home lot shall be provided with water, sanitary sewer, electric line, and telephone lines and gas lines if needed, in compliance with applicable codes.

E. Adequate street lighting shall be provided along the private streets for the safety of pedestrians.

F. A minimum of two (2) vehicular entrances shall be provided for manufactured/mobile home development. One entrance may be kept closed to the general public if provision is made for emergency access.

G. All abutting public streets and alleys and all interior easements for utilities and public service vehicles shall be dedicated where required on the final plan and all public improvements shall be installed in accordance with plans approved by City standards.

H. Two (2) off-street parking spaces shall be provided for each lot.

I. The following requirements shall apply to the MH District:

*Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
5,000	40	10	10	10	3 stories or 35 feet

11. Streets. The following street regulations shall apply to the MH District:

- A. All manufactured/mobile home developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile lot.
- B. Entrances to manufactured/mobile home developments shall have direct connections to a public street.
- C. Pavements should be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of street with ten (10) feet minimum.

12. Signs. Off-premises signs are not permitted. On-premises signs are permitted as follows:

- A. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- B. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- C. No sign may imitate or resemble an official traffic control sign, signal or device.
- D. Signs shall not encroach or extend over public right-of-way.
- E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- F. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

G. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

H. Signs shall be allowed only in front and side yards.

I. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be removed promptly and the surrounding area restored to a condition free from refuse and rubbish. Any sign not conforming to the provisions of this chapter shall be made to conform or be removed.

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165.32 CBC – CENTRAL BUSINESS COMMERCIAL DISTRICT.

1. Intent. This district is intended to accommodate the major business and office concentration in Hubbard. It is characterized further by a variety of stores and related activities which occupy the central commercial area of Hubbard. This district is intended to be the single central business district of Hubbard and is also characterized by certain mixed use structures and limited single-family residential. Bulk regulations further reflect a more in time use and development pattern.
2. Permitted Uses. The following uses are permitted in the CBC District:
 - A. Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods or products. Outdoor sales may utilize public sidewalks, but shall be temporary in nature.
 - B. Offices/clinics.
 - C. Hotels and motels.
 - D. Publicly owned and operated buildings and facilities.
3. Excluded Uses. The following uses are prohibited within the CBC District:
 - A. Bulk sale and storage of grain, fertilizer, and petroleum products.
 - B. Sale and storage of livestock.
4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the CBC District including, but not limited to, the following:
 - A. Private garages.
 - B. Parking lots.
 - C. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
 - D. Accessory uses customarily incidental to any permitted principal use.
5. Special Exceptions. Certain uses may be permitted in the CBC District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:

- A. Preschools/child care centers.
 - B. Churches, synagogues, chapels or accessory facilities.
 - C. Outdoor sales or storage of building materials.
 - D. Railroad tracks but no other facility.
 - E. Dwellings (second floor and above with off-street/on-site parking).
 - F. Warehouses.
6. Performance Standards. The following performance standards shall apply in the CBC District:
None.

7. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the CBC District:

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
None	None	None	None; however, if a setback is provided, it shall be a minimum of 5 feet, and if adjacent to a Residential District, then it shall be 10 feet	None, except if a rear yard is adjacent to a Residential District, then it shall be 25 feet	2½ stories or 35 feet

8. Off-street Parking. The following off-street parking requirements shall apply in the CBC District:

None required.

9. Off-street Loading. The following off-street loading requirements shall apply in the CBC District:

A. All activities or uses allowed in the CBC District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

- B. Loading shall not be permitted to block public right-of-way unless otherwise provided for in the Hubbard Municipal Code.
10. Signs. Off-premises and on-premises signs are permitted as follows:
- A. Off-premises signs shall comply with the setbacks of the districts they are located in. Other bulk regulations do not apply. Off-premises signs are governed by State and Federal regulations along highways, where zoning exists.
 - B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
 - C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
 - D. No sign may imitate or resemble an official traffic control sign, signal or device.
 - E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
 - F. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
 - G. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
 - H. Signs shall be allowed only in front and side yards.
 - I. Signs shall be allowed to encroach over a public right-of-way; however, they shall be no closer than two (2) feet to the curb nor shall they be less than seven (7) feet in height and shall further be constructed in accordance with the provisions of the Iowa State Building Code.
 - J. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be removed promptly and the surrounding area restored to a condition free from refuse and rubbish. Any sign not conforming to the provisions of this chapter shall be made to conform or be removed.

Nonconforming signs in the CBC District shall have thirty (30) days from the effective date of this ordinance to conform to the sign regulations for this district.

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165.34 HC – HIGHWAY COMMERCIAL DISTRICT.

1. Intent. This district is intended to provide for certain areas of the City for the development of service, retail, and limited non-residential uses which because of certain locational requirements and operational characteristics are appropriately located in close proximity to arterial and other main thoroughfares. The district is further characterized by a typical need for larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares.

2. Permitted Uses. The following uses are permitted in the HC District:

- A. Sales and display rooms and lots, including yards for the storage or display of new or used building materials but not for any scrap or salvage operation storage or sales.
- B. Offices and clinics.
- C. Churches, synagogues, chapels or accessory facilities.
- D. Publicly owned and operated buildings and facilities.
- E. Hotels and motels.
- F. Any other retail or service sales business, including food preparation for sale off-premises.
- G. Educational institutions accredited by the State of Iowa.
- H. Service stations.

3. Excluded Uses. The following uses are prohibited within the HC District:

None.

4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the HC District including, but not limited to, the following:

- A. Private recreational facilities.
- B. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.

- C. Private garages.
 - D. Parking lots.
 - E. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
5. Special Exceptions. Certain uses may be permitted in the HC District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:
- A. Public or private utility substations, relay stations, etc.
 - B. Warehousing.
 - C. Railroad tracks but no other facility.
 - D. Hospitals and other health care facilities.
 - E. Commercial kennels.
 - F. Sale and storage of livestock.
6. Performance Standards. The following performance standards shall apply in the HC District:
- None.
7. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the HC District.

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
9,000	75	40	7 feet; however, if adjacent to a Residential District, then the side yard shall be 10 feet	25	2½ stories or 35 feet

8. Off-street Parking. The following off-street parking requirements shall apply in the HC District:
- A. Sales and service buildings: one (1) parking space per three hundred (300) square feet of gross floor area.

- B. Offices/clinics: one (1) parking space per three hundred (300) square feet of gross floor area.
 - C. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.
 - D. Public buildings and facilities: one (1) parking space per three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.
 - E. Hotels and motels: one (1) parking space per room plus one (1) parking space for each employee.
9. Off-street Loading. The following off-street loading requirements shall apply in the HC District:
- A. All activities or uses allowed in the HC District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot and shall be provided with a surface of asphalt or concrete.
 - B. Loading shall not be permitted to block public right-of-way unless otherwise provided for in the Hubbard Municipal Code.
10. Signs. Off-premises and on-premises signs are permitted as follows:
- A. Off-premises signs shall comply with the setbacks of the districts they are located in. Other bulk regulations do not apply. Off-premises signs are governed by State and Federal regulations along highways, where zoning exists.
 - B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
 - C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
 - D. No sign may imitate or resemble an official traffic control sign, signal or device.
 - E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
 - F. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which

incorporates or makes use of lights simulating or resembling traffic signals or control signs.

G. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

H. Signs shall be allowed only in front and side yards.

I. Signs shall be allowed to encroach over a public right-of-way; however, they shall be no closer than two (2) feet to the curb nor shall they be less than seven (7) feet in height.

J. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be removed promptly and the surrounding area restored to a condition free from refuse and rubbish. Any sign not conforming to the provisions of this chapter shall be made to conform or be removed.

165.36 LI – LIGHT INDUSTRIAL DISTRICT.

1. Intent. This district is intended to provide for areas of development by industrial firms that have high standards of performance and that can locate in close proximity to residential and business uses. The district regulations are designed to permit the development of any manufacturing or industrial operations which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic, physical appearance or other similar factors. No residential uses, hotels or motels, schools, colleges, hospitals, or clinics are permitted in this district.

2. Permitted Uses. The following uses are permitted in the LI District.

A. Any nonresidential building or use which would not be hazardous, obnoxious, offensive or unsightly by reason of odor, sound, vibrations, radioactivity, electrical interference, glares, liquid or solid waste, smoke, or other air pollutants.

B. Storage, manufacture, compounding, processing, packing and/or treatment of products, exclusive of the rendering or refining of fats and/or oils.

C. Manufacture, compounding, assembly and/or treatment of articles or merchandise derived from previously prepared materials.

D. Assembly of appliances and equipment, including manufacture of small parts.

E. Wholesale distribution of all standard types of prepared or packaged merchandise.

F. Sale and storage of building materials.

G. Contractors' offices and storage of equipment.

H. Public or private utility substations, relay stations, etc.

3. Excluded Uses. The following uses are prohibited within the LI District:

A. Residential dwellings.

4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the LI District including, but not limited to, the following:

- A. Accessory buildings and uses customarily incidental to a permitted use.
- B. Living quarters for watchmen or custodians of industrial properties.

5. Special Exceptions. Certain uses may be permitted in the LI District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

None.

6. Performance Standards. The following performance standards shall apply in the LI District:

None.

7. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the LI District.

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
9,000	75	25	7 feet, unless adjacent to a Residential District, then it shall be 25 feet	25	2½ stories or 35 feet

8. Off-street Parking. The following off-street parking requirements shall apply in the LI District:

- A. All commercial uses shall provide one (1) parking space on the lot for each three hundred (300) square feet of floor area.

- B. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.
9. Off-street Loading. The following off-street loading requirements shall apply in the LI District:
- A. All activities or uses allowed in the LI District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot and shall be provided with a surface of asphalt or concrete.
- B. Loading shall not be permitted to block public right-of-way unless otherwise provided for in the Hubbard Municipal Code.
10. Signs. Off-premises and on-premises signs are permitted as follows:
- A. Off-premises signs shall comply with the setbacks of the districts they are located in. Other bulk regulations do not apply. Off-premises signs are governed by State and Federal regulations along highways, where zoning exists.
- B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- D. No sign may imitate or resemble an official traffic control sign, signal or device.
- E. Signs shall not encroach or extend over public right-of-way.
- F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

- I. Signs shall be allowed only in front and side yards.
- J. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be removed promptly and the surrounding area restored to a condition free from refuse and rubbish. Any sign not conforming to the provisions of this chapter shall be made to conform or be removed.

165.38 HI – HEAVY INDUSTRIAL DISTRICT.

1. Intent. This district is intended to provide areas for activities and uses of a heavy industrial character and is the least restrictive of any district. In the best interest of the City, certain uses in the HI District shall be subject to final City Council approval, conditional approval, or denial to insure that proper safeguards are taken. No residential uses, schools, colleges, or hospitals are permitted.
2. Permitted and Conditional Uses. There may be any use, excluding residential uses and mobile homes. The following uses must be given separate City Council approval before approval is issued.
 - A. Acid and bases manufacture.
 - B. Cement, lime, gypsum, or plaster of paris manufacture.
 - C. Distillation of bones.
 - D. Explosive manufacture or storage.
 - E. Fat rendering.
 - F. Fertilizer manufacture.
 - G. Gas manufacture.
 - H. Glue manufacture.
 - I. Petroleum, or its products, refining of.
 - J. Smelting of tin, copper, zinc, or iron ores.
 - K. Junk yards. Must be surrounded by a solid fence at least eight (8) feet high located within building lines and the junk piled not higher than the fence.
 - L. Animal feeding operation.
3. Excluded Uses. The following uses are prohibited within the HI District:
 - A. Residential uses.
 - B. Colleges or schools.
 - C. Hospitals or other health care facilities.
4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the HI District including, but not limited to, the following:
 - A. Accessory buildings and uses customarily incidental to a permitted use.

- B. Living quarters for watchmen or custodians of industrial properties.
- 5. Special Exceptions. Certain uses may be permitted in the HI District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:
 - A. Recreational uses which are temporary in nature.
- 6. Performance Standards. The following performance standards shall apply in the HI District:
 - A. Accessory Buildings. (See Section 165.40, Supplementary District Regulations).
- 7. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the HI District:

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
9,000	75	40	7 feet, except that if adjacent to a Residential District, then it shall be 25 feet	25	2½ stories or 35 feet

- 8. Off-street Parking. The following off-street parking requirements shall apply in the HI District:
 - A. All commercial uses shall provide one (1) parking space on the lot for each three hundred (300) square feet of floor area.
 - B. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.
- 9. Off-street Loading. The following off-street loading requirements shall apply in the HI District:
 - A. All activities or uses allowed in the HI District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot and shall be provided with a surface of asphalt or concrete.
 - B. Loading shall not be permitted to block public right-of-way unless otherwise provided for in the Hubbard Municipal Code.

10. Signs. Off-premises signs and on-premises signs are permitted as follows:

A. Off-premises signs shall comply with the setbacks of the districts they are located in. Other bulk regulations do not apply. Off-premises signs are governed by State and Federal regulations along highways, where zoning exists.

B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

D. No sign may imitate or resemble an official traffic control sign, signal or device.

E. Signs shall not encroach or extend over public right-of-way.

F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

I. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be removed promptly and the surrounding area restored to a condition free from refuse and rubbish. Any sign not conforming to the provisions of this chapter shall be made to conform or be removed.

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SUPPLEMENTARY DISTRICT REGULATIONS**165.40 SUPPLEMENTARY DISTRICT REGULATIONS.**

1. **Building Lines on Approved Plats.** Whenever the plat of a land subdivision approved by the Planning and Zoning Commission and on record in the office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this chapter unless specific yard requirements in this chapter require a greater setback.
2. **Structures to Have Access.** Every building hereafter erected or moved shall be on a lot adjacent to a public or approved private street, or public open space, and all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
4. **Adult Uses.** Adult uses shall not be permitted in any conservation, residential or manufactured housing district or within 370 feet of the exterior lot line of any residential, conservation, or manufactured housing zoned property or any library, private or public school or church, synagogue or mosque, or within 150 feet of the right-of-way of Maple Street between its intersection with Wisconsin Street and its intersection with Victor Street.
5. **Satellite Dishes.** Satellite dishes less than two (2) meters in diameter are not regulated by this chapter. Satellite dishes larger than two (2) meters in diameter shall be allowed in all districts except in front yards. The placement of such satellite dish antennas, either permanent or temporary, shall be treated as accessory structures. When such dish is attached to a main building or other structure, the owner must adhere to the Uniform Building Code. No satellite dish shall exceed a diameter of twelve (12) feet except for commercial use.
6. **Fences.** A fence or hedge not more than thirty (30) percent solid or more than three (3) feet high, measured at the curb line at the intersection of the streets abutting the corner lot, may be erected in a front yard. Fences or hedges up to four (4) feet high above grade may be located on any remaining part of a lot. Fences or hedges up to six (6) feet high above grade may be erected in the rear yard, except in LI and HI districts fences may be eight (8) feet above grade. The finished side of all fences shall face the adjacent property line. Further, all fences

shall be constructed of normal materials common to fence construction. Fence materials shall not be allowed to include corrugated sheet metal or any salvage material.

7. Height Limits. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tank, water towers, ornamental towers, spires, wireless tower, grain elevators, or necessary mechanical appurtenances are exempt from the district height regulations.

8. Projections. Sills, belt courses, cornices, over hangs, and ornamental features may project only twenty-four (24) inches into a required yard.

9. Fire Exits and Chimneys. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half (3½) feet when so placed as not to obstruct light and ventilation, may be permitted by the Zoning Administrator.

10. Service Lines. Nothing in this chapter shall have the effect of prohibiting utility service lines.

11. Parking Spaces. All vehicular parking spaces located in required front yards shall be a minimum of ten (10) feet in width and be surfaced with gravel, concrete, or asphalt.

12. Yards and Visibility. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of three (3) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of the intersection (see Diagram on following page).

DIAGRAM

CORNER LOTS - YARDS AND VISIBILITY

13. Cellular Towers. Any structure that is used or intended to be used to send or receive communications for a commercial purpose shall be allowed only by special exception of the Board of Adjustment, but in no case shall such tower be allowed in any residential district. Further, all towers shall be directly affixed to the ground. The above rules shall not apply, however, to any publicly owned building or land. In granting said special exceptions, the Board of Adjustment shall first consider all possible co-location opportunities.

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ADMINISTRATION

165.50 ADMINISTRATOR APPOINTED. A Zoning Administrator designated by the City Council shall administer and enforce these zoning regulations. The administrator may be provided with the assistance of such other persons as the City Council may direct.

165.51 BUILDING PERMIT REQUIRED. No building or other structure shall be erected, moved, or added to, without a building permit therefore issued by the Zoning Administrator. However, reconstruction of exterior walls shall be allowed without said permit. No permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Board of Adjustment. Fees for building permits shall be as provided by City resolution. Permits shall be applied for at the office of the City Clerk and shall expire two (2) years after the date of issuance if work is begun within one hundred eighty (180) days of issuance or after one hundred eighty (180) days if no substantial beginning of construction has occurred. Extensions of time may be granted in writing by the Zoning Administrator for good cause. At the direction of the Zoning Administrator, a survey may be required if the lot lines are unable to be reasonably determined. Sign permits shall be granted based upon review of appropriateness based upon lot frontage, structure type and sign type, or any other characteristics in order to insure safety and compatibility of the sign with the site and building.

Each application for a building permit shall be accompanied by a plan in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this chapter. A record of application and plats shall be kept in the office of the Zoning Administrator.

165.52 ZONING DISTRICT MAP. It shall be the responsibility of the Zoning Administrator to update the Zoning District Map.

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BOARD OF ADJUSTMENT**165.60 BOARD OF ADJUSTMENT; ESTABLISHMENT AND PROCEDURE.**

1. Board Created. A Board of Adjustment is hereby established and shall hereinafter at times be referred to as the "Board," which Board shall consist of five (5) members serving without compensation appointed by the City Council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

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 of real estate. Members shall be appointed for overlapping terms of five (5) years.

2. Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairperson and at such other time as the Board may determine. The Chairperson, or the City Attorney, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall, through its Secretary, 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 immediately filed in the office of the Board and shall be a public record. Said action shall take effect upon the Board receiving sufficient confirmation of the recording in the office of the County Recorder. A copy of said action shall also be filed in the office of the Zoning Administrator.

165.61 BOARD OF ADJUSTMENT; POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties:

1. Administrative Review. 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 these zoning regulations.

A. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Hubbard affected by any decision of the administrative

officer. Such appeal shall be taken within ten (10) days by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

B. The Board shall fix a reasonable time for the hearing of the appeal, and give not less than seven (7) days nor more than twenty (20) days public notice in a paper of general circulation in the City, thereof, and decide the same within thirty (30) days of the hearing. At said hearing, any party may appear in person, by agent or by attorney.

C. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment after the Notice of Appeal is filed with the Administrator, that by reason of 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 other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

2. Special Exceptions: Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of these zoning regulations; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until:

A. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.

B. The Board shall fix a reasonable time for the hearing of the special exception, and give not less than seven (7) days nor more than twenty (20) days public notice in a paper of general circulation in the City, thereof, and decide the same within thirty (30) days of the hearing.

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

D. The Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest. The granting of a special exception shall run with the owner and not with the land.

E. A special exception approval shall lapse and become void two (2) years following the date of approval unless prior to expiration a building permit is issued and construction is commenced and diligently pursued or the site is occupied if no building permit is required.

F. Certain uses may be permitted by a Temporary Use Exception Permit. Allowable temporary uses include carnivals, circuses and festivals. Permits for such uses are valid for no more than ten (10) days. Issuance of such a permit is subject to review and approval of an application submitted to the Board of Adjustment. 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 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. Variance, Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

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

(1) That special conditions and circumstances exist which are peculiar to land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

(2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

(3) That special conditions and circumstances do not result from the actions of the applicant.

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of land, structures, or buildings in other districts may be considered grounds for the issuance of a variance.

B. The Board shall fix a reasonable time for the hearing of the variance, and give not less than seven (7) days nor more than twenty (20) days public notice in a paper of general circulation in the City, thereof, and decide the same within thirty (30) days of the hearing.

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

D. The Board of Adjustment shall make findings that requirements of this subsection have been met by the applicant for a variance.

E. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

F. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be

deemed a violation of these zoning regulations and punishable under this chapter.

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

G. The City Council may provide for its review of variances granted by the Board of Adjustment before their effective date. The City Council may remand a decision to grant a variance to the Board of Adjustment for further study. The effective date of the variance is delayed for thirty (30) days from the date of the remand. Such remand shall occur within thirty (30) days of the Board of Adjustment decision.

4. 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 chapter, or to effect any variation in the application of this chapter.

5. Any variance granted is subject to any existing easements.

165.62 APPEALS FROM THE BOARD OF ADJUSTMENT. Any person or persons, or any board, taxpayer, department, board or bureau of the City, or other areas subject to this chapter aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Chapter 414, Code of Iowa.

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ENFORCEMENT AND AMENDMENTS

165.70 PROCEDURE FOR INTERPRETATION. All questions of interpretation and enforcement shall be first presented to the Zoning Administrator, or that person's assistant. Such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by Chapter 414, Code of Iowa.

165.71 AMENDMENTS. The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed, provided that at least seven (7) days' notice of the time and place of such hearing shall be published in a paper of general circulation in the City. In no case shall the notice be published more than twenty (20) days prior to the hearing.

The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. Notwithstanding Section 414.2, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the 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 the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of twenty (20) percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty (20) percent or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths ($\frac{3}{4}$) of all the members of the Council. The protest, if filed, must be filed before or at the public hearing. Any amendment to these zoning regulations shall be recorded in the office of the County Recorder. Further, a favorable vote of at least three-fourths ($\frac{3}{4}$) of all members of the Council is required to override a recommendation of the Planning and Zoning Commission.

165.72 VIOLATION. Failure to comply with the provisions of this chapter or with any of its requirements (including violations of conditions and

safeguards established in connection with grants of variances or special exceptions) shall constitute a violation of this chapter. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other legal action as is necessary to prevent any violation.

165.73 SCHEDULE OF FEES, CHARGES, AND EXPENSES. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning district changes, Certificates of Zoning Compliance, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning Administrator, and the City Clerk, and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

165.74 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Administrator. The Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter, the Hubbard Municipal Code, or State law.

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