

ORDINANCE 140

AN ORDINANCE, DIVIDING THE TOWN INTO DISTRICTS, REGULATING THE USES PERMITTED IN SUCH DISTRICTS, SPECIFYING MINIMUM PLOT SIZES, SET BACKS AND SIDE YARDS, AND MAXIMUM BUILDING HEIGHTS, PROVIDING FOR APPEALS AND IMPOSING PENALTIES, REQUIRING PERMITS FOR BUILDING, STRUCTURES, AND THE USE THEREOF.

For the purpose of promoting public health, safety, morals, comfort and general welfare, conserving the value of property throughout the Town and lessening and avoiding congestion in the public streets, and pursuant to Chapter 414-1966 Code of Iowa, passed by the legislature of the State of Iowa and enacted into law:

IT IS HEREBY ORDAINED BY THE COUNCIL OF THE TOWN OF BUFFALO, IOWA:

ARTICLE 1

SECTION 1. This Ordinance shall be known as the Zoning Ordinance of 1969.

Article 11

DEFINITIONS

SECTION 1. For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; the word building shall include the word structure and the word shall is mandatory and not directory.

Item 1. Accessory building. A subordinate building or

a portion of the main building, the use of which is incidental to that part of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

Item 2. Alley. A public or private thoroughfare which affords only a secondary means of access to the property abutting thereon.

Item 3. Apartment. A room or suite of rooms in a multiple or two-family dwelling, or where more than one living unit is established above non-residential uses, intended or designed for use a residence by a single family.

Item 4. Apartment House. See Dwelling, Multiple.

Item 5. Basement. A story having part but not more than one-half ($\frac{1}{2}$) of its height below grade. A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

Item 6. Boarding House. A building other than a hotel where for compensation, meals, or lodging and meals, are provided for three (3) but not more than twelve (12) persons.

Item 7. Buildings. Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattles, or property. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.

Item 8. Building, Height of: The vertical distance from

the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Item 9. Cellar. A story having more than one-half ($\frac{1}{2}$) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

Item 10. District. A section or sections of the Town of Buffalo for which the regulations governing the use of building and premises, the height of buildings, the sizes of yards, and the intensity of use are uniform.

Item 11. Dwelling. any building or portion thereof which is designed and used exclusively for residential purposes.

Item 12. Dwelling-Single Family. A building designed for or occupied exclusively by one family.

Item 13. Dwelling-Two Family. A building designed for or occupied exclusively by two families.

Item 14. Dwelling-Multiple. A building designed for or occupied exclusively by more than two families.

Item 15. Family. One or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth, adoption, or marriage, but no unrelated group shall consist of more than five (5) persons, as distinguished from a group occupying a boarding house, lodging house, or hotel, as herein defined.

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Item 16. Farm. An area which is used for the growing of the usual farm products, such as vegetables, fruit, trees, and grain, and thier storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term "Farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storage of the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further, that farming does not include the feeding of garbage or offal to swine or other animals.

Item 17. Filling Stations. Any building or premises used for the dispensing, sale or offering for sale at retail of any automobile fuels or oils. When the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

Item 18. Frontage. All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Item 19. Garage-Private. An accessory building housing motor-driven vehicles which are the property of and for the private use of the occupants of the lot on which the private

garage is located. Not more than one (1) of the vehicles may be a commercial vehicle of not more than five (5) tons capacity. If an occupant owns a commercial vehicle of greater tonnage capacity he shall provide parking facilities on private property.

Item 20. Garage Public. Any building or premises except those used as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor driven vehicles.

Item 21. Garage-Storage. Any building, or premises, used for housing only of motor driven vehicles, other than trucks and commercial vehicles, pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired hired or sold.

Item 22. Grade.

(a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

(b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.

(c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjoining the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

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Item 23. Group or Row House. A group of two (2) or more but not exceeding four (4) single-family dwellings separated by walls without openings, not more than two (2) rooms deep.

Item 24. Home Occupation. Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a name plate not more than one (1) square foot in area, except as provided in Article 1V, Section 2, or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except such as is permissible for purely domestic or household purposes.

Item 25. Hotel. A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or lodging house.

Item 26. Institution. A building occupied by a non-profit corporation or a non-profit establishment for public use.

Item 27. Lodging House. A building or place where lodging is provided (or which is equipped regularly to provide lodging) by pre-arrangement for definite period, for compensation, for three (3) or more, but not exceeding twelve (12) individuals, not open to transient guests, in contradistinction to hotels

open to transients.

Item 28. Lot. A parcel of land occupied or intended for occupancy by a use permitted in the Ordinance, including one (1) main building together with its accessory buildings, the open spaces and parking areas required by the Ordinance, and having its principle frontage upon a street or upon an officially approved place.

Item 29. Lot, Corner. A lot abutting upon two (2) or more streets at their intersection.

Item 30. Lot, Depth of. The mean horizontal distance between the front and rear lot lines.

Item 31. Lot, Double Frontage. A lot having a frontage on two (2) non intersecting streets, as distinguished from a corner lot.

Item 32. Lot of Record. A lot which is a part of a subdivision, the map of which has been recorded in the office of the County Recorder of Scott County, Iowa; or a parcel of land, the deed to which was recorded in the office of the County Recorder prior to the adoption of this Ordinance.

Item 33. Non-Conforming Use. Any building or land lawfully occupied by a use at the time of passage of this Ordinance or amendment thereto, which does not conform after the passage of this Ordinance or amendment thereto with the use regulations of the district in which it is situated.

Item 34. Parking Space. A durably surfaced area, enclosed in the main building, in an accessory building, or unenclosed,

sufficient in size to store one (1) standard automobile, and if the space is unenclosed comprising an area of not less than one hundred and forty (140) square feet, exclusive of a durably surfaced driveway connecting the parking space with a street or alley and permitting satisfactory ingress and egress of an automobile.

Item 35. Place. An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

Item 36. Rooming House. See Lodging House.

Item 37. Service Establishments. A shop or activity where materials or objects are treated or repaired and where objects may be sold, such as a shop for repairing shoes, but it shall not include any establishment where large objects or large quantities of material, are assembled and treated such as a garage or plumbing shop.

Item 38. Stable. A building accomodating one (1) or more horses.

Item 39. Street. All property dedicated or intended for public or private street, highway, freeway, or roadway purposes or subject to public easements therefor.

Item 40. Story. That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Item 41. Story-Half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than sixty (60) per cent of the floor area is finished off for use. A half story may be used for occupancy only in conjunction with and by the occupancy of the floor immediately below.

Item 42. Street Line. A dividing line between a lot tract or parcel of land and a contiguous street.

Item 43. Structure. Anything constructed or erected, the use of which requires permanent location of the ground or attached to something having a permanent location of the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas.

Item 44. Structural Alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof or in the exterior walls.

Item 45. Tourist or Trailer Camp. An area containing one (1) or more structures, designed or intended to be used as temporary living facilities of two (2) or more families, and intended primarily for automobile transients or providing spaces where two (2) or more tents or auto trailers can be or are intended to be parked.

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Item 46. Trailer. 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 "trailer" shall include camp car and house car.

Item 47. Yard. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the mean horizontal distance between the lot line and the main building shall be used.

Item 48. Yard, Front. A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projection thereof other than the projection of the usual steps and entrance-way.

Item 49. Yard, Rear. A yard extending across the rear of a lot between the side yard lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has the least dimension. On both corner lots and

interior lots of the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Item 50. Yard, Side. A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard line.

Item 51. Motel. A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment house which are herein separately defined.

Item 52. Nursing Home. An establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted, in which not less than three persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment, or the care of the sick or injured.

Item 53. Plan and Zoning Commission. The words " Plan Commission" or " Zoning Commission" when used in this Ordinance refer to the " Town Planning and Zoning Commission".

ARTICLE III

DISTRICT BOUNDARIES AND GENERAL REGULATIONS

SECTION 1. In order to classify, regulate and restrict the locations of trades, industries and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity and use of the lot areas

and to regulate and determine the areas of yards, courts and open spaces within and surrounding such buildings, the Town of Buffalo, Iowa, is hereby divided into districts of which there shall be eight (8) in number, known as;

- "A" Country Home District
- "B" Single-Family Dwelling District
- "C" Two-Family Dwelling District
- "D" Multiple-Family Dwelling District
- "E" Local Business District
- "F" Central Business District
- "G" Light Industrial District
- "H" Heavy Industrial District

SECTION 2. The boundaries of the districts are shown upon the map which is made part of this Ordinance, which map is designated as the "District Map". The district map and all the notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the district map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of which district map is properly attested and is on file with the Clerk of the Town of Buffalo, Iowa.

SECTION 3. All territory which may hereafter be annexed to the Town of Buffalo, Iowa, shall be considered as being in the "A" Country Home District unless otherwise changed by Ordinance.

SECTION 4. Whenever any street, alley, or other public way is vacated by official action of the Council of the Town of Buffalo,

the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

SECTION 5. Except as hereinafter provided:

Item 1. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.

Item 2. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.

Item 3. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.

Item 4. The minimum yards and other open spaces, including lot area per family, required by Ordinance for each and every building existing at the time of passage of this Ordinance or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other building.

Item 5. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and

in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in this Ordinance.

ARTICLE IV

"A" COUNTRY HOME REGULATIONS

SECTION 1. The regulations set forth in this article or set forth elsewhere in this Ordinance when referred to in this article are the district regulations in the "A" Country Home District.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

Item 1. Single family dwellings.

Item 2. Churches, but only where off-street parking space is provided upon the lot upon adjoining property which space is adequate to accomodate one car for every eight(8) persons for which seating is provided in the main auditorium of the church and exclusive of the seating capacity of Sunday School or other special rooms.

Item 3. Farms, including the usual farm buildings and the sale of seasonal products grown only on the premises.

Item 4. Public schools, elementary and high, and private educational institutions having a curriculum equal to a public elemntary or public high school and having no rooms regulaly used for housing or sleeping purposes except such quarters as are necessary for custodians.

Item 5. Golf courses, except miniature courses or practice driving tees operating for commercial purposes.

Item 6. Public parks and public playgrounds.

Item 7. Forest and nurseries, but the location, type, and character of the facilities used for disposing of the products grown only upon the premises shall be subject to the Zoning Board of Adjustment.

Item 8. Home occupations where no name plate is used, in connection with said use, which exceed two (2) square feet in area.

Item 9. Accessory buildings and accessory uses customarily incident to the above uses, not involving the conduct of a business, including farm buildings and one private garage and one private stable. Any accessory building that is not a part of the main structure shall be located not less than sixty (60) feet from the front lot line. Accessory buildings shall also include church or similar bulletin boards, and signs, not exceeding ten (10) square feet in area appertaining to the lease, hire or sale of a building or premises, or the sale of products grown only on the premises, which boards and signs shall be removed as soon as the premises or lease are sold, and provided further that not more than one (1) sign of the above character shall be permitted upon any lot, except for the display of construction signs during the time the job is under construction.

Item 10. Greenhouse: A greenhouse erected as accessory building, provided that the use of the greenhouse does not result in retail sales from the premises.

SECTION 3. Height Regulations: No building hereafter erected

or altered shall exceed two and one-half ($2\frac{1}{2}$) stories or shall it exceed forty (40) feet in height except as provided in Article XII and XIV.

SECTION 4. Area Regulations:

Item 1. Front Yard:

(a) There shall be a front yard having a depth of not less than fifty (50) feet, unless thirty (30) per cent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a greater or less depth of front yard in which instance no new buildings or portion thereof shall project beyond a straight line drawn between the point ~~closest~~ to the street line of the residence upon either side of the proposed structure or, if there be residences only upon one side, then beyond the straight line projected from the front of the two nearest residences but this regulation shall not be interpreted to require a front yard of more than one hundred (100) feet. Where the street is curved the line shall follow the curve of the street rather than to be a straight line.

(b) Where lots have a double frontage, the required front yard shall be provided on both streets.

(c) On a corner lot there shall be a front yard on each street side of such lot, except that the buildable width of such lot shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line of either street.

Item 2. Side Yard:

(a) Except as hereinafter provided in the following paragraph and in Article XIV, there shall be a side yard on each side of a building having a width of not less than twelve (12) feet.

(b) Wherever a lot of record existing at the time of the passage of this Ordinance has a width of seventy-five (75) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instance shall it be less than five (5) feet.

Item 3. Rear Yard: Except as hereinafter provided in Article XIV, there shall be a rear yard having a depth of not less than forty (40) feet or twenty (20) percent of the depth of the lot, whichever amount is larger, but it need not exceed fifty (50) feet.

Item 4. Intensity of Use: Every lot or tract of land upon which a single-family dwelling is erected shall have an area of not less than twenty thousand (20,000) square feet and an average width of not less than one hundred (100) feet, except that if a lot or tract has less area or width than herein required and was legally platted and was of record at the time of the passage of this Ordinance, that lot may be used for any of the uses permitted by this Article.

ARTICLE V

"B" SINGLE-FAMILY DWELLING DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this article, or set forth elsewhere in this Ordinance when referred to in this article are the district regulations in the "B" Single-Family Dwelling Districts.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

Item 1. Single-Family dwellings.

Item 2. Parks, playgrounds and community buildings owned or operated by public agencies.

Item 3. Public libraries.

Item 4. Public Schools, elementary and high, or private schools having a curriculum equivalent to a public elementary school or public high school, and having not rooms regularly used for housing or sleeping purposes, except such quarters as are needed for custodians.

Item 5. Golf courses, except miniature courses and driving tees operating for commercial purposes.

Item 6. Churches, but only when off-street parking space is provided upon the lot or adjoining property which space is adequate to accommodate one (1) car for every eight (8) persons for which seating is provided in the main auditorium of the church and exclusive of the seating capacity of Sunday School and other special rooms.

Item 7. Accessory buildings, including a private garage and accessory uses customarily incident to the above uses, not involving the conduct of a business and home occupations. Any accessory building that is not a part of the main structure shall be located not less than sixty (60) feet from the front lot line. Accessory buildings shall also include church or public building bulletin boards and temporary signs appertaining to the lease, hire or sale of a building or premises, not exceeding ten (10) square feet in area.

Item 8. Home Occupations.

SECTION 3. Height Regulations: No building shall exceed two and one-half stories ($2\frac{1}{2}$) or shall it exceed thirty-five (35) feet in height except as provided in Article XII and XIV hereof.

SECTION 4. Area Regulations:

Item 1. Front Yard:

(a) There shall be a front yard having a depth of not less than thirty (30) feet, unless thirty (30) percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a greater or less depth of front yard in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of the **proposed** structure of, if there be residences upon only one side, then beyond the straight line projected from the front of the two nearest

residences, but this regulation shall not be interpreted to require a front yard of more than seventy-five (75) feet. Where the street is curved the line shall follow the curve of the street rather than to be a straight line.

(b) Where lots have a double frontage, the required front yard shall be provided on both streets.

(c) Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of a corner lot, except that the buildable width of such lot shall not be reduced to less than thirty (30) feet. No accessory building shall project beyond the front yard line on either street.

Item 2. Side Yard:

(a) Except as hereinafter provided in the following paragraph and in Article XIV, there shall be a side yard on each side of a building. having a width of not less than seven (7) feet.

(b) Wherever a lot of record existing at the time of the passage of this Ordinance has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instance shall it be less than four (4) feet.

Item 3. Rear Yard: Except as hereinafter provided in Article XIV hereof, there shall be a rear yard having a depth of not less than thirty (30) feet or twenty (20) per cent of the depth of the lot, whichever amount is smaller.

Item 4. Intensity of Use: Every lot or tract of land shall have an area of not less than seventy-five hundred (7,500) square feet and an average width of not less than fifty (50) feet, except that if a lot or tract has less area or width than herein required and was legally platted and was of record at the time of the passage of this Ordinance, that lot or tract may be used for any of the uses permitted by this Article.

ARTICLE VI

"C" TWO-FAMILY DWELLING DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this article or set forth elsewhere in this Ordinance when referred to in this article are the "C" Two-Family Dwelling District Regulations.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

Item 1. Any use permitted in the "B" Single-Family Dwelling District.

Item 2. Two-Family Dwellings.

Item 3. Accessory buildings and uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business, including private garages when located not less than sixty (60) feet from the front lot line or a private garage constructed as a part of the main building.

SECTION 3. Parking Regulations: Whenever a structure is erected, converted, or structurally altered for a two-family dwelling, one (1) parking space shall be provided on the lot

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for each dwelling unit in the structure.

SECTION 4. Height Regulations: No building shall exceed two and one-half ($2\frac{1}{2}$) stories or shall it exceed thirty-five (35) feet in height, except as provided in Articles XII and XIV hereof.

SECTION 5. Area Regulations:

Item 1. Front Yard:

(a) There shall be a front yard having a depth of not less than twenty-five (25) feet, unless thirty (30) per cent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a greater or less depth of front yard in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of the proposed structure, or if there be residences upon only one side, then beyond the straight line projected from the front of the two nearest residences, but this regulation shall not be interpreted to require a front yard of more than sixty (60) feet.

(b) Where lots have a double frontage, the required front yard shall be provided on both streets.

(c) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the corner lot, except that the buildable width of such lot shall not be reduced to less than thirty-two (32) feet. No accessory building shall project beyond the front yard line on either street.

Item 2. Side Yard:

(a) Except as hereinafter provided in the following paragraphing and in Article XIV, there shall be a side yard on each side of the building, having a width of not less than five (5) feet.

(b) Whenever a lot of record existing at the time of the passage of this Ordinance has a width of less than fifty (50) feet, the side yard on each side of a building may be reduced to a width of not less than ten (10) per cent of the width of the lot, but in no instance shall it be less than four (4) feet.

Item 3. Rear Yard: Except as hereinafter provided in Article XIV hereof, there shall be a rear yard having a depth of not less than thirty (30) feet or twenty (20) per cent of the depth of the lot, whichever amount is smaller.

Item 4. Intensity of Use: Except as hereinafter provided, every dwelling hereafter erected, enlarged, relocated, altered or reconstructed shall be located upon lots containing the following areas:

(a) A lot of which there is erected a single-family dwelling shall contain an area of not less than five thousand (5,000) square feet per family, and an average width of not less than fifty (50) feet.

(b) A lot on which there is to be erected a two-family dwelling shall contain an area of not less than twenty-five hundred (2,500) square feet per family, and an average width of not less than fifty (50) feet.

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(c) Where a lot has less area or width than herein required and was legally platted and was of record at the time of the passage of this Ordinance, that lot may be used only for single-family dwelling purposes, or for a two-family dwelling if only the width is inadequate, or for any of the other non-dwelling uses permitted in this article.

ARTICLE VII

"D" MULTIPLE DWELLING DISTRICT REGULATIONS

SECTION 1: The regulations set forth in this article or set forth elsewhere in this Ordinance when referred to in this article are the district regulations in the "D" Multiple Dwelling District.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

Item 1. Any use permitted in the "C" Two-Family Dwelling Districts.

Item 2. Multiple Dwellings.

Item 3. Group or row houses.

Item 4. Boarding and lodging houses.

Item 5. Institutions of a religious, educational, eleemosynary or philanthropic nature, but not penal or mental institutions.

Item 6. Hospitals, and clinics, except animal hospitals, animal clinics or mental hospitals.

Item 7. Fraternities, sororities, private clubs, and lodges, excepting those the chief activity of which is a service customarily carried on as a business.

Item 8. Accessory buildings and uses customarily incident to any of the above uses, including storage garages, where the lot is occupied by a multiple dwelling, hospital, or institutional building. Any storage garage or accessory building that is not a part of the main building shall be located not less than sixty (60) feet from the lot line and not less than five (5) feet from any side lot line.

Item 9. Nursing Homes.

SECTION 3. Parking Regulations: The parking regulations for two-family dwellings are the same as those in the "C" Two-Family Dwelling Districts. Where a lot is occupied by a new or recon-verted multiple dwelling, there shall be provided accessible parking space on the lot or adjoining property available to and adequate to accommodate one car for each dwelling unit in the multiple dwelling. Any other use that is constructed or recon-structed in conformity with the use regulations of the "D" Multi-ple Dwelling District shall provide adequate parking space either on the lot or within a reasonable distance thereof as approved by the Zoning Commission.

SECTION 4. Height Regulations: No buildings shall exceed six (6) stories or shall it exceed seventy-five (75) feet in height, except as provided in Article XII and XIV, but provided further that any building exceeding three (3) stories in height shall be set back from ~~all~~ yard lines required in Section V of this article a distance of one (1) foot for every three (3) feet that the building exceeds a height of forty-fivr (45) feet.

SECTION 5. Area Regulations:Item 1. Front Yard:

(a) Front yard regulations are the same as those in the "C" Two-Family Dwelling Districts.

(b) Where lots have a double frontage, the required front yard shall be provided on both streets.

(c) There shall be a front yard on each street side of a corner lot, except that the buildable width of such lot shall not be reduced to less than thirty-two (32) feet. No accessory building shall project beyond the front yard line on either street.

Item 2. Side Yard:

(a) The side yard regulations for buildings not exceeding two and one-half ($2\frac{1}{2}$) stories in height are the same as those in the "C" Two-Family Dwelling District.

(b) There shall be a side yard which shall have a width of not less than seven (7) feet on each side of three (3) story building.

Item 3. Rear Yard: The rear yard regulations are the same as those in the "C" Two-Family Dwelling District.

Item 4. Intensity of Use: Except as hereinafter provided, every dwelling hereafter erected, enlarged, relocated, altered or reconstructed shall be located upon lots containing the following areas:

(a) A lot on which there is erected a single-family dwelling shall contain an area of not less than five thousand (5,000)

square feet, nor less than fifty (50) feet wide.

(b) A lot on which there is erected a two-family dwelling shall contain an area of not less than twenty-five hundred (2,500) square feet per family and shall be not less than fifty (50) feet wide.

(c) A lot on which there is erected a multiple dwelling shall contain an area of not less than one thousand (1,000) square feet per family but in no case shall the lot contain an area of less than five thousand (5,000) square feet and be less than fifty (50) feet wide. Dormitories, fraternities or sororities where no cooking is done in individual rooms, or apartments shall not be required to conform with the one thousand (1,000) square feet per family stipulation.

(d) Where a lot has less area or width than herein required, and was of record at the time of the passage of this Ordinance, that lot may be used only for single-family dwelling purposes or for any of the other non-dwelling uses permitted in this article, unless only the width is inadequate, in which case the lot may be used for two-family dwelling purposes.

ARTICLE VIII

"E" LOCAL BUSINESS DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this article or set forth elsewhere in this Ordinance when referred to in this article are the regulations in the "E" Local Business District Regulations.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

Item 1. Any use permitted in the "D" Multiple Family Dwelling Districts.

Item 2. Bakery whose products are sold at retail on the premises.

Item 3. Bank

Item 4. Barber shop or beauty parlor.

Item 5. Business or commercial school.

Item 6. Catering establishment.

Item 7. Electric and shoe repair shops.

Item 8. Filling stations.

Item 9. Hospitals and clinics for animals, but not open kennels, or yards where animals are confined or exercised.

Item 10. Interior decorating shop.

Item 11. Messenger or telegraph service stations.

Item 12. Office.

Item 13. Photograph gallery.

Item 14. Public garage, except that the repair or storage portion of such building shall not be less than (30) feet from the front of the building, and no lot or portion thereof shall be used for the display of used cars, provided further that no public garage shall be within 125 feet of the boundary of any residential district.

Item 15. Restaurant.

Item 16. Garage, storage: As defined in Article II, Definitions, Section 1, Number 21.

Item 17. Sales or show room.

Item 18. Store or shop for the conduct of a retail business.

Item 19. Store for the collection and distribution of laundry and dry cleaning articles, but not for the treatment, cleaning or processing of such articles.

Item 20. Theater, except open-air drive-in theaters, provided, however, that no theater shall be erected or reconstructed unless there is provided on the same lot, or within three hundred (300) feet thereof, a space for off-street parking which contains an area adequate to accommodate one (1) automobile for every six seats in the theater.

Item 21. Tailor shop.

Item 22. Undertaking establishment.

Item 23. Service establishments only when totally enclosed within the structure.

Item 24. Accessory buildings and uses customarily incident to the above uses, including a sign or a bulletin board relating only to services, articles and products offered within the building to which the sign is attached, and having an area of not more than thirty (30) square feet.

Any building used primarily for any of the above enumerated purposes may have not more than forty (40) per cent of the floor area devoted to industry or storage purposes incidental to such primary use.

SECTION 3. Parking Regulations:

Item 1. The parking regulations for dwelling are the same as those in the "D" Multiple Dwelling District.

Item 2. Whenever a structure is erected or reconstructed for any of the commercial purposes permitted in this district there shall be provided parking spaces in the ratio of not less than one (1) parking space for each two hundred (200) square feet of floor space in the building which is used for commercial purposes, except that any restaurant or establishment whose primary use is to serve meals, lunches, or drinks to patrons, either in their cars or in the building, shall provide parking spaces on the lot in the ratio of not less than one (1) parking space for each one hundred (100) square feet of floor space in the building. Such parking space shall be located on the same lot as the building or on an area within three hundred (300) feet of the building. Two or more owners of buildings may join together in providing this parking space.

SECTION 4 Height Regulations: No building shall exceed two and one-half ($2\frac{1}{2}$) stories or shall it exceed thirty-five (35) feet in height, except as otherwise provided in Articles XII and XIV.

SECTION 5. Area Regulations:

Item 1. Front Yard: The front yard regulations are the same as those in the "C" Two-Family Dwelling District.

Item 2. Side Yard: The side yard regulations for dwellings are the same as those in the "C" Two-Family Dwelling Districts. Where a lot is used for any of the commercial purposes permitted

in this district and is located at the intersection of two or more streets, the side yard on the side of a lot adjacent to the street shall not be less than ten (10) feet in width, except that the buildable width of the lot shall not be reduced to less than twenty-five (25) feet. In all other cases a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than five (5) feet.

Item 3 Rear Yard: Except as hereinafter provided in Article XIV, there shall be a rear yard having a depth of not less than twenty-five (25) feet, unless the lot is less than one hundred twenty-five (125) feet, in which case the rear yard need not exceed twenty (20) per cent of the depth of such lot.

Item 4. Intensity of Use: When a lot is improved with a single-family dwelling or two-family dwelling the intensity of use regulations shall be the same as those required in the "C" Two-Family Dwelling Districts. When a lot is improved with a multiple dwelling or when living facilities are erected above stores there shall be a lot area per family of not less than twenty-five hundred (2,500) square feet. Where a lot contains less than twenty-five hundred (2,500) square feet and was of record at the time of the passage of this Ordinance, it may contain living facilities for not more than one family.

ARTICLE IX

"F" CENTRAL BUSINESS DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this article and set

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forth elsewhere in the Ordinance when referred to in this article are the regulations in the "F" Central Business District.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

Item 1. Any use permitted in the "E" Local Business Districts.

Item 2. Advertising signs and bulletin boards.

Item 3. Bakery.

Item 4. Dyeing and cleaning works, providing the cleaning fluid used is of a material other than petroleum or one of its derivatives.

Item 5. Hotel and motel.

Item 6. Laundry.

Item 7. Plumbing shop.

Item 8. Printing shop.

Item 9. Public garage and automobile sales room, but not within one hundred twenty-five (125) feet of the boundary of any residential district.

Item 10. Tinsmithing shop.

Item 11. Used car sales or storage lots.

Item 12. Research and development laboratories.

Item 13. Parking regulations in the "F" Central Business District shall be the same as the regulations in the "E" Local Business District.

A country home district or a publicly owned area other than an alley or street, it shall not exceed three (3) stories or forty-five (45) feet in height unless it is set back one (1) foot from all required yard lines for each foot of additional height above forty-five (45) feet.

SECTION 4. Area Regulations

Item 1. Front Yard: No front yard is required except where the frontage on one side of a street between two intersecting streets is partly in the "F" Central Business District and partly in a dwelling district, in which event the front yard regulations of the dwelling district shall apply.

Item 2. Side Yard: The side yard regulations for dwellings are the same as those in the "D" Multiple Dwelling District. In all other cases a side yard is not required.

Item 3. Rear Yard: The rear yard regulations for dwellings are the same as those in the "D" Multiple Dwelling District. In all other cases, a rear yard is not required.

Item 4. Intensity of Use: When a lot is improved with a single family dwelling, two family dwelling, or multiple dwelling, or when living facilities are erected above other uses, the intensity of use regulations are the same as those required in the "D" Multiple Family Dwelling District.

Item 5. Parking Regulations: Parking regulations shall be the same as described in the "E" Local Business District.

ARTICLE X

"G" LIGHT INDUSTRIAL DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this article or set forth elsewhere in this Ordinance when referred to in this article are the regulations in the "G" Light Industrial District.

SECTION 2. Use Regulations: A building or premises shall be used for the following purposes only in the "G" Light Industrial District.

Item 1. Any use permitted in the "F" Central Business District.

Item 2. Bottling Plants.

Item 3. Building and Storage yards.

Item 4. Cheese Factories.

Item 5. Coal Yards.

Item 6. Ice Cream Manufacturing.

Item 7. Laundries.

Item 8. Lumber and Building Material Yards.

Item 9. Milk collection depots.

Item 10. Railroad and Freight Stations and service tracks.

Item 11. Storage Warehouses.

Item 12. Truck terminals.

Item 13. Wholesale Establishments.

Item 14. Bus Garages and repair shops.

Item 15. The following uses are not permitted in the "G" Light Industrial District: Acetylene gas manufacture or storage; Acid manufacture; Alcohol manufacture; Amonia, bleaching powder or chlorine manufacture; Arsenal; Asphalt manufacture or refining;

Auto wrecking or salvage; Blast furnace; Bag cleaning; Boiler works; Brick, tile, pottery or terra cotta manufacture other than the manufacture of handcraft products only; Cement, lime, gypsum, or plaster of paris manufacture; Coke ovens; Cresote manufacture or treatment; Disinfectants manufacture; Distrillation of bones, coal or wood; Dyestuff manufacture; Explosives or fireworks manufacture or storage; Fat rendering; Fertilizer manufacture; Forge plant; Garbage, offal, or dead animals reduction or dumping; Gas manufacture or storage; Glue, size or gelatine manufacture; Iron, steel, brass or copper foundry; Junk, iron, or rags storage or baling; Oilcloth or linoleum manufacture; Oiled rubber goods manufacture, Ore reduction; Paint, oil, shellac, turpentine or varnish manufacture; Paper and pulp manufacture; Petroleum or its products, refining or wholesale storage of; Planing mills, Rock crusher; Rolling mill; Rubber or gutta-percha manufacture or treatment; Shoe polish manufacture; Smelting of tin, copper, zinc or iron ores; Stock yard or slaughter of animals or fowls; Stone mill or quarry; Tanning, curing or storage of raw hides or skins; Tar distillation or manufacture; Tar-roofing or water proffing manufacture; Yeast plant; Corn Driers.

Item 16. And, in general, any light manufacturing may be permitted within fully enclosed buildings, but not including uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise.

SECTION 3. Height Regulations: No building shall exceed six

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(6) stories or eighty (80) feet in height except as otherwise provided in Article XIV and where a building is located on a lot abutting or adjoining a dwelling district, a country home district, or publicly owned area, other than an alley or street, it shall not exceed three(3) stories or forty-five (45) feet in height unless it is set back one (1) foot from all required yard lines for each foot of additional height above forty-five (45) feet.

SECTION 4. Area Regulations:

Item 1. Front Yard: Where all the frontage on one side of the street between the two intersecting streets is located in the "G" Light Industrial District, no front yard shall be required. Where the frontage on one side of the street between two intersecting streets is located partly in the "G" Light Industrial District and a dwelling or any commercial district, the front yard requirements of the dwelling or commercial district shall apply to the "G" Light Industrial District.

Item 2. Side Yard: The side yard regulations for dwellings are the same as in the "D" Multiple Dwelling District. In all other cases a side yard is not required except on the side of a lot abutting on a dwelling or country home district, in which case there shall be a side yard of not less than five (5) feet.

Item 3: Rear Yard: The rear yard requirements for dwellings are the same as those in the "D" Multiple Dwelling District. In all other cases a rear yard is not required except on the rear

of a lot abutting on a dwelling district, in which case there shall be a rear yard of not less than fifteen (15) feet in depth.

Item 4. Intensity of Use: When a lot is improved with a dwelling or any other living facilities are erected above other uses, the intensity of use regulations are the same as those required in the "D" Multiple Family Dwelling District.

ARTICLE XI

"H" HEAVY INDUSTRIAL DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this Article, or set forth elsewhere in this ordinance when referred to in this Article, are the "H" Heavy Industrial Regulations.

SECTION 2. Use Regulations: In the "H" Heavy Industrial District, no building shall be converted or erected for dwelling purposes unless the location of such use shall have been approved by the Town Council. Industrial establishments located in the "H" Heavy Industrial District on or before the date of passage of this Ordinance may build new facilities or expand existing facilities by obtaining a building ~~permitt~~ providing the new or expanded facilities are for one of the following uses:

Item 1. Cement, Lime, Gypsum, or Plaster manufacture or storage.

Item 2. Quarries, mines, and storage of mineral products.

Item 3. Petroleum or its products, storage or blending of.

Item 4. A Concrete or Asphalt mixing or proportioning plant.

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Item 5. Truck Terminals.

Item 6. Grain storage or shipping.

Item 7. The above named uses are a distance of two thousand (2000) feet or more from any residential or apartment district and and five hundred (500) feet or more from any other zoned district within the city limits. Any industrial establishment located in the "H" Heavy Industrial District on or before date of passage of this Ordinance requesting permission to build new facilities for a use other than those enumerated above shall be governed by the regulations of Item 8.

Item 8. Industrial establishments not located within the "H" Heavy Industrial District prior to passage of this Ordinance shall not be issued a building permit nor be permitted occupancy either for the uses shown in Items 1 through 6 inclusive or in addition to those uses until and unless the location of such uses shall have been approved by the Town Council after a report by the Chief of the Fire Department and the Zoning Officer.

SECTION 3. Area Regulations:

Item 1. Front Yard: Where all the frontage on one side of a street between two intersecting streets is located in the

"H" Heavy Industrial District, no front yard shall be required. Where the frontage on one side of the street between two intersecting streets is located partly in the "H" Heavy Industrial District and partly in a dwelling or commercial district, the front yard requirements of the dwelling or commercial district shall apply to the "H" Heavy Industrial Districts.

Item 2. Side Yard: The side yard regulations are the same size as in the "G" Light Industrial District.

Item 3. Rear Yard: The rear yard regulations are the same as in the "G" Light Industrial District.

Item 4. Intensity of Use: The intensity of use regulations are the same as in the "E" Local Business District.

ARTICLE XII

STREET NUMBERS

SECTION 1. Every new residence or commercial establishment built on any property in the Town of Buffalo, Iowa, subsequent to the date of the adoption of this Ordinance shall receive a street number to be assigned by the Zoning Enforcement Officer in accordance with the present numbering system.

ARTICLE XIII

SIGNS AND BILLBOARDS

SECTION 1. Advertising signs and billboards relating to the development, financing, sale, rental, or lease of a subdivision or part thereof are permitted, provided the signs or billboards shall not exceed 100 square feet in area and no higher than twelve feet above ground level. Such signs shall

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be removed from the premises as soon as the individual lot upon which the sign has been placed is sold, rented or leased. Such signs and billboards shall require permits. Fees shall be assessed at five cents per square foot with a minimum fee of Two Dollars. The above fees shall be collected by the Zoning enforcement officer before each permit is issued and he shall account for all fees collected to the Town of Buffalo, Iowa.

ARTICLE XIV

SPECIAL EXEMPTIONS

SECTION 1. The regulations and requirements established by this Ordinance are not to apply to land, farm houses, farm barns, farm outbuildings, or other structures or erections used primarily for farming purposes as herein defined, provided that this exemption shall apply only as long as the land and structures mentioned in this section continue to be used primarily for farming purposes.

ARTICLE XV

OCCUPANCY PERMITS

SECTION 1. Susequent to the effective date of this Ordinance no change in the house or occupancy of land, nor any change of

use or occupancy in an existing building shall be made, nor shall any new building be occupied for any purpose until a certificate of occupancy has been issued by the Zoning Enforcement Officer. Every certificate shall state that the new occupancy complies with all provisions of this Ordinance.

SECTION 2. No permit for excavation for, or the erection or alteration of, any building shall be issued before the application has been made and approved for a certificate of occupancy and no building or premises shall be occupied until that certificate and permit is issued.

SECTION 3. A record of all certificates of occupancy shall be kept on file by the Zoning Enforcement Officer, and copies shall be furnished on request to any person having a proprietary or tenant interest in the land or in the building affected by such certificate of occupancy.

ARTICLE XVI

NON-CONFORMING USES

SECTION 1. The lawful use of land for storage purposes (where such use is not an adjunct of any building) and for advertising signs and billboards which does not conform to the provisions of the Ordinance shall be discontinued within Three (3) years from the date of the approval of this Ordinance, and the same uses of land which becomes non-conforming by reason of a subsequent change in this Ordinance shall also be discontinued Three (3) years from the date of the change.

SECTION 2. The lawful use of a building existing at the time

of the adoption of this Ordinance may be continued, although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

SECTION 3. No building which has been damaged by fire, explosion, act of God or the public enemy, to the extent of more than sixty-five per cent of its value, shall be restored except in conformity with the regulations of this Ordinance.

SECTION 4. In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of three (3) years, the use of the same shall thereafter conform to regulations of the district in which it is located.

SECTION 5. A non-conforming use occupying only a portion of a building may be extended throughout the building if same has been lawfully acquired and actually devoted to such use previous to the adoption of this Ordinance or to any affecting amendments thereof.

SECTION 6. The Town Council may, by special permit, after public hearing held by the Zoning Commission and advertised

as provided in Article XXI and subject to such protective restrictions as are necessary, authorize the locations, construction, extension or structural alteration of any of the following buildings or uses or an increase in their height in any district from which they are prohibited or limited by this Ordinance.

Item 1. Any public building erected and used by any department of a Municipal, County, State or Federal government.

Item 2. Hospitals, clinics and institutions, except institutions for criminals and those for persons who are mentally ill or have contagious diseases; provided, however, that such buildings may occupy not over fifty (50) per cent of the total area of the lot or tract and will not have any serious and depreciating effect upon the value of the surrounding property; and, provided further, that the buildings shall be set back from all yard lines heretofore established an additional distance of not less than two (2) feet for each foot of building height and that adequate off-street parking space will be provided.

Item 3. Cemetery or mausoleum.

Item 4. Airport, landing field, or landing strip.

Item 5. Greenhouses, provided that any such structures shall not be less than one hundred (100) feet from all property lines.

Item 6. Nurseries and truck gardens.

Item 7. Riding stables.

Item 8. Roadside stands, commercial amusement or recreational development for temporary or seasonal periods.

Item 9. Extraction of gravel, sand, or other raw materials.

Item 10. Parking lots on land not more than three hundred (300) feet from the boundary of any commercial, business or industrial district, under such conditions as will protect the character of surrounding property.

Item 11. Areas for the dumping or disposal of trash or garbage.

Item 12. Radio towers and radio broadcasting stations.

Item 13. Exhibitions and fair grounds.

Item 14. Tourist camps and motor courts.

Item 15. Any use that is not a nuisance per se and which is generally similar to the uses permitted in the district in which such use is located by special permit.

Before issuance of any special permit for any of the above buildings or uses, the Zoning Commission shall report to the Town Council regarding the public hearing thereon and also upon the effect of such proposed building or use upon the character of the neighborhood and other matters pertaining to the public health, public safety, and general welfare. No action shall be taken upon any application for proposed buildings or use above referred to until and unless the report of the Zoning Commission has been filed, but such report shall be made within sixty (60) days after the matter has been referred by the Town Council. If the Zoning Commission recommends against the issuance of the special permit, then it may be issued only by affirmative three-fourths (3/4) vote of the Town Council.

ARTICLE XVII

COMMUNITY UNIT PLAN

SECTION 1. The owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the Town Council of Buffalo a plan for the use and development of all of the tract of land for residential and allied purposes. The development plan shall be referred to the Zoning Commission for study and report and for public hearing. If the Commission approves the plan, they shall then be submitted to the Town Council for consideration and action. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community unit plan meets the following conditions:

Item 1. That the property adjacent to the area included in the plan will not be adversely affected.

Item 2. That the plan is consistent with the intent and purpose of this Ordinance to promote public health, safety, morals, and general welfare.

Item 3. That the buildings shall be used only for single-family dwellings, two-family dwelling and multiple dwellings, and the usual accessory uses such as garages, storage space, or community activities, including churches.

Item 4. That the average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is located.

If the Town Council approves the plans, building permits and certificates of occupancy may be issued even though the use of land and the location of the buildings to be erected in the area, and the yards and open spaces contemplated by the plan, do not conform in all respects to the district regulations of the district in which it is located.

ARTICLE XVIII

EXCEPTIONS AND VARIATIONS OF THE USE, HEIGHT AND AREA REGULATIONS

SECTION 1. The district regulations hereinafter set forth in this article qualify or supplement, as the case may be the district regulations appearing elsewhere in this Ordinance.

Item 1. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is located.

Item 2. Single-family and two-family dwellings may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the district in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height.

Item 3. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio towers, or necessary mechanical appurtenances, may be erected to a height in accordance with the existing or hereafter adopted ordinances of the Town of Buffalo, Iowa.

Item 4. Accessory buildings may be built in a required rear yard but such accessory buildings shall not be nearer to any side lot line than the required distance of the main building or to the main use of the premises to which the accessory building is incidental. Such accessory buildings shall not be nearer than four (4) feet to any rear lot line or to any alley, nor shall any accessory building occupy more than thirty (30) per cent of the required rear yard.

Item 5. Whenever a lot abuts upon an alley, one half of the width of the alley may be considered as a portion of the required rear yard.

Item 6. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed on the premises.

Item 7. Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of sills, belt courses, cornices, and ornamental features projecting not

to exceed Twenty Four inches.

Item 8. Fences constructed of solid wood surface may be erected to a height not to exceed five (5) feet along the boundaries of a lot, except that no such fence shall be erected within thirty (30) feet of a street intersection. Wire fences and other fences in which the openings between the materials of which the fence is constructed represents more than seventy (70) per cent of the total fence area may be erected to a height of six (6) feet except within thirty (30) feet of a street intersection. In no case will any fence be erected to a height exceeding two and one half ($2\frac{1}{2}$) feet in a front yard.

Item 9. Open or lattice-enclosed fire escapes, fireproof outsides stairways, and balconies opening upon fire towers projecting into a rear yard not more than five (5) feet, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the (zoning enforcement officer).

Item 10 For the purpose of the side yard regulations, a two-family, a group house, or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.

Item 11. No building exceeding two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet shall be erected within seven hundred fifty (750) feet of any airport, landing field or land strip.

Item 12. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district in which they are located, but such

buildings shall not exceed the number of feet of building height permitted in such districts.

Item 13. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but such temporary buildings shall be removed upon completion of the construction work as determined by the (zoning enforcement officer).

Item 14. More than (1) industrial, commercial, multiple dwelling, or institutional building may be erected upon a single lot or tract, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings, nor shall there be any change in the intensity of use regulation.

ARTICLE XIX

BOARD OF ADJUSTMENT

SECTION 1. Creation and Membership: A Board of adjustment is hereby established, which shall consist of five (5) members. The word "Board" when used in this article shall be construed to mean the Board of Adjustment. The terms of office of the members of the Board of Adjustment and the manner of their appointment shall be as provided by statute.

SECTION 2. Meetings: All meeting of the Board of Adjustment shall be held according to the need and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public. The Board shall keep minutes of

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its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Findings of fact shall be included in the minutes of each case of a requested variation, and the reasons for recommending or denying such variation shall be specified. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall be filed immediately in the office of the Board and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Ordinance or with the Iowa Statutes in such case made and provided, and may select or appoint such officers as it deems necessary.

SECTION 3. Appeal: An appeal may be taken to the Board of adjustment by any person, firm or corporation or by any officer, department, Board or Bureau affected by a decision of the (zoning enforcement officer). Such appeal shall be taken within such time as shall be prescribed by the Board of Adjustment by general rule, by filing with the (zoning enforcement officer) and with the Board of Adjustment a Notice of Appeal, specifying the grounds thereof. A fee of \$15.00 shall be paid to the (zoning enforcement officer) with the Notice of Appeal and all such fees shall be credited to the general fund of the Town of Buffalo. The (zoning enforcement officer) shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. The Board shall render a decision on the appeal without

unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

SECTION 4. Jurisdiction: The Board of Adjustment shall hear and decide appeals from any order, requirement, decision or determination made by the (zoning enforcement officer) on all matters pertaining to zoning.

It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.

The Board may reverse or affirm wholly or partly or may modify or amend the order, requirements, decision or determination appealed from to the extent and in the manner that the Board may decide to be fitting and proper in the premises, and to that end the Board shall also have all the powers of the officer from whom the appeal is taken.

When a property owner shows that a strict application of the terms of this Ordinance relating to the use, construction, or alteration of buildings or structures, or to the use of land imposes upon him practical difficulties or particular hardships, then the Board may make such variations of the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent when the Board is satisfied, under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variation in the following instances:

Item 1. To permit the extension of a district where the

boundary line of a district divides a lot in single ownership as shown on record, but such extensions of any district will not exceed one hundred (100) feet.

Item 2. To permit the reconstruction of a non-conforming building which has been destroyed or damaged to an extent of more than sixty-five (65) per cent of its value, by fire, or act of God, or the public enemy, where the Board shall find some compelling public necessity requiring a continuation of the non-conforming use, but in no case shall such permit be issued if its primary function is to continue a monopoly.

Item 3. To permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the Board deems reasonably necessary for the public convenience or welfare.

Item 4. To make a variance where, by reason of an exceptional situation, surroundings, or condition of a specific piece of property, or by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record, or by reason of exceptional topographical conditions the strict application of any provision of this Ordinance would result in peculiar and exceptional practical difficulties or particular hardships upon the owner of such property and amount to a practical confiscation of property, as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the

regulations and provisions contained in this Ordinance.

Item 5. To interpret the provisions of this Ordinance where the street layout actually on the ground varies from the street layout as shown on the District Map fixing several districts.

Item 6. To waive the parking requirements in the Business or Industrial Districts whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

Item 7. To permit land within two hundred (200) feet of a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwelling, but only when there is positive assurance that such land can be used for such purpose, during the existence of, and for the use of the occupants of, the multiple dwelling.

In considering all appeals and all proposed variations to this Ordinance the Board shall, before making any variation from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of

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the inhabitants of the Town of Buffalo. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the (zoning enforcement officer) or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.

Nothing herein contained shall be construed to give or grant to the Board the power of authority to alter or change the Zoning Ordinance or the District Map; such power and authority being reserved to the Council of Buffalo in the manner hereinafter provided in Article XXI.

SECTION 5. Notice: The Board shall make no recommendation except in a specific case and after a public hearing conducted by the Board. The Board shall select a reasonable time and place for the hearing of the appeal and give due notice by letter thereof to the property owners within three hundred (300) feet in all directions exclusive of streets and alleys. Such notice shall contain the address or location of the property for which the variation or other ruling by the Board is sought, as well as a brief description of the nature of the appeal.

SECTION 6. Relief: Any persons, jointly or severally aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board, or bureau of the Town of Buffalo, shall have recourse to such relief as is provided by Statute.

ARTICLE XX

PERMITS

SECTION 1. A written permit shall be contained from the (zoning

enforcement officer), before starting:

Item 1. To excavate for or build any foundation.

Item 2. To erect, construct, enlarge, alter or move any building or structure.

Item 3. To change the use of any building, structure or land from one classification to another or

Item 4. In the case of non-conforming uses, to change from one use to another.

The application for each such permit shall be on an approved form and shall give a description of the land, including the size of lot, the owner, the location of buildings and structure, contractor or builder, proposed use and such other information as may be required by the (zoning enforcement officer) for proper enforcement of this Ordinance. All applications for permits and copies of permits issued shall be systematically kept for ready public reference by the (zoning enforcement officer).

Advertising signs and billboards, concrete, stone or masonry walls and fences which cannot be viewed through shall require permits. Each permit issued for a main building shall also cover any accessory building constructed at the same time. Any work or change in use authorized by permit but not started or made within ninety (90) days or suspended for ninety (90) days shall require a new permit. The (zoning enforcement officer) shall issue a written permit or denial thereof with reasons in writing within fifteen (15) days from the date of the acceptance of the application. In the event the permit or denial thereof is not issued within fifteen (15) days, the applicant may appeal directly to

the Zoning Board of Appeals which shall order the issuance of the permit or denial thereof with reasons in writing.

SECTION 2. Fees: Permit fees shall be as follows:

Item 1. Construction of a main building.....\$10.00

Item 2. Alteration, addition, incidental or accessory building.....\$2.00

Item 3. Advertising sign or billboard.....\$.05 per square foot in area, with a minimum fee of\$2.00

The above fees shall be collected by the (zoning enforcement officer) before issuing each permit and he shall account for all fees collected to the Town of Buffalo.

ARTICLE XXI

PLATS

SECTION 1. Each application for a permit as provided in Article XVI hereof, shall be accompanied by plat or print thereof drawn to scale showing the actual dimensions of the lot to be built upon, the size, shape, and location of the buildings to be erected, the size shape and location of any existing buildings and such other information as may be necessary for the enforcement of this Ordinance. Such plats shall be kept with the application for the permit in the office of the (zoning enforcement officer).

ARTICLE XXII

BOUNDARIES OF DISTRICTS

SECTION 1. Rules Where Uncertainty May Arise: Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made part of this Ordinance, the following rules apply:

Item 1. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map accompanying and made part of this Ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

Item 2. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts, unless the boundaries are otherwise indicated on the map.

Item 3. In subdivided property the district boundary lines on the map accompanying and made a part of this Ordinance shall be determined by the of the scale appearing on the map.

ARTICLE XXIII

ENFORCEMENT

SECTION L. It shall be the duty of the (zoning enforcement officer) to enforce this Ordinance. It shall also be the duty for officers and employees of the town to assist the (zoning enforcement officer) by reporting to him upon new construction, reconstruction or land uses or upon seemingly violating.

ARTICLE XXIV

INTERPRETATION, PURPOSE AND CONFLICT

SECTION I. In interpreting and applying the provisions of this

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Ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any Ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by such ordinances or agreements, the provisions of this Ordinance shall control.

ARTICLE XXV

CHANGES AND AMENDMENTS

SECTION I. The regulations imposed and the districts created by this Ordinance may be amended from time to time by the Town Council on its action or on petition of interested property owners, but no amendment shall be made without a public hearing before the Zoning Commission.

Also a fifty (\$50.00) dollar fee payable to the Town of Buffalo shall be filed with each petition of interested property owners desiring any change in the regulation or districts aforesaid.

At least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the Town of Buffalo. In case the Zoning Commission does not approve the change or, in case of a protest against such change signed by the owners of twenty (20) per cent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending the depth of one lot or not to exceed two hundred (200) feet from there, or of those directly opposite thereto, extending the depth of one lot or not to exceed two hundred (200) feet from the street frontage of such opposite lots, filed with the Town Clerk of Buffalo, Iowa, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all the members of the Town Council.

ARTICLE XXVI

VIOLATION AND PENALTY

SECTION 1. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined not less than five (5) dollars nor more than one hundred (100) dollars for each offence. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 2. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in any building, structure or land is used in violation of this Ordinance, the (zoning enforcement officer) in addition

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to other remedies, may institute any proper action or proceedings in the name of the Town of Buffalo, and hereby shall have the powers of a police officer to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violations to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises.

ARTICLE XXVII

VALIDITY

SECTION 1. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ARTICLE XXVIII

REPEAL OF CONFLICTING ORDINANCES

SECTION 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ARTICLE XXIX

DATE OF EFFECT

SECTION 1. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Passed and approved this 4th day of August, 1969

Jack Stalder
MAYOR

ATTEST

Lewis M. Adams
TOWN CLERK