

CITY OF RIVERSIDE BOARD OF ADJUSTMENT AGENDA
RIVERSIDE COUNCIL CHAMBERS
60 N GREENE ST

Tuesday, May 7, 2024 6:30 PM

1. Call Meeting to Order
2. Roll Call
3. Approval of Agenda
4. Selection of Officers for 2024 – Chairperson & Vice Chairperson
5. Public Hearing for 20 E 2nd St – Kari Ford
6. Closing Comments
7. Adjournment



Trek
"Where the Best Begins"

Permit#: 2024-07V Site Address: 20 East 2nd Street,

Subdivision: 19 OP Lot#: 2-3 Parcel#: 0418237003 Interior Lot

*** Other - Variance Description: Kari Ford's Shed Detached Garage ***

Sq.Ft.: 0.00 Bulding Size: 36' x 36' Ht: 10' Walls Story/ies: 1

Front: Ok Rear: Needs 25' Wants 20' Sides - Right: Needs 7' Wants 4.5' Left: Needs 7' Wants 4.5

Submitted Date: 4/15/2024

Green Space Need to be 30% of Rear Yard

Back Yard Estimated = 3,375 sq.ft.

Green Space Need to be = 1,012 sq.ft.

Planned Building 36'x36'x10' = 1,296 sq.ft.

Permit Notes:

Owner -- Kari Kiene Ford Kari (319) 325-5054 KariJean8179@yahoo.com

Applicant -- Kari Ford Kari (319) 325-5054 KariJean8179@yahoo.com

Transaction Display

2024-07V

346	4/11/2024	Application Fee	\$100.00
347	4/11/2024	--Payment-- Check#: 1109	(\$100.00)

Balance: \$0.00

Yes, I would approve of variance request for these reasons.

- 1) The west property lot would be nonconforming to future building
- 2) The west property lot has 5' from lot #2 and will not be able to add onto existing buildings
- 3) This property is near C-2

Email From Kari Ford Stating the remove of the existing shed when new shed is completed or sooner.

From: Kari Ford <karijean8179@yahoo.com>
 Sent: Monday, April 15, 2024 4:21 PM
 To: David Tornow
 Subject: Re: Existing Shed

We will be removing the existing shed from our property

From: Kari Ford <karijean8179@yahoo.com>
Sent: Monday, April 15, 2024 4:21 PM
To: David Tornow
Subject: Re: Existing Shed

We will be removing the existing shed from our property
Yahoo Mail: Search, Organize, Conquer

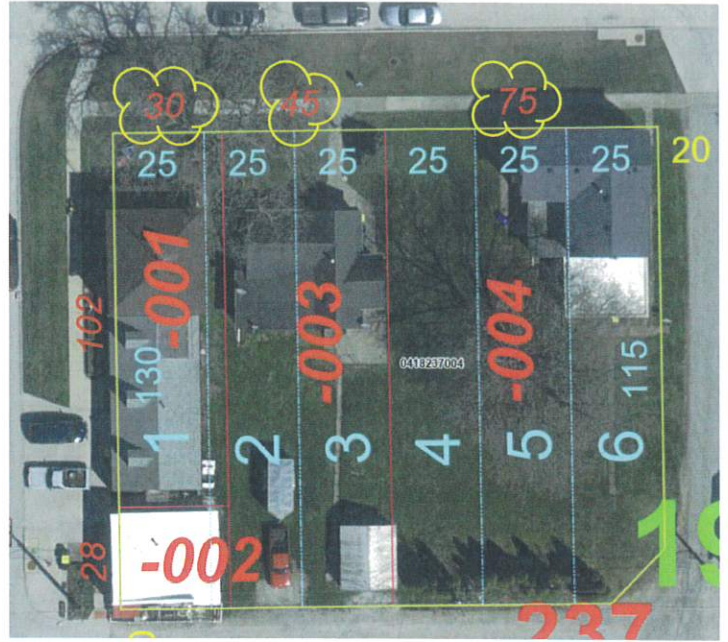
On Mon, Apr 15, 2024 at 4:19 PM, David Tornow
<bldginspect@riversideiowa.gov> wrote:
Could you please email me back, stating that you will be removing the existing shed
from
your property.

Thanks

If any questions, Please Call Me

David Tornow
Riverside Building Inspector
(319) 330-5880
BldgInspect@RiversideIowa.gov

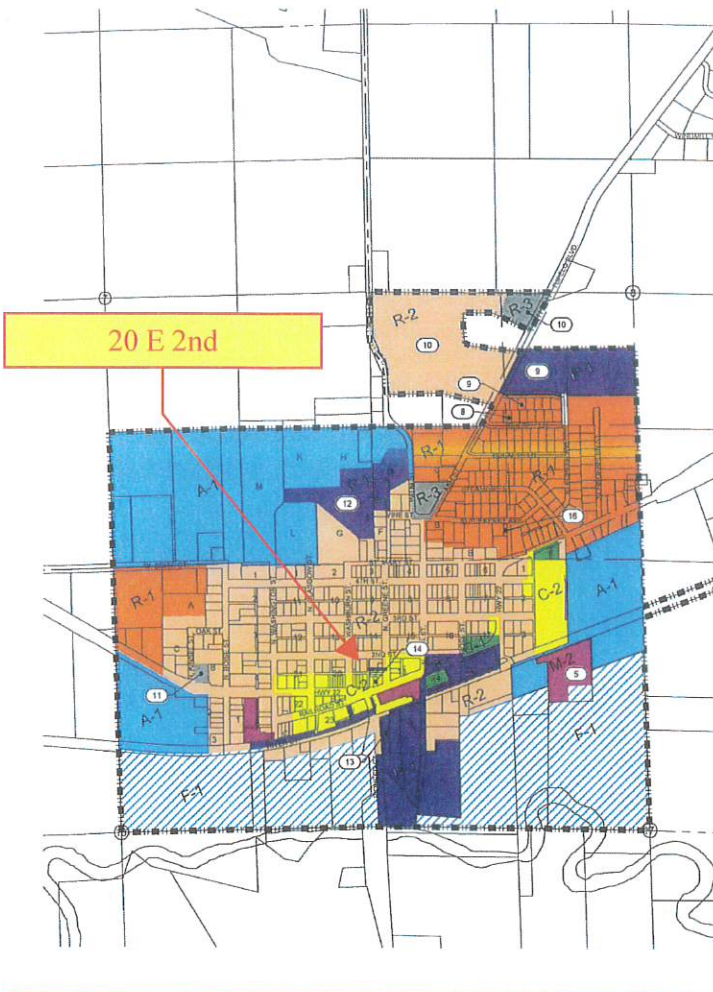
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open attachments unless you
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- | | | |
|-------------------------------|----------------------------------|-------------------------------------|
| P-1 PUBLIC | R-3 MULTIFAMILY RESIDENTIAL | C-3 AVENUE OF THE SAINTS COMMERCIAL |
| A-1 AGRICULTURAL | R-1 MOBILE HOME PARK RESIDENTIAL | M-1 INDUSTRIAL PARK |
| R-1 SINGLE FAMILY RESIDENTIAL | C-1 HIGHWAY COMMERCIAL | M-2 GENERAL INDUSTRIAL |
| R-2 MIXED RESIDENTIAL | C-2 GENERAL COMMERCIAL | F-1 FLOOD PLAIN |

REFER TO FLOOD MANAGEMENT ORDINANCE NO. 05072010-S, RECORDED IN BOOK 2011, PAGE 2354, ON JULY 05, 2011, FOR MANDATORY RECORDED MAPS OF PROPERTIES WITHIN THE CITY LIMITS, IN THE FLOOD PLAIN AS ESTABLISHED AND MOST RECENTLY RECORDED IN FIRM MAP NUMBER 1918300000, 1918300000 AND 1918300180H, ALL WITH AN EFFECTIVE DATE OF JANUARY, 16, 2013.

Back Yard Estimated is 3,375 sq.ft.
 Green Space Need to be = 1,012 sq.ft.
 Planned Building 36'x36'x10' = 1,296 sq.ft.



19. **Dwelling, Multiple** - A building or portion thereof designed for or occupied exclusively for residence purposes by two or more families.
20. **Dwelling, Single-family** - A building designed for or occupied exclusively for residence purposes by one family.
21. **Family** - One or more persons related by blood, marriage or adoption occupying a single dwelling unit. A family may include 4, but not more than 4, persons not related by blood, marriage or adoption but further provided that domestic employees employed on the premises may be housed on the premises without being counted as a family or families.
22. **Family Group Home** - A community-based residential home which is licensed as a residential care facility under Chapter 135C of the Iowa Code or as a child foster care facility under Chapter 237 of the Iowa Code to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237 of the Iowa Code.
23. **Garage** - A building or portion thereof in which a motor vehicle containing gasoline or other volatile, flammable liquid in its tank is stored, repaired, or kept.
24. **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 except as a home occupation.
25. **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.
26. **Grade** - The average elevation of the finished ground at the exterior walls of the main building.
27. **Gross Floor Area** - The sum of the gross horizontal area of all floors of a building measured from the interior face of the exterior walls; it does not include parking areas or areas where the ceiling height is below 6 feet.
28. **Ground Floor** - The first floor of a building other than a cellar or basement.
29. **Habitable Space** - Space in a dwelling unit for living, sleeping, eating or cooking. [A habitable space shall not include any storage space, garage or basement. There shall be a minimum of 800 square feet of habitable space in each dwelling unit.]
30. **Health Care Facility** - Any residential care facility, intermediate care facility, or skilled nursing facility as described below:
 - A. Residential Care Facility - Any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, personal assistance and other essential daily living activities to three or more individuals, not related to the

34. **HUD Code** - Refers to national construction standards specifically for manufactured housing developed and administered by the U.S. Department of Housing and Urban Development (HUD), established in response to requirements the National Manufactured Home Construction and Safety Standards Act, passed by Congress in 1974. Manufactured houses are sometimes called HUD Code houses.
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.
36. **Kennel (Commercial)** - An establishment in which three or more dogs are housed, groomed, bred, boarded, trained, and/or sold. Puppies under six months of age shall not be included in the count.
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.
40. **Lot Measurements** -
- A. 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.
 - B. 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 setback line; provided, however, the 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 80 percent of the required lot width, except in the case of lots on the turning circle of cul-de-sac where 80 percent requirement shall not apply.

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** - Terminology used in this ordinance with reference to “corner” lots, “interior” lots, “through” lots, and “reversed corner” lots shall be as follows:
 - A. **Corner lot** - a lot located at the intersection of two or more streets.
 - B. **Interior lot** - a lot other than a corner lot with only one frontage on a street other than an alley.
 - C. **Through lot** - a lot other than a corner lot with frontage on more than one street other than an alley. Lots with frontage on two non-intersecting streets may be referred to as “through” lots.
 - D. **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 (see Lot Diagram in appendix).
43. **Manufactured Home** - A factory-built dwelling, which is manufactured or constructed off-site under the authority or 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, which is not constructed 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 constructed to the Federal Manufactured Home Construction and Safety Standards is not a manufactured home unless it has been converted to real property and is taxed as a site built dwelling as is provided in Code of Iowa (1999), Section 435.26. For the purpose of any of these regulations, manufactured homes shall be considered the same as a single-family detached dwelling.
44. **Mobile Home** - A vehicle without motive power used, or so originally constructed as to permit being used, as a conveyance upon the public streets or highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof for human habitation, capable of dwellings, or sleeping quarters and which is being moved, towed, or transported by another vehicle. This definition shall also include and apply to such vehicles or structures that are located on a permanent or temporary foundation.
45. **Mobile Home Park** - Any site, lot, field or tract of land under common ownership upon which two or more occupied manufactured housing units are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park. (Code of Iowa, Chapter 435).

tanks therefor, or where battery, tire or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale.

56. **Setback** - The required distance between every structure and lot line on the lot in which it is located. All applicable building setbacks as established by this ordinance shall be measured from the property line to the building foundation line. Roof overhangs and normal architectural features extending up to three feet beyond the exterior wall of the foundation of the structure shall not be considered in computing the distance between the structure and the lot line. All roof overhangs and other architectural features extending more than three feet beyond the exterior wall of the foundation of the structure shall be considered for purposes of measuring the setback requirements to the extent those roof overhangs and architectural features exceed three feet in length.
57. **Sexually Oriented Business** - An adult arcade, adult book store or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center or any other commercial establishment which offers products, services or experiences appropriate only for adults by reason of their emphasis on sexual activities, female mammaries and/or human reproductive organs.
58. **Signs** - Any advertising device or surface out-of-doors, on or off premises, on which letters, illustrations, designs, figures or symbols are printed or attached and which conveys information or identification. Signs shall include both display area and attached support devices.
- A. 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.
 - B. 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.)
59. **Site-built Home** - A residential unit constructed at the building location using traditional construction techniques and few prefabricated components. Also called a stick-built house.
60. **Special Exception** - A use specified in these regulations identifying specific conditions, limitations or restrictions, and which is subject to review for approval, or denial by the Board of Adjustment according to the provisions set forth in this Ordinance.
61. **Statement of Intent** - A statement preceding regulations for individual districts, intended to characterize the districts and their legislative purpose.

62. **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.
63. **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 floor below it. A half-story containing independent apartments or living quarters shall be counted as a full story.
64. **Street** - All property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefore, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.
65. **Street Line** - The right-of-way line of a street.
66. **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.
67. **Swimming Pool** - A water filled enclosure, permanently constructed or portable, having a depth of more than 18" below the level of the surrounding land, or an above surface pool, having a depth of more than 30", designed, used, and maintained for swimming and bathing.
68. **Terrace** - A level landscaped and/or surfaced area directly adjacent to a principal building or within three feet of a finished grade and not covered by a permanent roof.
69. **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.
70. **Variance** - A device used by the Board of Adjustment which grants a property owner relief from certain provisions of a Zoning Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money and which condition is not of the owner's own making.
71. **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 foundation line shall be used (see Yard Diagram in appendix).
- A Yard, Front - A yard extending across the width of the lot between side yards and measured between the front lot line and the building foundation line or any projections greater than three feet thereof, other than the projection of the usual steps or unenclosed porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimensions, except where the owner shall

- elect to front his building on a street parallel to the lot line having the greater dimension.
- B. Yard, Rear - A yard extending across the width of the lot between side yards and measured between the rear lot line and the building foundation line or any projections greater than three feet other than steps, unenclosed balconies or unenclosed porches. On both corner lots and interior lots the rear yard shall be the opposite end of the lot from the front yard.
- C. Yard, Side - A yard extending from the front lot line to the rear lot line and measured between the side lot lines and the building foundation line. On corner lots the yards not designated as front or rear yards shall be considered the side yards. Each corner lot shall have one front, a rear, and two side yards.
72. **Zoning/Building Administrator** - The local official responsible for reviewing zoning/building permits and following a determination by the Zoning Board of Adjustment for special exceptions and variances. Decisions of the official may be appealed to the Board of Adjustment. Permits are issued by the Zoning/Building Administrator.
73. **Zoning Codes** - Local ordinances adopted by the City Council that regulate the use of land and the placement of buildings within a municipality and within a given area outside the corporate limits. Frequently specify allowable height and bulk of building, lot coverage and setback distance.
74. **Zoning District** - A section the City designated in the text of the Zoning Ordinance 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.
- 75 **Zoning Map** - The map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Ordinance.

DISTRICT REGULATIONS

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

- A-1 Agricultural District
- R-1 Single-Family Residential District
- R-2 Mixed Residential District**
- R-3 Multi-Family Residential District
- R-4 Mobile Home District
- C-1 Central Business District Commercial District
- C-2 General Commercial District**
- C-3 Avenue of the Saints Commercial District
- M-1 Industrial Park District
- M-2 General Industrial District
- F-1 Flood Plain
- P-1 Public Use

A-1 Zoning District	Minimum Lot Area	Minimum lot width and depth (feet)*	Minimum front yard (feet)	Minimum side yard (feet)	Minimum rear yard (feet)	Minimum Corner Lot (feet)	Maximum height
Single-family dwelling	1 acre	150 (width) 150 (depth)	35	25	35	35	2 ½ stories or 37.5 feet
Other uses – excluding farm building and uses	1 acre	200 (width) 200 (depth)	40	25	40	35	2 ½ stories or 37.5 feet
Accessory uses	N/A	N/A	N/A	20	50	35	2 ½ stories or 37.5 feet
All R Zoning Districts	Minimum Lot Area (square feet)	Minimum lot width and depth (feet)*	Minimum front yard (feet)	Minimum side yard (feet)	Minimum rear yard (feet)	Minimum Corner Lot (feet)	Maximum height
R-1	9,600	80 (width) 100 (depth)	25	8**	25		2 ½ stories or 37.5 feet
R-2	8,400 (single-family)	70 (width) 100 (depth)	25	7 (one story)** 10 (two story)**	25		2 ½ stories or 37.5 feet
	9,600 (two-family)	80 (width) 100 (depth)	25	7 (one story)** 10 (two story)**	25		
R-3	7,200 (single-family)	60 (width) 100 (depth)	25	8 (one story)** 10 (two story)** 12 (three stories)**	25		3 stories or 45 feet
	8,400 (two-family)	80 (width) 100 (depth)	25	8 (one story)** 10 (two story)** 12 (three story)**	25		
	6,000 (multi-family) Add 1,500 sq. ft. for each dwelling unit after three.	50 (width) 100 (depth)	25	8 (one story)** 10 (two story)** 12 (three story)**	30		
Other uses	15,000	80 (width) 125 (depth)	40	30	40		45 feet
Accessory uses	N/A	N/A	N/A	5	5****		2 ½ stories or 37.5 feet

C-1 Zoning District	Minimum Lot Area	Minimum lot width and depth (feet)	Minimum front yard (feet)	Minimum side yard (feet)	Minimum rear yard (feet)	Maximum height
All uses	None	None	8	None, except if a side yard is provided it shall be a minimum of 5 feet. Corner lots shall be 10 feet.	None	3 stories or 45 feet
Accessory uses	N/A	N/A	N/A	5	None	3 stories or 45 feet
C-2 Zoning District	Minimum Lot Area	Minimum lot width and depth (feet)	Minimum front yard (feet)	Minimum side yard (feet)	Minimum rear yard (feet)	Maximum height
All uses	10,000	None	25	If adjacent to a residential district, the side yard shall be equal to the minimum side yard required in the adjacent district, but in no instance less than 10 feet. Corner lots shall be 10 feet.	If adjacent to a residential district, the rear yard shall be equal to the minimum rear yard required in the adjacent district, but in no instance less than 20 feet, unless bordering with an alley in which case it shall be 15 feet.	2 ½ stories or 37.5 feet
Accessory uses	N/A	N/A	N/A	5	None	2 ½ stories or 37.5 feet

parked on public or private property so as to create a safety hazard with pedestrian or vehicular traffic.

165.09.b R-2 – MIXED 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. 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 R-2 District:
 - A. Single-family detached dwellings.
 - B. Two-family dwellings.
 - C. Home occupations in compliance with Section 165.21.12 of this ordinance.
3. **Accessory Uses.** Uses of land or structure customarily incidental and subordinate to a permitted use in the R-2 District:
 - A. Private garages and the rental of no more than four (4) private garage units per site, each rental unit containing no more than three hundred (300) square feet.
 - B. Private greenhouses and garden houses not operated for commercial purposes.
 - C. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
4. **Special Exceptions.** Certain uses may be permitted in the R-2 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
 - A. Nursery schools.
 - B. Public or private utility substations, relay stations, etc.
 - C. Churches, cemetery or mausoleum.
 - D. Publicly owned and operated buildings and facilities, including community centers.
 - E. Public schools and private schools with a curriculum similar to public schools.
 - F. Public swimming pools, golf courses but not miniature courses or separate driving tees.
 - G. Bed and breakfast houses.
 - H. Hospitals.
 - I. Home occupations not meeting the approval of the Zoning Administrator under Section 165.21.12 of this ordinance.

- J. Family group homes.
- K. Libraries.
- L. Licensed and registered day care centers.
- M. Public and private recreational facilities.

5. **Bulk Regulations.** The following requirements shall provide for light and air around permitted residential uses and buildings in all “R” Districts:

	Minimum Lot Area (square feet)	Minimum lot width and depth (feet)*	Minimum front yard (feet)	Minimum side yard (feet)	Minimum rear yard (feet)	Maximum height
R-1	9,600	80 (width) 100 (depth)	25	8**	25	2 ½ stories or 37.5 feet
R-2	8,400 (single-family)	70 (width) 100 (depth)	25	7 (one story)**** 10 (two story)***	25	2 ½ stories or 37.5 feet
	9,600 (two-family)	80 (width) 100 (depth)	25	7 (one story)*** 10 (two story)***	25	
R-3	7,200 (single-family)	60 (width) 100 (depth)	25	8 (one story)** 10 (two story)** 12 (three stories)**	25	3 stories or 45 feet
	8,400 (two-family)	80 (width) 100 (depth)	25	8 (one story)** 10 (two story)** 12 (three story)**	25	
	6,000 (multi-family) Add 1,500 sq. ft. for each dwelling unit after three.	50 (width) 100 (depth)	25	8 (one story)** 10 (two story)** 12 (three story)**	30	45 feet
Other uses	15,000	80 (width) 125 (depth)	40	30	40	45 feet
Accessory uses	N/A	N/A	N/A	5	5****	2 ½ stories or 37.5 feet

* Must still meet required sq. ft. lot area.
 ** Corner lots 15 feet
 *** Corner lots 20 feet
 **** Unless abutting an alley, then it may be one (1) foot from the lot line

Any lot adjacent to State Highway 22, in any way, shall be required to have a twenty (20) foot setback in addition to the minimum yard requirements stated herein.

Further, townhomes, condominiums, duplexes, cooperative or any other forms of zero-lot line structures which utilize shared walls as part of the structure shall be exempt from the minimum side yard bulk regulations as to their attached or semi-detached components provided all of the following conditions are met:

- A. Common walls shall be fireproof as per the Universal Building Code. No openings in common walls shall be permitted per State Code.
 - B. In the case of multi-family dwelling units, the division of the lot of parcel into two parcels shall be done in such a manner as to result in one single-family dwelling unit being located on either side of the common boundary line with the common wall being on the common boundary line.
 - C. Each dwelling unit shall have separate access and utility service.
 - D. Before the issuance of a development permit, there shall be filed on record with the Washington County Recorder binding covenants or declarations detailing the respective dwelling unit owners' responsibilities and liabilities with regard to repair and maintenance of common walls and other common aspects of the structure. Those covenants or declarations shall ensure adjoining property owners reciprocal ten-foot wide maintenance easements to provide access to maintain the common walls located upon common boundary lines. In addition, the covenants or declarations shall provide a mechanism for the owners of the dwelling units to address common issues of concern such as landscaping, exterior appearance, and type of roofing. The covenants or declarations may simply provide for the formation of a homeowners association to address such common issues.
- 6. **Off-Street Parking.** See Supplementary Regulations.
 - 7. **Off-Street Loading.** See Supplementary Regulations.
 - 8. **Signs.** See Supplementary Regulations.
 - 9. **Vehicles - Trailers.** Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any lot other than in completely enclosed buildings. No automotive vehicle or trailers of any kind shall be parked or stored on any lot in this district in a required front yard except when parked on a designated hard surfaced driveway. No vehicle of any kind shall be parked on public or private property so as to create a safety hazard with pedestrian or vehicular traffic.

165.09.c R-3 – MULTI-FAMILY RESIDENTIAL DISTRICT.

- 1. **Intent.** This district is intended to provide for a variety of single-, two-and 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.

Any lot adjacent to State Highway 22, in any way, shall be required to have a twenty (20) foot setback in addition to the minimum yard requirements stated herein.

6. **Off-Street Parking:** None required.
7. **Off-Street Loading.** See Supplementary Regulations.
8. **Signs.** See Supplementary Regulations.

165.10.b C-2 - GENERAL COMMERCIAL DISTRICT.

1. **Intent.** This district is intended to provide for certain areas of the City for the development of service, retail, and other non-residential uses which because of certain locational requirements and operational characteristics are appropriately located in close proximity to arterial and other main thoroughfares. Residential type structures are also permitted. 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.**
 - A. Motor vehicles and farm implement 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, cemeteries and publicly owned and operated buildings and facilities.
 - D. Hotels and motels.
 - E. Convenience stores.
 - F. Shopping centers or malls.
 - G. Any other retail or service sales business, including food preparation for sale off-premises. Repair businesses shall have limited outdoor storage privileges for items being repaired by them. Items, including motor vehicles, brought to any business for repair may be stored outside the business for up to 30 days. An additional 30 days of outdoor storage may be secured with written application to the Zoning Administrator. Additional extensions for outdoor storage shall only be given upon a finding of good cause by the Zoning Administrator following written application. Motor vehicles brought to businesses for repair may not be stored on any City street or alley for more than 24 hours.
 - H. Publicly owned and operated buildings and facilities.
 - I. All other uses as allowed in the Central Business Commercial District.
 - J. Those uses which in the opinion of the Planning and Zoning Commission are of the same general character as those listed above as permitted uses, and which will not be detrimental to the district in which they are located.

3. **Accessory Uses.** Uses of land or structures customarily incidental and subordinate to a permitted use in the C-2 District:
 - A. Private garages.
 - B. Parking lots.
 - C. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

4. **Special Exceptions.** Certain uses may be permitted in the C-2 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
 - A. Animal shelters.
 - B. Public or private utility substations, relay stations, etc.
 - C. Communication towers, wind generation equipment, freestanding solar generation equipment.
 - D. Feed mills and grain elevators.
 - E. Carnivals, fairs, circuses, amusement parks and road shows.

5. **Bulk Regulations.** The following requirements shall provide for light and air around permitted uses and building in the C-2 District.

	Minimum Lot Area	Minimum lot width and depth (feet)	Minimum front yard (feet)	Minimum side yard (feet)	Minimum rear yard (feet)	Maximum height
All uses	10,000	None	25	If adjacent to a residential district, the side yard shall be equal to the minimum side yard required in the adjacent district, but in no instance less than 10 feet. Corner lots shall be 10 feet.	If adjacent to a residential district, the rear yard shall be equal to the minimum rear yard required in the adjacent district, but in no instance less than 20 feet, unless bordering with an alley in which case it shall be 15 feet.	2 ½ stories or 37.5 feet
Accessory uses	N/A	N/A	N/A	5	None	2 ½ stories or 37.5 feet

Any lot adjacent to State Highway 22, in any way, shall be required to have a twenty (20) foot setback in addition to the minimum yard requirements stated herein.

6. **Buffering.** The use of buffering shall be required between any C-2 District and abutting residential and agricultural zoning districts and land uses. Abutting districts shall include lots fronting on a street which form the boundary line between any C-2 District and residential and agricultural zoning district as well as any abutting lot line between said districts. Buffering shall take place in any required yard, including front, side or rear. The following provisions shall apply:

- A. The buffer shall be equal to the minimum side yard required in the adjacent district, but in no instance less than 10 feet. Corner lots shall be 10 feet.
- B. All buffer areas shall be landscaped or fenced to provide a complete visual screen. Buffering may include any of the following:
 - 1. Fencing.
 - 2. Landscaping consisting of native plant and tree species.
 - 3. Berms. Berms may be used if native plant and tree landscaping requirements of the City’s Site Plan Ordinance (Chapter 167) can still be met. Berms must be vegetated to minimize erosion and to slow stormwater runoff. Berms may be up to six feet measured vertically from the natural elevation of the yard.
- C. Maintenance. All buffered areas shall be kept free of litter, debris, noxious weeds and species of plants identified by the Iowa DNR as exotic or invasive.

7. **Zero Lot Line Structures.** In addition to any specific conditions and requirements as established by the Board of Adjustment, zero lot line structures within a C-2 Arterial Commercial District which utilize shared walls as part of the structure shall be exempt from the minimum side yard bulk regulations as to their attached or semi-detached components provided all of the following conditions are met:

- A. Common walls shall be fireproof as per the Universal Building Code. No openings in common walls shall be permitted per State Code.
- B. Each unit shall have separate utility service.
- C. Before the issuance of a development permit, there shall be filed on record with the Washington County Recorder binding covenants or declarations detailing the respective unit owners’ responsibilities and liabilities with regard to repair and maintenance of common walls and other common aspects of the structure. Those covenants or declarations shall ensure adjoining property owners reciprocal ten-foot wide maintenance easements to provide access to maintain the common walls located upon common boundary lines. In addition, the covenants or declarations shall provide a mechanism for the owners of the units to address common issues of concern such as landscaping, exterior appearance, and type of roofing.

8. **Animal Shelters.** An animal shelter proposal will be reviewed by the Board of Adjustment and shall be permitted only when it conforms to the following and is subject to any additional conditions as may be warranted to mitigate deleterious effects of the proposed use:

BOARD OF ADJUSTMENT

165.24 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 error in any order, requirement, decision, or determination made by the Zoning/Building Administrator in the enforcement of this chapter.
 - A. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Riverside affected by any decision of the administrative officer. Such appeal shall be taken within sixty (60) days of the rendering of the decision by filing with the Zoning/Building Administrator, and with the Board a notice of appeal specifying the grounds thereof. The Zoning/Building Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. The appeal shall be acted upon within 30 days of the filing.
 - 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 Riverside. At least 7 days immediately preceding the hearing a sign of at least 12" X 18" regarding the action and informing the public of said action and directing attention to the office of the City Clerk for information on said action shall be conspicuously placed on the lot in question visible and legible to pedestrian and vehicular traffic. At said hearing, any party may appear in person, by agent or by attorney.
 - C. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning/Building 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 and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning/Building Administrator from whom the appeal is taken and on due cause shown.
2. **Special Exceptions: Conditions Governing Applications; Procedures.** To hear and decide on, such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this chapter; 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 special exceptions to be acted by the Board shall be acted upon within 30 days of the filing. 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 Riverside. At least seven (7) days immediately preceding the hearing a sign of at least 12" X 18" regarding the action and informing the public of said action and directing attention to the office of the City Clerk for information on said action shall be conspicuously placed on the lot in question visible and legible to pedestrian and vehicular traffic. At said hearing, any party may appear in person, by agency or by attorney.
 - 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, that the granting of the special exception will not adversely affect the public interest.
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 the special conditions and circumstances do not result from the actions of the applicant;
 - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this 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 variance shall be acted upon within 30 days of the filing. 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 Riverside. At least 7 days immediately preceding the hearing a sign of at least 12" X 18" regarding the action and informing the public of said action and

directing attention to the office of the City Clerk for information on said action shall be conspicuously placed on the lot in question visible to pedestrian and vehicular traffic. At said hearing, any party may appear in person, by agent or by attorney.

- 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 section 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 this chapter 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.

- 4. The concurring vote of the majority of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning/Building 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.

165.25 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.

165.26 DUTIES OF ZONING/BUILDING ADMINISTRATOR, BOARD OF ADJUSTMENT, PLANNING AND ZONING COMMISSION, AND COURTS ON MATTERS OF APPEAL. All questions of interpretation and enforcement shall be first presented to the Zoning/Building Administrator, or that person's designee, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning/Building Administrator, and that 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.

165.27 AMENDMENTS. The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed, provided that at least seven

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 20 days prior to the hearing. At least seven days preceding the hearing a sign measuring not less than 12 inches by 18 inches giving notice that the property is the subject of a pending re-zoning application and directing the public's attention to the office of the City Clerk for further information shall be conspicuously posted on the land in question visible to pedestrian and vehicular traffic. If the property is inaccessible to public vehicular traffic, the sign shall be posted at the nearest point of passage by public vehicular traffic.

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, a 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 percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent or more of the property which is located within two hundred 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 of all the members of the Council. The protest, if filed, must be filed before or at the public hearing.

Proposed amendments not recommended by the Planning and Zoning Commission shall become effective only upon a favorable vote of three-fourths (3/4) of the members of the City Council. All zoning amendment application forms shall be approved by resolution of the City Council.

165.28 PENALTIES FOR VIOLATION. Violations of the provisions of this chapter and any of its requirements (including violations of conditions and safeguards established in connection with the grant of variances or special exceptions) may be prosecuted as either a municipal infraction or simple misdemeanor. Each day a violation continues shall be considered a separate offense. The election of the City to prosecute a violation of this chapter as either a municipal infraction or simple misdemeanor shall not prevent the City from taking such other and further legal or equitable action as is necessary to prevent violation of the provisions of this chapter.

165.29 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, zoning permits, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning/Building Official, City Clerk and may be altered or amended only by the City Council, as recommended by the Commission.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

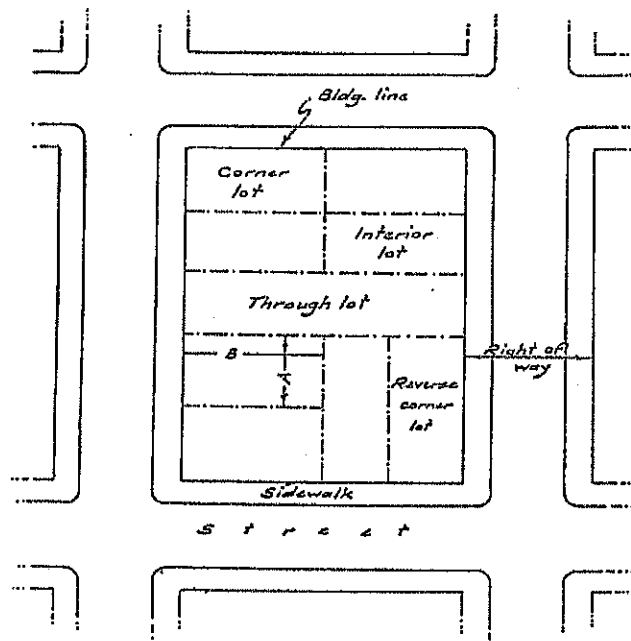
165.30 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning/Building Administrator. The Zoning/Building Administrator shall record properly such complaint, within five (5) business days investigate, and take action thereon as provided by this chapter.

165.31 ZONING ORDINANCE APPENDIX - DIAGRAMS. The following section contains diagrams for graphically describing lots, yards and corner lot visibility.

CHAPTER 165

ZONING REGULATIONS

Chart - Lot



A—Width of lot
B—Length of lot

CHAPTER 165

ZONING REGULATIONS

Chart - Yard

