

**ORDINANCE NO. 318**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLARKSVILLE, IOWA, BY AMENDING CHAPTER 155, RESTRICTED RESIDENCE DISTRICT.**

Be It Enacted by the City Council of the City of Clarksville, Iowa;

SECTION 1. Chapter 155 of the Code of Ordinances of City of Clarksville, Iowa, as amended, is repealed and the following adopted in lieu thereof:

**CHAPTER 155**

**RESTRICTED RESIDENCE DISTRICT**

155.01 Interpretation of Standards  
155.02 Definitions  
155.03 Districts and Boundaries  
155.04 General Provisions  
155.05 Issuance  
155.06 R-1 Restricted Residence District  
155.07 Fencing

155.08 Buildings Requiring Special Permits to Locate within Restricted Districts  
155.09 Special Permits in the Restricted Residence District  
155.10 Parking Requirements  
155.11 Amendments  
155.12 Violation and Penalties  
155.13 Validity  
155.14 Dwelling or Residential Units on First Floor

**155.01 INTERPRETATION OF STANDARDS.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this chapter shall control.

**155.02 DEFINITIONS.** For the purpose of this chapter certain terms and words are hereby defined. The words “used” or “occupied” include the words intended, designed, or arranged to be used or occupied.

1. “Accessory building or use” means a building or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use. An accessory building shall be a minimum of seven feet away, measured from the foundation, from other buildings or structures.
2. “Administrator” or “Building official” means the City Code Enforcement Officer, who is responsible for the enforcement of this chapter, and may also be referred to as Building Administrator or Administrator.
3. “Church” or “church school” means a building used for public worship, or connected with a building so used, or for instruction in religious beliefs, or for the conduct of activities related to church affairs.

4. "Dwelling" or "residence" means any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer or mobile home.
5. "Dwelling, single-family" means a detached residence designed for or used exclusively and occupied by one family only.
6. "Dwelling, two-family" means a residence designed for or used exclusively and occupied by two families only, with separate housekeeping and cooking facilities for each.
7. "Dwelling, multiple" means a residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.
8. "Dwelling, condominium" means a multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the others.
9. "Dwelling, row" means any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.
10. "Dwelling unit" means a room or group of rooms which are arranged, designed, or used as living quarters for the occupancy of one family containing bathroom and/or kitchen facilities.
11. "Family" means one or more persons occupying a single dwelling unit, provided that all members are related by blood, marriage, or adoption.
12. "Garage" means a structure for sheltering motor vehicles or household equipment and/or effects.
13. "Home occupation" means an occupation or profession conducted entirely within an enclosed dwelling unit that is clearly incidental and secondary to residential occupancy and does not change the character thereof.
14. "Home industry" means an occupation or profession conducted entirely within an enclosed accessory building that is clearly incidental and secondary to residential occupancy and does not change the character thereof.
15. "Household" means a group of persons living together in a single dwelling unit with common access to, and common use of, all living and eating areas within the dwelling unit.
16. "Lot," for the purposes of this chapter, means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open space as are herein required. Such lot shall have frontage on a public street or private street, and may consist of: (i) a single lot of record; (ii) a portion of a lot of record; (iii) a combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and (iv) 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.
17. "Lot, corner" means a lot abutting upon two or more streets at their intersection.
18. "Lot, depth of" means the mean horizontal distance between the front and rear lot lines.
19. "Lot, double frontage" means a lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.
20. "Lot, interior" means a lot other than a corner lot.
21. "Lot lines" means the lines bounding a lot.

22. "Lot of record" means a lot which is a part of a subdivision recorded in the office of the County Recorder of Butler County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
23. "Lot width" means the width of a lot measured at the building line and at right angles to its depth.
24. "Lot, reversed frontage" means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first platted lot to its rear.
25. "Manufactured home" means a factory built structure, which is manufactured or constructed under authority of 42 U.S.C. Section 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A manufactured home shall be a minimum of 22 feet in width and will be considered as a dwelling under the provisions of this chapter.
26. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon public highways or streets, or waterways; so designed and so constructed as to permit residential occupancy thereof, whether attached or unattached to a permanent foundation. Mobile homes shall include any such vehicle with motive power not registered as a motor vehicle in Iowa. Mobile homes to be used for dwelling purposes shall be placed only in an approved mobile home park.
27. "Mobile home park" or "trailer park" means any lot, parcel, or portion thereof having an area of at least five acres upon which three or more mobile homes or trailers occupied for residential purposes are located regardless of whether or not a charge is made for such accommodations; and provided further, said mobile home park shall provide a minimum of 3,000 square feet per mobile home unit, and maintain front, side, and rear yard areas around said park of at least 30 feet. Each mobile home within said park must maintain at least 20 feet of front, side, and rear yard from all other adjacent mobile homes. Further provided, said mobile home park shall be licensed in accordance with the provisions of the regulatory agencies of the State of Iowa.
28. "School" means a public or private building used for educational purposes that is regulated by the State Department of Public Instruction as to curriculum.
29. "Stable, private" means a building or structure used or intended to be used for housing horses belonging to the owner of the property for non-commercial purposes.
30. "Stable, and riding academy, public" means a building or structure used or intended to be used for the housing or riding of horses on a fee basis. Riding instruction may be given in connection with a public stable or riding academy.
31. "Yard" means an open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from 30 inches above the general ground level of the graded lot upward. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and nearest permitted building shall be used.
32. "Yard, front" means a yard extending across the full width of the lot and measured between the front lot line and the building. "Front" shall be determined from the street where the address is derived.

33. "Yard, rear" means a yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On both corner lots and interior lots the opposite end of lot from the front yard.

34. "Yard, side" means a yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.

35. "Recreational Vehicle" means a vehicle which is: (a) built on a single chassis; (b) designed to be self propelled or permanently towable by a light duty truck; and (c) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

**155.03 DISTRICTS AND BOUNDARIES.** The Official Restricted Residence District Map is on file with the City Clerk and is made a part of this chapter. Said map delineates various areas of the City into the following classifications:

R-1 - Restricted Residence District

N-R - Nonresidential District

For the purpose of this chapter, all restrictions described herein are applicable in the R-1 Restricted Residence District. All district boundary lines shown on the official map correspond with property lines or street lines or center lines of right-of-way. In the case of a district boundary line which divides a property of single ownership, the City Council may make such boundary line adjustments as to place said lot of single ownership in or out of the Restricted Residence District. All land that is hereafter annexed to the City of Clarksville shall be automatically classified as being in an R-1 Restricted Residence District until such classification is changed by amendment of this chapter, as provided herein.

**155.04 GENERAL PROVISIONS.**

1. Building Permit and Certificate of Occupancy Required in All Districts.

A. No building footprint, area, or size shall hereafter be altered or improved unless a building permit, provided by the City Clerk, reviewed by the Administrator, has been approved by Council for each erection, reconstruction, or alteration. Said permit shall be applied for in writing on a properly completed application form, provided by the City Clerk, that is accompanied by plans and specifications sufficient to determine compliance with the applicable ordinances of the City. Any concrete or cement improvements, regardless of the valuation of the project, shall be subject to the permit process defined in this subsection.

B. A building permit shall not be issued for buildings that do not comply with this or any other ordinance of the City of Clarksville. The Administrator may revoke a permit or approval, issued under the provisions of this chapter, if a false statement or misrepresentation was made by the applicant on the application or plans on which permit approval was based. Applicant grants to the Administrator the right to enter onto applicant's property to inspect the improvement or alteration to determine its compliance with the City Code. The Administrator shall give applicant prior notice before entering onto the property. In the event applicant refuses to allow an inspection of the property, the Administrator may revoke a permit.

C. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Administrator is authorized to grant, in writing, one or more extensions of time for periods not

more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated and accompanied by a permit fee equal to one-half of the original fee.

D. The City of Clarksville shall charge a fee for said building permit set by resolution. This does not include the cost of a flood plain permit, which is an additional and entirely separate permit and fee requirement. (See Chapter 160 of this Code of Ordinances.)

E. No change in the use or occupancy of land, nor any change in use or occupancy in an existing building shall be made, nor shall any new building be occupied for any purpose or use until a certificate of occupancy has been issued by the Administrator. If the new occupancy complies with the provisions of this, and all other Ordinances of the City of Clarksville, the Administrator shall issue said certificate. A certificate of occupancy shall not be issued for uses that do not comply with this or any other Ordinances of the City of Clarksville. There shall be no fee for a certificate of occupancy.

F. One principal structure, housing a principal permitted use, may be erected on a single lot provided that the area, yard and other requirements are met.

2. Nonconforming Uses and Lots in the Restricted Residence District.

A. A lawful, or authorized, nonconforming use existing at the time of adoption of this chapter may be continued, maintained, repaired, or sold to another party. Said nonconforming use may not be enlarged, expanded or changed, nor shall it occupy more lot area than was in use on the effective date of the ordinance codified by this chapter unless the Official Restricted Residence Ordinance Map is amended or a special permit is granted.

B. If said lawful nonconforming use, or any portion thereof, is discontinued, either voluntarily by the owner or through the sale of the property or business, for a period of one year or more, any future use of such land shall be in conformity with the provisions of the R-1 Restricted Residence District unless the Official Restricted Residence Ordinance Map is amended or a special permit is granted.

C. In any Restricted Residence District on a lot of record at the time of enactment of this chapter, a single-family dwelling may be established regardless of the size or dimension of the lot, provided all other requirements of this chapter are met. However, where two or more vacant and contiguous substandard recorded lots are held in common ownership, they shall be combined into zoning lots and shall thereafter be maintained in common ownership and shall be so joined and developed for implementing this chapter. The razing of a building on a substandard lot shall constitute the formation of a vacant lot.

3. Recreational Vehicles.

Recreational Vehicle: A "recreational vehicle" shall only be used as living quarters for a maximum of two (2) weeks per year, other than in County-owned parks.

Emergency Use and Disaster Recovery Permit: In the event of an emergency, a Recreational vehicle may be used temporarily as living quarters in any Residential District or as a business in a Commercial District under the following conditions:

- a. The primary dwelling or building on the lot is unlivable or unusable due to substantial damage as the result of a recent disaster or catastrophe;
- b. The unit will be occupied only by the persons or business residing in or owning the lot at the time of the disaster;
- c. This exception is for the purpose of allowing the owner to rebuild or repair the residence or business building;

- d. The owner has made arrangements satisfactory to the Administrator for water and electrical service and disposal of sewage, and for location of the unit on the lot;  
and
- e. The owner has applied to and been granted a permit under this section by the City Council for a period of up to six (6) months for the use and placement of the temporary structure or trailer. The time shall not exceed the time necessary for repair and re-occupancy of the primary structure. The permit may be extended for additional periods not to exceed three (3) months. Each grant and extension is reviewable by City Council at the request of the applicant or the City Council.

4. Nonconforming Uses and Lots in the Restricted Residence District.

D. A lawful, or authorized, nonconforming use existing at the time of adoption of this chapter may be continued, maintained, repaired, or sold to another party. Said nonconforming use may not be enlarged, expanded or changed, nor shall it occupy more lot area than was in use on the effective date of the ordinance codified by this chapter unless the Official Restricted Residence Ordinance Map is amended or a special permit is granted.

E. If said lawful nonconforming use, or any portion thereof, is discontinued, either voluntarily by the owner or through the sale of the property or business, for a period of one year or more, any future use of such land shall be in conformity with the provisions of the R-1 Restricted Residence District unless the Official Restricted Residence Ordinance Map is amended or a special permit is granted.

F. In any Restricted Residence District on a lot of record at the time of enactment of this chapter, a single-family dwelling may be established regardless of the size or dimension of the lot, provided all other requirements of this chapter are met. However, where two or more vacant and contiguous substandard recorded lots are held in common ownership, they shall be combined into zoning lots and shall thereafter be maintained in common ownership and shall be so joined and developed for implementing this chapter. The razing of a building on a substandard lot shall constitute the formation of a vacant lot.

5. Home Occupation and Home Industry.

A. HOME OCCUPATION STANDARDS

The following standards and criteria shall apply to home occupations.

1. Clearly incidental and secondary to the use of the dwelling unit as a residence.
2. Conducted entirely within an existing dwelling unit.
3. Conducted by a member(s) of the family residing within the dwelling unit and no more than two (2) non-resident employees.
4. There shall be no evidence of such occupation being conducted within the dwelling unit, which  
is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation.
5. Water, sewer, and waste disposal systems shall be subject to approval of the Public Works Director.
6. Customer parking shall be provided and be as inconspicuous as possible on the premises.

**B. HOME INDUSTRY STANDARDS**

The following standards and criteria shall apply to home industries.

1. Clearly incidental and secondary to the residential occupancy of a dwelling unit located upon the property.
2. Conducted entirely and confined within an accessory building(s) located upon the property.
3. Conducted by a member(s) of the family residing within the dwelling unit located on the property and no more than two (2) non-resident employees.
4. There shall be no evidence of such industry being conducted within the accessory building(s) which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation.
5. Water, sewer, and waste disposal systems shall be subject to approval of the Public Works Director.
6. Customer parking shall be provided and be as inconspicuous as possible on the premise

**C. HOME OCCUPATION AND HOME INDUSTRY SIGN REGULATIONS**

Only one (1) identification sign may be displayed upon the lot, subject to the following requirements.

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

**D. HOME OCCUPATION AND HOME INDUSTRY PERMIT PROCESS**

1. An application for a home occupation or home industry permit shall be made to the City Council who shall consider the application for approval. When reviewing the application, the City Council shall each consider the effect of the proposed home occupation or home industry upon the character of the neighborhood, traffic conditions, public utility infrastructure, and other matters pertaining to the general welfare of the City.
2. If approved by the City Council, a home occupation or home industry permit will be valid until the business ceases or the property in question changes ownership. Because operating a home occupation or home industry in the Restricted Residential District is a privilege, a previously approved application may be revoked upon substantial complaint of the surrounding neighborhood or upon violation of this Ordinance or the Code of Ordinances.
3. Upon issuance of said permit, a non-refundable fee shall be charged for the permit. Said fee will be waived for unpermitted home occupations or home industries that existed prior to the adoption of this Ordinance provided an application for a permit is filed within six (6) months of the effective date of this Ordinance. Any new permit fees shall also be waived for those home occupations or home industries, which are holding valid permits, that have previously paid their fee.

**155.05 ISSUANCE.** The authority to approve all permits is solely with City Council. All permits will be reviewed by the Administrator before consideration by Council.

**155.06 R-1 RESTRICTED RESIDENCE DISTRICT.** The following regulations shall apply in all areas designated in the R-1 Restricted Residence District.

1. Principal Permitted Uses. Only one principal permitted use shall be allowed per lot, including lots of record.

- A. One- and two-family dwellings or residences.
- B. Churches, cathedrals, temples, and similar places of worship.
- C. Public and parochial schools, including elementary and secondary schools.
- D. Fire stations.
- E. Publicly owned parks, playgrounds, golf courses, libraries, and recreation areas.
- F. Agricultural uses, including nurseries and truck gardens; provided that no offensive odors or dust are created, and provided further, that no retail sales shall be permitted on the premises. This shall not be construed to include the operation of livestock feedlots or auctions, public stables, boarding kennels, or veterinary clinics or such similar uses.
- G. Conversions of one-family dwellings into two-family dwellings in accordance with the lot area, frontage, height, and yard requirements of this section.
- H. Mobile home parks or trailer parks may be established provided approval is granted by the City Council after a public hearing has been held pursuant to the establishment of such use.
- I. Multiple dwellings, including row dwellings consisting of not more than six units in a continuous row, cooperative apartment house, and condominium dwellings.
- J. Boarding and rooming houses.
- K. Nursing, convalescent and retirement homes.
- L. Funeral homes.
- M. Uses other than those permitted in this section may be erected, reconstructed, altered, or placed provided the City Council shall have approved, by special permit, the said erection, reconstruction, alteration, or placement of the use.

2. Permitted Accessory Uses.

- A. Customary home occupation as a secondary use carried on entirely within the residence not including any garage or other building or structure not designed and used for daily, human habitation and where there is no evidence of such occupation being conducted on the premises by virtue of signs, or displays, or excessive noise, odors, electrical disturbances, or traffic generation, except one sign not larger than two square feet in area, with no more than one non-resident assistant and where not more than one-half of the floor area of any one floor is devoted to such use.
- B. It is unlawful to move any previously constructed accessory building or structure into or within the City limits without an approved building permit. The permit must declare the origin, destination, dimensions and materials used to construct the building. This subparagraph includes shipping containers, storage containers, and truck or trailer boxes, or similar. Council may as a condition of approval limit the time that the shipping container, storage container, and truck or trailer box, or similar is allowed.

- C. No detached accessory building walls or roofs shall be constructed of any type of fabric, plastic, or fibrous materials.
  - D. Time of Construction: No accessory building or structure shall be constructed on any lot prior to the completion of the foundation of the principal building to which it is accessory.
  - E. In situations where an accessory building is to be built on a vacant lot that is contiguous to the lot of the principal building and where both lots are held in common ownership, a deed restriction on both lots may be used to satisfy this requirement.
  - F. No more than two accessory buildings shall be permitted on a parcel or contiguous parcels with a common primary residence.
3. Lot and Building Regulations. The following are minimum requirements:
- A. Lot area: One-family dwelling - 8,000 square feet.  
Two-family dwelling – 8,000 square feet.  
Multiple-family or other permitted use – 10,000 square feet.
  - B. Lot area per dwelling unit: Row housing and multiple dwellings - 2,500 square feet each for the first four units, plus 850 square feet per additional unit.
  - C. Lot width: One family dwelling - 66 feet.  
Two-family dwelling – 66 feet.  
Row housing units – 25 feet per unit.  
Multiple-family dwelling and other permitted uses – 75 feet
  - D. Front yard: 20-foot setback - any lot which abuts on two or more streets shall have a 15-foot side yard between each lot line abutting on said side street and any building. On lots of record, the average setback of adjacent dwellings may be used. Schools and churches are exempt from front yard setback requirements.
  - E. Side yards: six-foot setback for all principal permitted uses; accessory building - unattached in rear yard a minimum setback distance of five feet from the principal building; seven feet from side yard lines.
  - F. Rear yard: 10-foot setback for all principally permitted uses; accessory building - unattached in rear yard a minimum setback distance of five feet from the principal building; seven feet from rear yard lines.
  - G. Maximum height: principal building - 45 feet except that for each one foot that the building or a portion of it sets back beyond the required front, side, and rear yards, one foot may be added to the height limit of such building or portion thereof, provided, however, that no building shall exceed a height of 75 feet; accessory building - 20 feet.
  - H. Maximum number of stories: principal building – four stories; accessory building – two and one-half stories.
  - I. Maximum rear yard coverage for an accessory building: 40 percent.
  - J. Minimum size: All dwellings shall have a minimum floor area of not less than 850 square feet on the main floor, and the minimum dimensions of the main floor of the dwelling shall not be less than 24 feet.
  - K. Siding: All dwellings must be sided with a material other than flat or corrugated sheet metal.

L. Maximum occupancy: The maximum occupancy of any dwelling unit shall not exceed the following requirements: for the first occupant, 250 square feet of floor space and at least 150 square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

M. Concrete floor: Any building over 150 square feet in area shall have a concrete floor with a one-foot foundation barrier. Portland cement (3 to 1 cement ratio, ready mix, 3500 psi) shall be the only cement used in the construction.

N. Setback on alleys. No person shall erect, reconstruct, alter, repair or move into the City any structure, fence or other permanent construction so that all or part of such structure will be within two feet of any boundary line of a City alley.

O. Foundation. All dwellings shall have a permanent foundation. Foundation will extend to all perimeters of dwelling and in depth of 48 inches below the ground. Manufactured homes shall conform to the requirements of Chapter 146 of this Code of Ordinances.

**155.07 FENCING.** The following regulations shall apply to all fences built, repaired, or replaced in the R-1 District.

1. Permit Required. No person shall erect, alter, or relocate any fence, wall, or other vision barrier without first obtaining a building permit from the City Council, the fee for which shall be established by resolution of the Council, and only if such barriers meet the following criteria:

A. Definitions.

(1) "Fence, wall, or other vision barrier" means a barrier and/or structure erected in a residential district and intended to provide security, mark a boundary, or as a means of landscaping, with the centerline of such barrier to be located inside the designated property line. Such fence shall be constructed only of material commonly used for landscape fencing such as masonry block, lumber, chain link, and pre-manufactured fence panels designed and sold for this purpose made of vinyl, wood, metal, or other approved materials. For the purposes of keeping with the visual and aesthetic values of the community, all fences erected shall be designed to be consistent with the architectural styling of the residences of the neighborhood in which the fence will be erected. Fences shall be constructed so that the frame and/or post used in the construction of the fence will be on the inside (owner's side) of the fence with the finished side facing out. A residential fence shall not include corrugated sheet metal, chicken wire, barbed wire, temporary plastic fencing, and/or salvaged material. The fence shall be properly maintained by the owner.

(2) "Salvaged material" includes scrap, copper, brass, rope, rags, batteries, paper trash, tires and rubber debris, waste, appliances, furniture, equipment, building demolition materials, structural steel materials, plastic, previously used fencing materials, or other similar materials.

B. All fences shall be erected solely on the property owner's property and shall not extend over the property line.

C. Each fence shall be set back from any side lot line by 18 inches, unless the adjoining property owner has waived this setback requirement in writing and filed it with the Administrator. The waiver is irrevocable and is binding on all successors in interest.

D. No fence shall exceed eight feet in height. On street frontage lot lines, corner lots and for any front yards, the height shall not exceed four feet. The front yard limitation shall be 22 feet when there are no adjacent buildings or if there are, shall be the average setback for adjacent buildings.

E. On any new fences the supporting poles shall be on the inside of such fence, unless waived in writing by the adjoining property owner. Such waiver will be irrevocable.

2. Natural Fencing. The foregoing restrictions shall not apply to any fences comprised solely of any living plants being used as a living fence, excepting that no part of such living fence shall be planted to hang over the property line or obstruct a view of traffic. Furthermore, the frontage height descriptions of four feet shall also apply to such living fences.

3. Obstructed View of Traffic. No wall, fence, and/or hedge shall be so located as to obstruct the view of traffic approaching in intersection from any direction.

**155.08 BUILDINGS REQUIRING SPECIAL PERMITS TO LOCATE WITHIN RESTRICTED DISTRICTS.** Construction of clinics, offices, hospitals, utility buildings and substations, any type of commercial stores and warehouses, plant nurseries, farm buildings, and industrial buildings and structures may be authorized by special permit to locate within the Restricted Residence District only if it appears that said use and type of building will be compatible with the residential character of the district, and that the particular use could not practicably be built in an unrestricted area, or the restricted district boundaries amended logically, due to topography, access to railroad or highway or other proper reason acceptable to Council.

**155.09 SPECIAL PERMITS IN THE RESTRICTED RESIDENCE DISTRICT.** With the exception of the principal and accessory uses stated in this chapter, a written special permit shall be required for the erection, reconstruction, alteration, or repair of any building and for its occupancy and use within the Restricted Residential District of this City. Said permit shall be applied for in writing on a properly completed application form provided by the Administrator that is accompanied by plans and specifications sufficient to determine compliance with applicable ordinances of the City. Said application shall be made to the Administrator at least 21 days before the City Council meeting at which the request for Council action is made. No permit shall or will be granted until a public hearing has been conducted by the City Council at a regularly scheduled meeting. Notice of the public hearing shall be placed in a publication of general circulation at least seven days, but not more than 20 days, prior to the hearing. As a courtesy and in addition to publication, the notice of hearing shall be provided to property owners within 300 feet of the property in question. Notice to property owners shall be mailed at least seven days, but not more than 20 days, prior to hearing. The applicant shall be responsible to provide a list of the names and addresses of the property owners, who are to receive said courtesy notice, together with addressed envelopes with pre-paid first class postage thereon to the Administrator who shall then mail the notices to the property owners. After a public hearing is conducted, but prior to consideration of a special permit, the City Council shall weigh the application using the following special permit standards. The City Council shall find that:

1. The establishment, maintenance, or operation of the special permit will not be detrimental to, or endanger, the public health, safety, or general welfare of the City.
2. The special permit will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish or impair property values of the neighborhood.
3. The establishment of special permits will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities and public services (e.g., police and fire protection, sewer and water service), access roads, drainage and/or necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. The special permit shall, in all other respects, conform to the applicable regulations and ordinances of the City of Clarksville.
7. A properly noticed public hearing, as outlined in this section, was conducted by the City Council prior to special permit consideration.

After a public hearing is conducted and consideration has been given to the above standards, the City Council shall act on the special permit application. The Council may either approve, deny, or table a special permit application by simple majority roll call vote unless 60 percent of the surrounding property owners who received notice object to the special permit application in which case the City Council shall be bound by different voting requirements in that granting a special permit shall then require an affirmative three-fourths vote of all the members of the City Council. Each special permit application shall be accompanied by a check payable to the City or a cash payment in the amount of \$25.00 to cover processing costs.

**155.10 PARKING REQUIREMENTS.** There shall be a minimum of two off-street parking spaces per dwelling unit required in the Restricted Residence District. This provision shall also apply to all mobile homes, as herein defined.

**155.11 AMENDMENTS.** From time to time the City Council may wish to amend, change, or alter provisions of this chapter and/or the Official Map, which is a part of this chapter. Such amendments, changes, or alterations is hereby allowed, provided that prior to such amendment a public hearing be held at which time all parties involved in such an amendment including those in adjacent properties may be heard. Notice of the public hearing pertaining to amendments, changes, or alterations of this chapter shall be made in accordance with the special permit procedures for conducting such hearings, as defined herein. Upon adoption, publication, and recordation by the City Council, such amendments, changes, or alterations shall become effective.

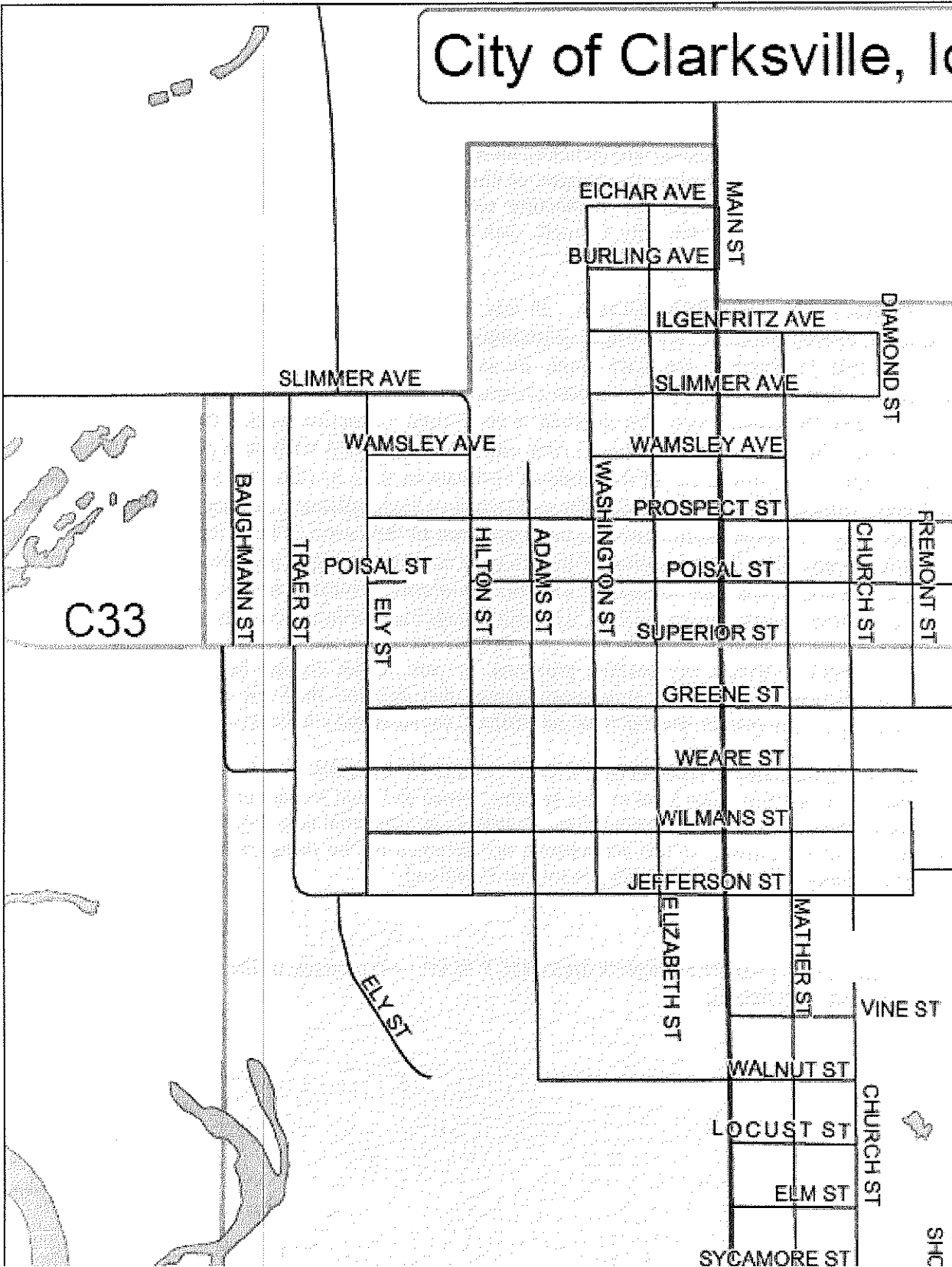
**155.12 VIOLATION AND PENALTIES.** If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the City may, in addition to other remedies, institute injunction, mandamus,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

**155.13 VALIDITY.** Should any section, provision, or part of this chapter be declared by a court of competent jurisdiction to be invalid, or unconstitutional, that decision shall not affect the validity of the chapter as a whole or any section, provision, or part thereof, not adjudged invalid or unconstitutional.

**155.14 DWELLING OR RESIDENTIAL UNITS ON FIRST FLOOR.** No dwellings or residential units shall be allowed on the first floor level of any building, zoned R-1, and located on Main Street between the intersections of Weare Street and Prospect Street. Dwellings or residential units located on the first floor level that, at the time of the passing of this amendment, are occupied by the owner or tenant may be used as a dwelling or residential unit until the building is sold or transferred.

**OFFICIAL RESTRICTED RESIDENCE DISTRICT MAP:** All property in the City is designated R-1 Restricted Residence District:


# City of Clarksville, Ia




SECTION 2. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

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

Passed by the Council this 18<sup>th</sup> day of August, 2025, and approved this 18<sup>th</sup> day of August, 2025.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Date of First Reading: 7/21/2025  
\*Date of Second Reading: 8/4/2025  
\*Date of Third Reading: 8/18/2025

\*Rules suspended under Section 380.03, Code of Iowa, as amended.

I certify that the foregoing was published as Ordinance No. 318 on the 28<sup>th</sup> day of August, 2025.

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