

# ZONING REGULATIONS

## Introduction

Increased urban development and the use of land for various nonagricultural purposes have created a need for the guidance and regulation of land use and land development.

Zoning has become the principal means of guiding land use and development in both urban and rural areas by regulating the way in which land and buildings are used, by establishing minimum standards for yard areas, the width and area of building lots, height of structures and off-street parking, as well as other requirements.

It is the intent of zoning to protect an area from incompatible land use encroachments, restricting individual actions only when they would be contrary to the use and development standards established by the ordinance and detrimental to the community as a whole. Zoning does not regulate the style of architecture, types of materials that may be used or the method of construction, and does not take the place of the building, plumbing, electrical, fire, or housing codes. These codes, although not a part of the zoning ordinance, are also necessary if minimum housing and building construction standards are to be maintained.

A zoning plan should be based on a comprehensive plan, which reflects the existing land-use pattern as well as recognizing the future land-use plan and the land-use changes that are desired. Zoning should not be adopted for the singular purpose of keeping certain uses out of a town or county, but rather should be utilized to provide a proper place for all uses.

Zoning is not retroactive and cannot be considered a major device for correcting undesirable conditions, which may already exist. It can help improve conditions that have resulted from improper land use, overcrowding, or other conditions, but only over a period of many years. When a zoning ordinance is adopted, there will be some uses (or structures) that do not conform to the provisions of the ordinance. These are called nonconforming uses (or structures); and it should be the intent of the ordinance to permit those that presently exist to continue for their useful life, but not to encourage their existence or permit them to become even more nonconforming.

Under the proposed zoning ordinance, new development is encouraged to take place in areas that are best suited for such use, and where necessary utilities and public facilities can be made available. New land uses are usually welcome additions; however, new growth also brings additional responsibility for the governmental agencies, such as the construction and maintenance of additional water and sewer facilities, schools, parks, roads, and the need for increased police and fire protection. Zoning can protect rural areas from premature urban development, as well as prevent declines in property value resulting from incompatible land uses.

Land is one of our most valuable natural resources, and greater efforts must be made to protect agricultural land from the unwise conversion to urban use. Once land is developed for urban use, whether it be a residential subdivision, industrial complex, or a commercial use, it is unlikely that the land will ever be returned to agricultural production even if the great expense to do so were not a factor.

Through proper planning in administration and enforcement of the zoning ordinance, future development that does take place in Clayton County can become an asset to the region and not a liability.

### Zoning Enabling Legislation

Iowa's Municipal Zoning Legislation was adopted April 24, 1923, and is now Chapter 414 of the Code of Iowa. According to a news report at the time, it was passed "without amendment or dissenting vote;" so the legislature apparently was convinced that it was essential to Iowa's cities and towns. The County Zoning Enabling Act, Chapter 358A, was first passed in 1947; and finally after several amendments, it became available to all counties at the option of the Board of Supervisors in 1958. Unfortunately, it is only recently that many have taken advantage of this legislation; and consequently, most cities, towns, and counties now have land-use problems that can only be corrected over a long period of time.

The power to zone is granted for the purpose of promoting the health, safety, morals, and general welfare of a community or county. All regulations in Chapter 414 of the Code delegate this responsibility to the cities and towns; and Chapter 335 contains a similar provision for counties in areas outside incorporated cities and towns. Section 335.3 states:

Except farms, the Board of Supervisors may by ordinance regulate and restrict the height, number of structures, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, and may regulate, restrict, and prohibit the use of residential purposes of tents, trailers, and portable or potentially portable structures. However, such powers shall be exercised only with reference to land and structures located within the county but lying outside of the corporate limits of any city."

This regulation is accomplished by dividing the county into districts "of such number, shape, and area as may be deemed best suited to carry out the purposes of this chapter." The districts, so established, must provide uniform or equal treatment of similar buildings of land within any particular district; but, of course, the regulations may vary from one district to another, (Section 335.4, Code of Iowa).

The basis of the regulation, according to Section 335.5, is a comprehensive plan. By a comprehensive plan, it is meant that the zoning concept must be developed for the entire county or community and the regulations must be designed to accomplish this total plan, rather than just be a piecemeal attempt to resolve a problem in one location. The objectives of the total plan are also spelled out in Section 335.5 as:

"...to lessen congestion in the street or highway; to secure safety from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the provision of transportation, water, sewerage, schools, parks, and other public requirements."

And, in the final paragraph of this section, it is further stated that:

"Such regulations shall be made with reasonable considerations among other things as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout such county."

Thus, it is apparent that a zoning ordinance cannot be the result of an arbitrary decision or contain unreasonable restrictions. It must be the result of careful study and should effectively promote the most appropriate, permanent, productive use of land.

#### Benefits of Good Zoning Practice

The Zoning Ordinance is the primary means of implementing the future land use plan. The zoning plan or official zoning map can be considered as reflecting the current stage of the community's evolution from its existing land use pattern to the future land use plan. The districts are intended to recognize as much of the present development that is in accord with future plans and to allow enough room for growth and change. Changes in the zoning plan should be based upon a logical extension of an existing district, or on the establishment of a new district in a location that will accomplish the objectives of the future land use plan.

CLAYTON COUNTY, IOWA  
ZONING ORDINANCE

CHAPTER 1

Purpose

This Ordinance is adopted for the following purposes:

1. To provide for the compatibility of different land uses and the most appropriate use of different land throughout Clayton County.
2. To protect the agricultural interests of the property owners of Clayton County.
3. To enhance the beauty of the natural resources of Clayton County.
4. To increase the economic resources of the County by making the area more attractive to industry.
5. To protect the public health, safety, comfort, convenience and general welfare.
6. To protect the environment.
7. To avoid undue concentration of population.
8. To facilitate the adequate provision of transportation, water sewerage, schools, parks and other public requirements.
9. To encourage voluntary cooperation between private and public sectors to establish conservation measures that would be beneficial to Clayton County.

CHAPTER 2

Title

This Ordinance shall be known and may be cited and referred to as the "Clayton County, Iowa, Zoning Ordinance."

CHAPTER 3

Interpretation of Standards

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of this Ordinance shall control. This authority is granted in the Code of Iowa 335.24.

## CHAPTER 4

### IOWA OPEN MEETINGS LAW

The Clayton County Zoning Commission, a public body, is subject to the terms, regulations and restrictions of the Iowa Open Meeting Law, Chapter 21 of the Code of Iowa, as amended. Wherever in these Ordinances, a conflict appears between the Ordinance and the open meeting law, the open meeting law shall control.

## CHAPTER 5

### DISTRICT REGULATIONS

5.1 Establishment of Districts. The following districts are hereby established for the unincorporated areas of Clayton County:

A-1	Agricultural
R-1	Single-Family
R-2	Residential - Multi-Family
R-3	Mobile Home Parks
R-4	River Side Recreational
C-1	Commercial
M-1	Light Industrial
M-2	Heavy Industrial

The locations and boundaries of these districts are shown on the Official Zoning Map.

5.2 Adoption of Official Zoning Map. The Official Zoning Map and the explanatory material thereon, is hereby adopted by reference to be a part of this ordinance.

5.3 Identification of Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors and attested to by the County Auditor under the following statement:

"This is to certify that this is the Official Zoning Map referred to in Chapter 5, Section 5.2 of the Zoning Ordinance of Clayton County, Iowa, as adopted the 27<sup>th</sup> day of May, 1997, A.D."

The Official Zoning Map shall be on file in the office of the Clayton County Health and Zoning Office, and shall be the final authority as to the current zoning status of land, building and other structures in the County.

5.4 Changes in Official Zoning Map. No changes in the Official Zoning Map shall be made except as may be required by amendments to this ordinance under Section 6.17 herein.

If required, such changes shall be promptly made and the ordinance number, nature of change and date of change shall be noted on the map, with the signature of the Chairman of the Board of Supervisors approving such change in the Official Zoning Map. No amendment to this ordinance which involves matters portrayed on the Official Zoning

Map shall become effective until after such change and entry has been made on said map. Any unauthorized change of any kind whatsoever in the Official Zoning Map by any person or persons shall constitute a violation of this ordinance and punishable as provided in Section 6.4 of this ordinance.

5.5 Interpretation of District Boundaries. When uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following township lines or section lines shall be construed as following said township lines or section lines.
4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shore lines of streams or other bodies of water shall be construed to follow such shore lines, and in the event of change in the short line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines, and in the event of change in the centerline, shall be construed as moving with the actual centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.
8. Where a district boundary line divides a lot of record which was in single ownership at the time of the effective date of this ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district boundary.

- 5.6 Farms Exempt. No regulation or requirement adopted under the provisions of this ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings, structures or erections which are primarily adapted, by reason of nature and area, for use for agricultural purposes while so used, provided; however, that such regulations or requirements which relate to any structure, building, dam, construction, deposit or excavation in or on the floodplains of any river or stream which may be contained herein, or which may be subsequently adopted under this ordinance, shall apply equally to agricultural and nonagricultural lands, buildings and structures.

No building permit shall be required for the erection, construction, reconstruction, alteration, remodeling or expansion of use on a farm, of any:

Farmstead dwelling,  
Farm garage,  
Farm machine shed,  
Corncrib,  
Farm grain bin,  
Silo,  
Farm barn,  
Farm identification signs containing the name of the farm, name of the owner and operator, and the type of livestock or crop raised, roadside stands for the sale of produce raised on the premises,  
Cattle shed,  
Chicken coop,  
Hog house,  
Farm fence,  
Mailbox,  
Dairy barn,  
Farm milk house,  
Apiaries

Or for the use of any land for:

Pasturage,  
Agriculture,  
Horticulture,  
Floriculture,  
Animal husbandry,  
Poultry husbandry,  
Farm ponds,  
Soil conservation,  
Forestation,  
Reforestation,  
Apiculture,  
or similar buildings and uses customarily associated with the pursuit of agricultural enterprises in the County.

The following nonagricultural uses and buildings, though customarily found in the agricultural areas of the County, or conducted, built, or maintained by persons coincidentally engaged in agricultural pursuits, shall obtain a building permit in accordance with the provisions of this ordinance:

Private golf courses,  
Private lakes or ponds for recreational use by the general public, or a private club,  
lodge or association,  
Sawmills,  
Tourist campgrounds,  
Private parks,  
Private or commercial hunting preserves,  
Farmstead home occupations,  
Private dumps or waste disposal areas,  
Commercial feeding of animals or poultry.

Any farm dwelling, building, or structure intended for permanent human habitation, while not requiring a Building Permit, shall comply with the same floodplain zoning regulations as nonagricultural single-family dwellings.

5.7 Definitions. For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; and the word "shall" is mandatory and not directory.

1. Accessory Use or Structure. A use or structure subordinate to the principal use of a structure or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal structure or use of land.
2. Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, poultry growers, fish farms, nurseries, greenhouses, institutional farms, fur farms, worm growers, and other such specialty activities, and animal and poultry husbandry and the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.
3. Alley: A public thoroughfare which affords only a secondary means of access to abutting property.
4. Alterations-Structural: Any replacement or changes in the type of construction or in the supporting members of a building, such bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.
5. Apartment: A room or suite of rooms in a multiple dwelling intended for or designed for use as a residence by a single family.
6. Basement: A story having part but not more than one-half (1/2) its height below grade. A basement is counted as a story for the purpose of height regulation.

7. Bed and Breakfast: A private residence which provides lodging and meals for transient guests, in which the host or hostess resides and in which no more than four (4) guest families are lodged at the same time and while it may advertise and accept reservations, does not hold itself out to be a public restaurant, hotel or motel, and serves food only to overnight guests. Only off-street parking must be provided.
8. Billboard: Any structure or portion of a building used for the display of advertising of a business or attraction which is not carried on or manufactured in or upon the premises upon which said billboard is located. This includes painted exterior walls with pictures, words, or logos.
9. Board: The Zoning Board of Adjustment of Clayton County, Iowa.
10. Boarding House: A building other than a hotel or motel, where for compensation and by arrangement, meals and/or lodging are provided for three (3) or more persons.
11. Building (Structure): Anything constructed, erected or built, the use of which requires more or less permanent location on the ground and designed for support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind including but without limiting the generality of the foregoing, installations such as signs, billboards, radio towers, and other facilities not designed for storage of property or occupancy by persons.
12. Building, Height of: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge of gable, hip and gambrel roofs.
13. Building Line: The extreme overall dimensions of a building or any projection thereof. Distances are to be measured from the most outwardly extended position of the structure. See yard.
14. Building Permit: A written statement issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.
15. Bulk Station: Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than twelve thousand, (12,000) gallons.
16. Business: Any occupation, employment or enterprises wherein merchandise is exhibited or sold, or where services are offered for compensation.
17. Campground: A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes.

18. Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides. For the purpose of this ordinance, a carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements herein.
19. Cellar: A story having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
20. Clinics: A building or buildings used by physicians, lawyers, dentists, veterinarians, osteopaths, chiropractors, and allied professions for outpatient care of persons requiring such professional service.
21. Commission: The Planning and Zoning Commission of Clayton County, Iowa.
22. Conditional Use: A use, that because of its unique characteristics and because of the uniqueness of its proposed location, may be allowed only after careful consideration, at a public hearing, of the impact of the particular use upon surrounding uses and public facilities therein. Such a use may be permitted in a particular zoning district only upon showing that in the specified location it will comply with all the conditions and standards for the location operation of such conditional use as specified therein.
23. County: The unincorporated portions of Clayton County, Iowa.
24. Day Nursery, Nursery School, or Daycare (Public): Any agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight for seven (7) or more children of preschool age, for compensation.
25. Development: A man-made change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and other similar uses.
26. District: A section or sections of the area of Clayton County, Iowa, for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.
27. Drive-In Restaurant: Any place or premises used for the sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.
28. Dwelling: Any building or portion thereof which is designed for or used exclusively for residential purposes.
29. Dwelling, Condominium: A multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the other dwelling units.

30. Dwelling, Farmstead: A dwelling located on a farm and occupied by a person or family employed in the agricultural pursuits of the farm on which it is located.
30. Dwelling, Single-Family: A building designed for or occupied by one (1) family.
31. Dwelling, Two-Family: A building designed for or occupied exclusively by two (2) families.
32. Dwelling, Multiple: A building or buildings on a common lot designed for and used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.
33. Dwelling Unit: One (1) room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities, except mobile homes as defined herein.
34. Earth Home: An earth home is a structure that is below the ground on two (2) or more sides and is constructed with passive solar energy generation in mind. An earth home is to be considered a single-family dwelling for the purposes of this Ordinance. This definition is not to be construed or confused with the definition of a basement or cellar.
35. Enforcing/Administrative Officer: The Zoning Administrator of Clayton County, Iowa.
36. Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or adoption, no such family shall contain over four (4) persons.
37. Farm: An area which is used for the growing of the usual farm products such as vegetables, fruits and grains and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. A farm shall consist of a minimum of one 40-acre tract of land. A farm may also consist of multiple parcels of land all of which may be contiguous or noncontiguous. The term "farming" includes the operation of such area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities and such accessory uses do not include the feeding of garbage or offal to swine or other animals, or commercial feeding of animals or poultry in confined lots or buildings as defined herein.
38. Farm Operation: A condition or activity which occurs on a farm in connection with the production of farm products and includes but is not limited to: the marketing of products at roadside stand or farm markets; the creation of noise, odor, dust, fumes, the operation of machinery and irrigation pumps, ground and

aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides and herbicides; and the employment and use of labor.

39. Farmstead Dwelling: A dwelling located on a farm and occupied by a person or family employed in the agricultural pursuits of the farm on which it is located.
40. Flood: A temporary rise in a stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff or surface waters from any source.
41. Flood Elevation: The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the one hundred (100)-year flood elevation is that elevation of floodwaters related to the occurrence of the one hundred (100)-year flood.
42. Flood Insurance Rate Map: The official map prepared as part of (but published separately from), the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
43. Flood Insurance Study: A study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards; providing the county with necessary information for adopting a floodplain management program; and establishing actuarial flood insurance rates.
44. Floodplain: Any land area susceptible to being inundated by water as a result of a flood.
45. Floodplain Management: An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to, emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
46. Floodproofing: Any combination of structural or nonstructural additions, changes, or adjustments to structures including utility and sanitary facilities which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
47. Floodway: The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge floodwaters of flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities, (see Figure 1).

48. Floodway Fringe: Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities (see Figure 1).
49. Floor Area: The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages, or space in a basement or cellar which is used for storage or incidental uses.
50. Frontage: All the property on one (1) side of street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.
51. Garage, Private: An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than two (2) of the vehicles may be commercial vehicles.
52. Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.
53. Garage, Storage: Any building or premises, including a mini-storage garage, used for storing motor-driven vehicles, (other than commercial vehicles), recreational vehicles and trailers, boats, furniture, or other miscellaneous personal property, excluding such things as automobile fuels and oils or other hazardous or volatile substances.
54. Gasoline Filling Station or Convenience Store: Any building or premises used for the retail sale of products for the propulsion of motor vehicles and may include such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items customarily associated with the sale of such products; for rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing, and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine

- cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires.
55. Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five (5) feet from a centerline, then the elevation of the street at the center of the wall adjoining the street shall be grade.
56. Grain Elevator: A structure or group of related structures whose primary purpose is, but not limited to, the receiving, selling, processing, storage, drying and transporting of bulk grain.
57. Group Home: A group home, or family home, means a community-based residential home which is licensed as a residential care facility under Chapter 135C or as a child foster care facility under Chapter 237 in the Iowa Code to provide room and board, personal care, habitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However, a group home or family home does not mean an individual foster family home licensed under Chapter 237 of the Code of Iowa.
58. Hazardous Waste: Waste designed as hazardous by the United States Environmental Protection Agency or appropriate state agency.
59. Health Club: A non-medical service establishment intended to maintain or improve the physical condition of paying customers. Contains exercise and game equipment and facilities, steam baths, saunas, hot tubs, or similar equipment or facilities.
60. Height of a Building: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge of gable, hip and gambrel roofs.
61. Home Industry: Any gainful occupation or profession conducted entirely within an enclosed accessory building(s) and/or dwelling unit which is clearly incidental and secondary to the residential occupancy and does not change the character thereof. The accessory building shall not be larger than the principal structure.
62. Home Occupation: An occupation or a profession which:
- a. Is customarily carried on in a dwelling unit or accessory structure, and
  - b. Is owned by a member of the family residing in the dwelling unit, and
  - c. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and
  - d. Does not employ more than five (5) persons outside the immediate family, and

- e. Has no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building, other than one (1) exterior sign which shall not exceed twelve (12) square feet in area, and
  - f. Cannot occupy more than fifty (50) percent of the area of one (1) floor of the dwelling unit, and
  - g. Produces no offensive noise, vibration, smoke, dust, odors, heat or glare rendering such building or premises objectionable or detrimental to the residential character of the neighborhood.
63. Home Occupation, Farmstead: An occupation customarily engaged in on a farm, as a supplementary source of income, which:
- a. Is clearly incidental and secondary to the operation of the farm, and
  - b. Is owned by a member of the family residing in the farmstead dwelling, and
  - c. Does not employ more than five (5) persons outside the resident family, and
  - d. Is conducted within or adjacent to the farmstead dwelling or the customary farm outbuildings, and
  - e. Has no exterior displays, or storage of materials visible from the public road, or other exterior indication or variation from the agricultural character of the farm other than one (1) sign, acknowledging the product or service available, which sign shall not exceed twelve (12) square feet in area, and
  - f. Produces no offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference detectable within the limits of the nearest neighboring farmstead or dwelling.
64. Hotel: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or rooming house.
65. Industrial Waste: Any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from the development of any natural resource.
66. Industry, Light: Any light manufacturing or industrial processing, which by nature of the materials, equipment and process utilized are to a considerable measure clean, quiet, and free of any objectionable or hazardous element. Light manufacturing includes the uses listed below and any other uses that are recommended by the Planning and Zoning Commission to be of the same general character: bakeries, bottling, jewelry, musical instruments, plastic products and sporting goods; processing and assembly of glass products, household appliances,

electronic products, and parts for production of finished equipment; printing and engraving plants; cleaning and dyeing plants.

67. Industry, Heavy: Any heavy manufacturing or industrial processing, which by nature of the materials, equipment and process utilized cannot eliminate entirely objectionable features and influences but which, nevertheless, must be provided for somewhere in the urban area.
68. Junk or Salvage Yard: Any area where junk, discarded or salvaged material or equipment are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including house wrecking yards, auto-wrecking activities, used lumber yards and places or yards for storage of salvaged building materials and structural steel materials and equipment; but not including, areas where such uses are conducted entirely within a completely enclosed building and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental and necessary to manufacturing operations and not including contractors' storage yards. The presence on any lot, parcel or tract of land, of three (3) or more vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, or from which parts have been removed for reuse, salvage or sale, shall constitute prima facie evidence of a junkyard.
69.  kennel: An establishment where dogs are boarded for compensation or where dogs are bred or raised for commercial purposes or sale.
70.  Loading Space: A space within the main building or on the same lot providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve (12) by thirty-five (35) feet and vertical clearance of at least fourteen (14) feet.
71.  Lot: For the purpose of this ordinance, 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 a dedicated or private street, and may consist of:
  - a. A single lot of record or a portion of a lot of record.
  - b. A combination of complete lots of record, and/or portions of lots of record.
  - c. A parcel of land described by metes and bounds, provided that in no case of subdivision shall any residual lot or parcel be created which does not meet the requirements of this ordinance.
72.  Lot Measurement:
  - a. Area - The area of a lot in a horizontal plane bounded by the lot lines.
  - b. Depth - The mean horizontal distance between the front and rear lot lines.
  - c. Width - The distance between straight lines connecting front and rear lot lines at each side of the lot lines at each side of the lot measured at the minimum building setback line.

73. Lot of Record: A lot which is part of a subdivision which is recorded in the Office of the Clayton County, Iowa, Recorder or a lot or parcel described by metes and bounds, the deed to which has been so recorded prior to the effective date of this Ordinance.
74. Lot Types: Terminology used in this Ordinance with reference to various types of lots is as follows:
- a. Corner lot - A lot located at the intersection of two (2) or more streets.
  - b. Interior lot - A lot other than a corner lot with only one (1) frontage on a street other than an alley.
  - c. Double frontage lot - A lot other than a corner lot with frontage on two (2) nonintersecting 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.
75. Lumber Yard: A premises on which primarily new lumber and related building materials are sold.
76. Manufactured Home: A factory-built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C., Sec. 5403, National Manufactured Home Construction and Safety Standards Act of 1974, and is to be used as a place for human habitation, but which is not constructed 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. For the purpose of these regulations, a manufactured home built after June 15, 1976, shall bear the seal

certifying that it is in compliance with the National Manufactured Home Construction and Safety Standards Act of 1974. For the purpose of these regulations, manufactured home shall be subject to the same standards as site-built dwellings.

77. Mobile Home: Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. Nothing in this Ordinance shall be construed as permitting a mobile home in other than an approved location, as specified in this Ordinance.
78. Mobile Home Park: Any site, lot, field, or tract of land upon which three (3) or more occupied mobile homes are harbored either free of charge or for revenue purposes, including any building, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile home park.
79. Mobile Home Subdivision: A subdivision created for the purpose of, and restricted to the sale or lease of individual lots for occupancy by independent mobile homes or mobile homes converted to real estate, and having public streets, utilities and other public facilities, installations approved by the Board of Supervisors in accordance with the subdivision regulations of the County.
80. Non-Conforming Use: Any building or land lawfully occupied by any use at the time of passage of this Zoning Ordinance (or any amendment thereto), which does not conform after the passage of the Zoning Ordinance, (or any amendment thereto), with the use regulations of the district in which it is situated.
81. Nuisance: Any nuisance as listed in Chapter 657.2, Code of Iowa.
82. Nursery, Landscape: A business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.
83. Nursing Home: A home for aged or chronically ill persons in which three (3) or more persons not of the immediate family are received, kept and provided with food, or shelter and care, for compensation. Nursing home does not include a hospital, a clinic, or similar institution devoted primarily to the diagnosis, treatment or care of the sick or injured.
84. Occupancy Permit: A certificate issued by the County Zoning Administrator, stating that the building and use comply with all provisions of the Clayton County Zoning, Floodplain, and Health regulations.

85. Parking Space: A surfaced area enclosed in the main building or in any accessory building, or unenclosed, having an area of not less than one hundred and eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.
86. Permanent Foundation: A site-built or site-assembled system of stabilizing devices when the running gear assembly is removed. The foundation may be any one or combination of the following:
- a. Shall be to a depth of not less than forty-two inches (42") below grade and constructed of appropriate load-bearing materials,
  - b. A floating concrete slab,
  - c. Grey beam construction (two concrete strips the entire length of the structure, 40" wide, 5' apart, a minimum of 6" deep, with two-#2 reinforcing bars.
87. Principal Use: The main use of land or structures as distinguished from an accessory use.
88. Protective Covenant: A contract entered into between private parties which constitutes a restriction of the use of a particular parcel or property. Such covenants shall be considered valid only when they are recorded and filed in the office of the Clayton County Recorder and meeting other legal requirements.
89. Public Land: Land owned or operated by municipal, school district, county, state, or other governmental units.
90. Recreation, Public: Includes all uses such as tennis courts, ball fields, picnic areas and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.
91. Recreational Camping Area: Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of three or more tents or recreational camping vehicles free of charge or for compensation. "Recreational Camping Area" excludes children's camps, industrial camps,

migrant labor camps, United States forest service camps, state forest service camps, state wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landing.

92. Recreational Camping Vehicle: Recreational Camping vehicle includes the following:
- a. Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation, and vacation uses;
  - b. Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation;
  - c. Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and
  - d. Any folding structure, mounted on wheels and designed for travel, recreation and vacation use.
93. Recycling Plant: A view totally obscured or an enclosed building within which the receipt, separation, storage, conversion, baling and/or processing of paper, iron, metal, glass, newspaper, and other non-biodegradable recyclable materials are collected for the purpose of reutilization of such materials.
94. Rental Cabin/Lodge: A building where lodging only is provided for compensation. One building associated with the primary residence will be construed to be a bed and breakfast. Two or more cabins/lodges will be construed to be a commercial business and must be rezoned as such. A building permit is required.
95. Right-of-Way: The land area which is secured or reserved by the contracting authority for road purposes.

96. Sanitary Landfill: A method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, by utilizing the principals of engineering to confine the solid waste to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary; in accordance with the rules and regulation of the Iowa Department of National Resources.
97. Setback: See building line.
98. Sign: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided; however, that the following shall not be included in the application of the regulations herein:
- a. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
  - b. Flags and insignia of any government except when displayed in connection with commercial promotion.
  - c. Legal notices, identification, information or directional signs erected or required by governmental bodies.
  - d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
  - e. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
99. Sign, Free Standing or Post: Any sign that is not attached to a building erected or affixed in a rigid manner to any pole or post, including signs, or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by any occupant thereof.
100. Sign, Off-Site: An off-site sign is a sign that advertises goods, products, services or facilities, or directs persons to a different location from where the sign is located.
101. Sign, On-Site: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.
102. Special Exception: A special exception is a use that would not be appropriate generally or without restriction throughout a zoning division of district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

103. Stable, Private: A building or structure used or intended to be used for housing only of horses belonging to the owner of the property for non-commercial purposes.
104. Stable, Public and Riding Academy: A building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instruction may be given in connection with a public stable or riding academy.
105. Stable, Riding Club: A building or structure used or intended to be used for the housing only of horses by a group of persons for noncommercial purposes.
106. Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.
107. Story, Half: A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story.
108. Street: A public or private thoroughfare which affords the principal means of access to abutting property, and shall also include avenue, highway, road, or way.
109. Street Line: The right-of-way line of street.
110. Street Width: The width of the right-of-way, measured at right angles to the center line of the street.
111. Structure (Building): See definition of "Building."
112. Subdivision: Any vacant or improved land, that is divided or proposed to be divided into three (3) or more lots, parcels, sites, units, plots, by repeated or simultaneous division, for the purpose of sale, gift, lease, or development, including resubdivision. 'Subdivision' also includes the division or development of residential or non-residential zoned land.
- a. **Major Subdivision**: All subdivisions not classified as minor subdivisions, including, but not limited to, any size subdivision requiring any new public or private streets, extension of local government facilities, or the creation of any public improvements.
- b. **Minor Subdivision**: Any subdivision of land which meets the following criteria:
1. Contains or creates not more than four (4) parcels fronting an existing road.
  2. No new road or street, or the extension of municipal facilities or the creation of any public improvements or the dedication of lands to the county,
  3. Not in conflict with any provision of the Comprehensive Plan, Zoning Ordinance, or this Ordinance may be classified as a minor subdivision and must meet the appropriate provisions of this Ordinance.

- c. **Property Line Adjustment:** A division of one (1) or more lots or parcels which meets the following criteria:
1. No additional lots shall be created.
  2. No part of the divided parcel of land will be transferred to anyone but the owner or owners of a lot or parcel of land abutting that part of the divided lot or parcel of land to be transferred.
  3. No parcel shall conflict with any provision or portion of the County Zoning Ordinance and Subdivision regulation.
113. Substantial Damage: Damage of any origin sustained by a structure where by the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
114. Substantial Improvement: A repair, reconstruction or improvement of a structure, the costs of which equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred. Market value shall be determined by the local assessor's office or by two separate certified real estate evaluations. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations as well as structures listed in National or State Registers of historic places.
115. Summer Cottage/Cabin: A family dwelling, intended for private and seasonal use only, not to be occupied for more than six months out of any calendar year. All summer cottages must meet state and county requirements relating to water supply and wastewater treatment. A building permit is required.
116. Temporary Structure: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
117. Temporary Use: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.
118. Trailer Camp or Tourist Campground: Any area providing space for two (2) or more travel trailers, camping trailers, or tent sites for the temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public.
119. Use, Accessory: A use secondary to and serving the principal use or structure on the same lot and customarily incidental thereto.

120. Use, Permitted: A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.
121. Use, Principal: The main use of land or buildings as distinguished from subordinate or accessory use. A "principal use" may be either permitted or conditional.
122. Variance: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.
123. Yard: An open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from thirty inches above the ground upward except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot lines and the main building or any projection thereof shall be used.
124. Yard, Front: A yard extending across the front of a lot and being the minimum horizontal distance between the street and the main building or any projection thereof other than the projection of the usual uncovered steps, uncovered balconies or uncovered porch. On corner lots, the front yard shall be at the owner's discretion, provided they can meet the required front and side yard requirements on a corner lot. (See drawing on next page).
125. Yard, Rear: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches.
126. Yard, Side: A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereto.



127. Zoning Administrator: The Administrative Officer designated or appointed by the Clayton County Board of Supervisors to administer and enforce the regulations contained in this Ordinance.

5.8 Schedules of District Regulations: The following schedules of district regulations are hereby adopted and declared to be a part of this Ordinance:

- A-1 Agricultural
- R-1 Single Family
- R-2 Residential - Multi-Family Dwelling
- R-3 Mobile Home Park
- R-4 River Side Recreational
- C-1 Commercial
- M-1 Light Industrial
- M-2 Heavy Industrial

## AGRICULTURAL

### STATEMENT OF INTENT

The A-1 Agricultural District includes areas appropriate for agricultural and related uses, and is intended to reserve areas suitable for nonagricultural use until the land is needed for development in accordance with the future land use plan.

Permitted Principal Uses and Structures	Minimum Required Off-Street Parking
Agriculture, horticulture, dairy farming, livestock farming, poultry farming, livestock waste handling facilities, general farming and other agricultural activities, including a farm house and one (1) mobile home/manufactured home per farmstead	None.
Single-family dwelling	2 spaces per unit.
Parks, playgrounds or playfields	5 spaces for each acre developed for active usage.
Fairgrounds	25 spaces plus 1 space for every 4 seats in the main stadium or auditorium.
Cemetery or mausoleum	10 spaces plus 1 per acre.
Elementary or secondary school, certified pre-schools	1 space per classroom and office plus 1 space for every 6 seats in the main auditorium or stadium.
Churches and temples	1 space for every 4 seats in the main auditorium.
Golf courses and country clubs except miniature courses or driving ranges operated for a profit	3 spaces per green or 1 space for every 100 sq. feet of floor area, whichever is greater.
Community meeting or recreation building	1 space for every 50 sq. ft. of floor area.
Airports	1 space per employee, plus 4 additional spaces.
Bed and Breakfast operations	2 spaces per unit, plus one space for every bed.
Railroads, and public utilities	1 space for each employee plus 1 space for each vehicle used by the industry.
Stables, kennels, veterinary businesses, located at least fifty (50) feet from all boundary lines of the property on which it is located	2 spaces plus one space for each employee.
Hiking and horseback riding trails	2 spaces plus one space for each employee.
Structures on wetlands for the conservation of soil	2 spaces.
Any use erected or maintained by a public agency	2 spaces.
Private airport landing strips and associated facilities	2 spaces.
Seed and feed dealership provided; however, there is no evidence of showroom or other commercial activities	2 spaces plus one space for each employee.
Home occupations, home industries	2 spaces.
Lakes, ponds and outdoor recreation facilities	2 spaces plus one space for each employee.
Manufactured home on a permanent foundation	2 spaces.
Summer Cottage/Cabin	

## **PERMITTED ACCESSORY USES AND STRUCTURES**

1. Farm buildings incidental to agricultural uses.
2. Private garages, swimming pools and tennis courts.
3. Private greenhouses, not operated for commercial purposes.
4. Uses and structures clearly incidental to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, except home occupations and farmstead home occupation located on the same lot or a contiguous lot under the same ownership.
5. Energy collection structures.
6. Roadside stands for the sale of produce raised on the premises.
7. Recycling drop boxes.
8. Railroads and utilities but not including equipment storage or maintenance yards and buildings or general administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than twenty-five (25) feet, and that two (2) parking spaces per substation or one (1) per employee at the site be provided.

## **SPECIAL EXCEPTION USES AND STRUCTURES**

Subject to Section 2.14-2 and the other requirements contained herein, the Board of Adjustment may permit the following:

1. Sanitary landfill or waste disposal area, provided the site meets all appropriate guidelines from the Iowa Dept. of Natural Resources, and that the site shall be restored to a condition compatible with the adjacent area upon conclusion of the landfill operation. An access road having at least a graveled surface and one (1) parking space shall be provided. No landfill or waste disposal area shall be located closer than one fourth (1/4) mile to any dwelling, park, school or place of public assembly.
2. Commercial communications station and tower provided that they shall not be closer to a dwelling or place of public assembly than a distance equal to one-half (1/2) their height, that the height and location shall not interfere with the operation of any airport or landing strip, and that one (1) parking space per employee and one (1) space for each vehicle used by the facility, be provided.
3. Commercial feedlot provided that it is not closer than one half (1/2) mile to any dwelling unit other than that of the owner or operator, or any park, school, church or place of public assembly, that the provisions for drainage, sanitation, waste disposal and fly control are approved by the Iowa State Department of Natural Resources depending upon the size of the operation; that it is located so that the prevailing winds will not cause dust or odors to create a nuisance for developed properties in the vicinity; and that one (1) parking space for each employee and one (1) space for each vehicle used by the business be provided.
4. Agricultural service business involving the processing, storage and sale of grain for seed or for livestock and poultry feed; the sale of feed supplements; the sale of dry or slurry mix fertilizers, agricultural lime and agricultural chemicals; the buying and temporary storage of wools and hides; but not including the sale or display of farm machinery, petroleum products, building materials, appliances or liquid fertilizer under pressure, provided that the business has no exterior display or storage of materials visible from the public road, produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable

within the limits of the nearest neighboring farmstead or dwelling unit, and has no more than one (1) sign acknowledging the product or service available.

5. One additional mobile home/manufactured home inhabited by the immediate family or fulltime employee of the farming operation. The Board of Adjustment may attach any condition deemed necessary, and all mobile home/manufactured home sites shall be kept clean and neat and in the event their use shall cease, they shall be promptly removed and the surrounding area shall be restored to its natural state.
6. Concrete products manufacture and central mixing and proportioning plat; fertilizer manufacture or blending; iron and steel fabrication; provided that such use is located not closer than 500 feet to any existing dwelling unit or any park, school, church or place of public assembly; that it is located so that prevailing winds will not cause dust, smoke or odors to create a nuisance for developed properties in the vicinity; that one (1) parking space for each employee and one (1) space for each vehicle used by the industry be provided and at least one (1) loading space shall be provided for each 10,000 square feet of floor area. A site plan and reclamation plan shall be submitted prior to final Board of Adjustment approval.
7. Wind towers provided that they shall not be closer to a dwelling or place of public assembly than a distance equal to their height, that the height and location shall not interfere with the operation of any airport or landing strip, and that one (1) parking space per employee and one (1) space for each vehicle used by the facility be provided.

<b>AGRICULTURAL</b>										
<b>MINIMUM LOT AREA AND WIDTH</b>	<b>MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS</b>	<b>MAXIMUM HEIGHT</b>								
<p>Area: one (1) acre excluding the road right of way</p> <p>Width: 125 feet</p> <p>The lot area shall be not less than one (1) acre excluding the Road Right of Way and the minimum lot width should not be less than 125 feet, and shall be increased by such amount as determined necessary by the County Board of Health to provide an adequate absorption field for a septic tank installation.</p> <p>Where a lot is served by a public or community sanitary sewer system, the minimum lot area may be reduced to 15,000 square feet and the width to 100 feet.</p>	<p>Dwellings and other non-institutional uses:</p> <table style="margin-left: 40px; border: none;"> <tr> <td>Front:</td> <td style="text-align: right;">40 feet</td> </tr> <tr> <td>Rear</td> <td style="text-align: right;">35 feet</td> </tr> <tr> <td>Side</td> <td style="text-align: right;">25 feet</td> </tr> <tr> <td>Side street, corner lot:</td> <td style="text-align: right;">30 feet</td> </tr> </table>	Front:	40 feet	Rear	35 feet	Side	25 feet	Side street, corner lot:	30 feet	<p>2 ½ stories or 35 feet</p>
Front:	40 feet									
Rear	35 feet									
Side	25 feet									
Side street, corner lot:	30 feet									

## **PERMITTED SIGNS**

1. Name plates attached flat against the wall of the main building not to exceed six (6) square feet in area. Said nameplates will not be subject to the permit requirements of the code.
2. For home occupation uses, one identification sign for each developed parcel or business not exceeding 12 square feet in area. Said sign will not be subject to the permit requirements of the code.
3. Church or public bulletin boards not to exceed 32 square feet in area. Said sign will not be subject to the permit requirements of the code.
4. Temporary signs advertising the lease or sale of the premises not to exceed six (6) square feet in area.
5. Billboards or advertising signs for either on site and/or off site.
  - a. They are not within 300 feet of an intersection, highway structure or residence or other billboard.
  - b. They are not within 300 feet of a park, school, or cemetery, public or semi-public building.
  - c. They are not within 75 feet of the centerline of a city or county road, or 100 feet of a state or federal highway, or 300 feet from the Great River Road.
  - d. They do not exceed 300 square feet in area.
  - e. Other sign regulations pursuant to Iowa Dept. of Transportation Guidelines.
6. All signs and billboards shall be maintained in a neat, presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish within 30 days.
7. Any sign not conforming to the provisions of this ordinance shall be made to conform or be removed.
8. Trade, business or industry identification signs for the firm located on the site and/or off site provided that:
  - a. Free standing signs shall not exceed 150 square feet in area or 25 feet in height.
  - b. Signs mounted flush on the wall of a building shall not exceed ten percent (10%) of the area of the wall of the building on which they are located or 200 square feet, whichever is smaller.
  - c. Overhanging signs, attached to a building shall not project above the height of the building, or more than four (4) feet from the wall of the building and shall not have more than 100 square feet in area.
  - d. Not more than one sign of each category above may be provided for any single use although each sign may be a double-faced or back-to-back sign.
9. Signs shall be located in such a nature as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device which does not obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic, as determined by the administrative officer.

## **SPECIAL REQUIREMENTS**

1. All other supplemental district regulations pursuant to Section 5.9 and 5.10.
2. There are no size limitations on residential structures in this District.

## SINGLE FAMILY RESIDENTIAL

### STATEMENT OF INTENT

The R-1 Single Family Residential District is intended to include areas of low-density residential development.

PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF-STREET PARKING
Single-Family dwellings	2 spaces per unit.
Summer Cottages	2 spaces per unit.
Park, playground or playfield, lakes and ponds and recreation areas	5 spaces for each acre developed for active usage.
Community meeting or recreation building	1 space for every 50 sq. ft. of floor area.
Elementary or secondary schools	1 space per classroom and office plus 1 space for every 6 seats in the main auditorium or stadium.
Churches and temples	1 space for every 4 seats in the main auditorium.
Golf courses and country clubs, except miniature golf courses or driving ranges	3 spaces per green.
Cemeteries	None.
Group Homes	2 spaces per unit.
Home Occupations	2 spaces per unit.
Manufactured homes on a permanent foundation	2 spaces per unit.
Bed and Breakfast operation	2 spaces per unit, plus one space for every bed.
Summer Cottage/Cabin	

### PERMITTED ACCESSORY USES AND STRUCTURES

1. Private garages, swimming pools and tennis courts.
2. Private greenhouses not operated for commercial purposes.
3. Uses and structures clearly incidental to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, except home occupations, not employing any person outside the immediate family and located on the same lot or a contiguous lot under the same ownership.
4. Energy collection structures.

### SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 2.14-2 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Railroads and public utilities but not including equipment storage or maintenance yards and buildings or general administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than twenty-five (25) feet, and that two (2) parking spaces per substation or one (1) per employee at the site be provided.

<b>RESIDENTIAL – SINGLE FAMILY DWELLING</b>		
<b>MINIMUM LOT AREA AND WIDTH</b>	<b>MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS</b>	<b>MAXIMUM HEIGHT</b>
Dwellings: Area: 12,000 sq. ft. Width: 80 feet  Where a lot is not served by a public or community sanitary sewer system, the minimum lot area shall be not less than one (1) acre per unit excluding the road Right of Way and the lot width not less than 125 feet. The width of such lot shall be not less than 125 feet.	Dwellings and Other Non-Institutional Uses: Front: 35 feet Rear: 30 feet Side: 10 feet Street Side, Corner Lot: 30 feet Schools, Churches or Other Public or Institutional Buildings: Front: 50 feet Rear: 40 feet Side: 30 feet Street Side, Corner Lot: 40 feet	2 1/2 stories or 35 feet

**PERMITTED SIGNS**

1. For each single-family home, one nameplate not exceeding a combined area of six square feet for each occupancy. Said nameplate shall not be subject to the permit requirements of this code;
2. For Bed and Breakfast operations, one identification sign for each developed parcel not exceeding twelve square feet in area;
3. For home occupation uses, one identification sign for each developed parcel or business not exceeding 12 square feet in area;
4. Church and public bulletin boards not to exceed 32 square feet; said sign will not be subject to the permit requirements of the Code.
5. Temporary signs not to exceed six square feet in area and a maximum of three feet in height and shall be located on the property in such manner as not to create a traffic hazard;
6. No occupancy shall have more than one of each type of permitted signs, although each sign may be a double-faced or back-to-back sign, only the largest side of which will be counted;
7. All signs prohibited on boulevard with the following exceptions: traffic signs, street identification (both put up by the county or local municipality), and nameplates on mailboxes, and noncommercial informational signs approved by the zoning administrator;
8. Permitted signs shall be located at least twenty-five feet from the lot line, or not more than five feet from the main building if such building is less than twenty-five feet from lot line;
9. Illumination of signs and bulletin boards shall not exceed eighty watts per face and shall be indirect, nonintermittent lighting;
10. All signs must have an approved permit from the administrative officer before being erected. All signs requiring a permit must be evaluated and issued a permit to continue every five years;
11. All signs shall be maintained in a neat and presentable condition, and in the event their use shall be abandoned, they shall be removed within thirty days of their abandonment.

**SPECIAL REQUIREMENTS**

1. Buildings or structures authorized in this District shall not obstruct natural drainage courses and floodways.
2. All new structures constructed or placed in the R-1 District shall have a minimum width of twenty-four (24) feet and a minimum length of twenty-four (24) feet as measured at the narrowest points, excluding porches, garages, and accessory buildings, and be placed on a permanent foundation.
3. All other supplemental district regulations pursuant to Section 5.9 and 5.10.

## RESIDENTIAL MULTI-FAMILY DWELLING

### STATEMENT OF INTENT

The R-2 Multi-Family Residential District is intended to accommodate two family and multi-family residential development at a greater density than the R-1 District. It is generally limited to already developed areas but may be expanded to include appropriate areas for new development of low-cost or multi-family housing.

PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM OFF-STREET PARKING
Single-family dwelling	2 spaces per unit
Two-family dwellings	2 spaces per unit
Multi-family dwellings	1.5 spaces per unit
Public housing developments, rest homes for orphans and aged; provided that such use is compatible with surrounding development	1 parking space per unit for non-elderly, or 1 parking space for every two (2) beds
Rooming and boarding houses	1 space per bed or dwelling unit
Group Homes	1 space per bed or dwelling unit
Parks and recreation areas not operated for profit	5 spaces for each acre developed for active use
Community meeting or recreation buildings not operated for profit	1 space for every 50 square feet of floor area
Churches and temples	1 space for every 4 seats in the main auditorium
Elementary, secondary schools	1 space for each classroom and office plus one space for every 6 seats in the main auditorium or stadium
Funeral home	1 space for every 4 seats in the main chapel
Summer cottages	2 spaces per unit
Hospitals, day nurseries or care facilities, nursing and convalescent home and medical clinics.	1 space for every four beds
Private clubs, lodges, and similar uses	5 spaces plus 1 space for every 300 sq. ft. of floor area
Hotels and motels, including hostels, boarding and lodging houses	1 space for each unit plus 1 space for each employee
Home Occupations	2 spaces
Private schools, nursery schools and daycare centers	2 spaces plus 1 space for each employee
Manufactured homes on a permanent foundation	2 spaces per unit
Bed and Breakfast operation	2 spaces per unit plus one space for every bed
Condominiums	

### PERMITTED ACCESSORY USES AND STRUCTURES

1. Private garages, swimming pools and tennis courts.
2. Private greenhouses not operated for commercial purposes.
3. Uses and structures clearly incidental to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, except home occupations, not employing any person outside the immediate family and located on the same lot or a contiguous lot under the same ownership.
4. Energy collection structures.

### SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 2.14-2 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Railroad and utility distribution systems and substations but not including equipment storage buildings or yards or administrative or sales office, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than twenty (20) feet, and that two (2) parking spaces per substation or one (1) per employee on the site be provided.

<b>RESIDENTIAL – MULTIFAMILY DWELLING</b>		
<b>MINIMUM LOT AREA AND WIDTH</b>	<b>MINIMUM YARD REQUIREMENTS</b>	<b>MAXIMUM HEIGHT</b>
<p>Single family dwellings Area: 9,600 sq. ft. Width: 60 feet</p> <p>Multi-family dwellings Area: 9,600 sq. ft. Plus 700 square feet for each additional unit. Width: 80 feet</p> <p>Where a lot is not served by a public or community sanitary sewer system, the minimum lot area shall be not less than one (1) acre per unit excluding the road right of way and the lot width not less than 125 feet.</p> <p>The width of such lot shall be not less than 125 feet</p>	<p>Dwellings and Other Non-institutional Uses</p> <p>Front: 30 feet Rear: 30 feet Side: One Story 8 feet Two Story or more 10 feet Street Side, Corner Lot 25 feet</p> <p>Schools, Churches or Other Public or Institutional Buildings</p> <p>Front: 40 feet Rear: 40 feet Side: 25 feet Street Side, Corner Lot: 30 feet</p>	<p>2 1/2 stories or 35 feet</p>

#### **PERMITTED SIGNS**

1. For each single-family home or duplex house, one nameplate not exceeding a combined area of six square feet for each occupancy. Said nameplate shall not be subject to the permit requirements of this code.
2. For multiple-family uses, rooming and boarding houses and Bed and Breakfast operations, one identification sign for each developed parcel not exceeding twelve square feet in area.
3. For home occupation uses, one identification sign for each developed parcel or business not exceeding 12 square feet in area.
4. Church and public bulletin boards not to exceed 32 square feet; said sign will not be subject to the permit requirements of the Code.
5. Temporary signs not to exceed six square feet in area and a maximum of three feet in height and shall be located on the property in such manner as not to create a traffic hazard.
6. No occupancy shall have more than one of each type of permitted signs, although each sign may be a double-faced or back-to-back sign, only the largest side of which will be counted.
7. All signs prohibited on boulevard with the following exceptions: traffic signs, street identification (both put up by the county or local municipality), and nameplates on mailboxes, and noncommercial informational signs approved by the zoning administrator.
8. Permitted signs shall be located at least twenty feet from the lot line, or not more than five feet from the main building if such building is less than twenty-five feet from lot line.
9. Illumination of signs and bulletin boards shall not exceed eighty watts per face and shall be in direct, nonintermittent lighting.
10. All signs must have an approved permit from the administrative officer before being erected. All signs requiring a permit must be evaluated and issued a permit to continue every five years.
11. All signs shall be maintained in a neat and presentable condition, and in the event their use shall be abandoned, they shall be removed within thirty days of their abandonment.

#### **SPECIAL REQUIREMENTS**

1. Buildings or structures authorized in this District shall not obstruct natural drainage courses and floodways.
2. All new structures constructed or placed in the R-2 District shall have a minimum width of twenty-four (24) feet and a minimum length of twenty-four (24) feet as measured at the narrowest points, excluding porches, garages, and accessory buildings, and shall be placed on a permanent foundation.
3. All supplemental district regulations pursuant to Section 5.9 and 5.10.

## MOBILE HOME PARK

### STATEMENT OF INTENT

Mobile homes used for dwelling purposes shall be placed only in mobile parks except as herewith set forth. A mobile home park may be established in only R-3 designated districts.

PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM OFF-STREET PARKING
Single family dwelling	2 spaces per unit
Two family dwelling	2 spaces per unit
Parks and recreation area not operated for profit	5 spaces for each acre developed for active usage
Community meeting or recreation building not operated for profit	1 space for every 150 square feet of floor area
Laundromat	1 space per 300 square feet of floor area
Nursery schools and daycare centers	3 spaces plus 1 for each employee
Home Occupations	2 spaces per unit
Manufactured homes	2 spaces per unit
Bed and Breakfast operation	2 spaces per unit, plus one space for every bed
Mobile home	2 spaces per unit

### PERMITTED ACCESSORY USES AND STRUCTURES

1. Private garages, swimming pools and tennis courts.
2. Private greenhouses not operated for commercial purposes.
3. Uses and structures clearly incidental to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, except home occupations, not employing any person outside the immediate family and located on the same lot or a contiguous lot under the same ownership.
4. Energy collection structures.
5. Tourist Campgrounds shall have a water supply and sewage disposal system approved by the County Board of Health. Drives shall have an all-weather surface; campsites shall not be closer than 50 feet to any property line; and five parking spaces plus one for each campsite shall be provided.

### SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 2.14-2 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Railroads and utility distribution systems and substations but not including equipment storage buildings or yards or administrative or sales office, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than twenty (20) feet, and that one (1) parking space per substation or one (1) per employee on the site be provided.

<b>MOBILE HOME PARK</b>		
<b>MINIMUM LOT AREA AND WIDTH</b>	<b>MINIMUM YARD REQUIREMENTS FOR CONVENTIONAL-BUILT HOMES</b>	<b>MAXIMUM HEIGHT CONVENTIONAL BUILT HOMES</b>
Single Family dwellings Area: - 9,600 sq. ft. Width – 80 feet  Two family dwellings Area: 10,300 sq. ft. Width – 80 feet  Mobile Home Area – 4,000 sq. ft. Width – 40 feet	Front: 30 feet Rear: 30 feet Side: One Story 8 feet Two stories or more 20 feet Street Side, Corner Lot 25 feet	2 ½ stories  Or 35 feet
Where a lot is not served by a public or community sanitary sewer system, the minimum lot area shall be not less than one (1) acre excluding the road right of way per unit and the lot width not less than 125 feet.  The width of such lot shall be not less than 125 feet.	<b>MINIMUM YARD REQUIREMENTS FOR MOBILE HOMES</b>	<b>MAXIMUM HEIGHT FOR MOBILE HOMES</b>
	Front: 10 feet Rear: 5 feet Side: 8 feet	2 stories or 20 feet

**PERMITTED SIGNS**

1. For each single-family home or duplex house, one nameplate not exceeding a combined area of six square feet for each occupancy. Said nameplate shall not be subject to the permit requirements of this code;
2. For two-family dwellings and Bed and Breakfast operations, one identification sign for each developed parcel not exceeding twelve square feet in area;
3. For home occupation uses, one identification sign for each developed parcel or business not exceeding 12 square feet in area;
4. Church and public bulletin boards not to exceed 32 square feet; said sign will not be subject to the permit requirements of the Code.
5. Temporary signs not to exceed six square feet in area and a maximum of three feet in height and shall be located on the property in such manner as not to create a traffic hazard.
6. No occupancy shall have more than one of each type of permitted signs, although each sign may be a double-faced or back-to-back sign, only the largest side of which will be counted;
7. All signs prohibited on boulevard with the following exceptions: traffic signs, street identification (both put up by the county or local municipality), and nameplates on mailboxes, and noncommercial informational signs approved by the zoning administrator;
8. Permitted signs shall be located at least twenty feet from the lot line, or not more than five feet from the main building if such building is less than twenty-five feet from lot line;
9. Illumination of signs and bulletin boards shall not exceed eighty watts per face and shall be indirect, non-intermittent lighting;
10. All signs must have an approved permit from the administrative officer before being erected. All signs requiring a permit must be evaluated and issued a permit to continue every five years;
11. All signs shall be maintained in a neat and presentable condition, and in the event their use shall be abandoned, they shall be removed within thirty days of their abandonment.

**SPECIAL REQUIREMENTS**

1. Buildings or structures authorized in this District shall not obstruct natural drainage courses and floodways.
2. All supplemental district regulations, pursuant to Section 5.9 and 5.10.
3. Each mobile home park shall construct and maintain in association with other facilities if appropriate, one (1) or more basement, underground, or reinforced above ground storm shelter facilities, adequate in the aggregate to protect all residents of the park from the effects of high winds, including tornadoes. Such facilities shall be provided with water and sanitary facilities.

## RIVER SIDE RECREATIONAL R4

It is the intent of this District to allow for the placement/development of summer recreation cabins, camping trailers, motor homes, mobile homes, manufactured homes, and permanent year-round and residential dwellings.

<b>PERMITTED PRINCIPAL USES AND STRUCTURES</b>	<b>MINIMUM REQUIRED OFF-STREET PARKING</b>
Single Family residential dwellings	2 spaces per unit
Mobile homes/manufactured home, camping trailers/motor homes	2 spaces per unit
Retail/Commercial business (subject to the Deed Restrictions and covenants)	1 space for every 300 sq. feet of floor area plus 1space for each employee
Agricultural uses	None
Home Occupations	2 spaces per unit
Bed and Breakfast operations	2 spaces per unit plus one space for every bed
Day nurseries/Centers	2 spaces plus one space for every employee
Community meeting or recreation building	1 space for every 100 sq. feet
Park, playground or playfield	7 spaces for each acre developed for active usage
Laundromat	1 space per 300 sq. feet of floor area

### PERMITTED ACCESSORY USES AND STRUCTURES

1. Private garages, greenhouses, swimming pools and tennis courts.
2. Boat ramps.
3. Solar collectors.
4. Satellite dishes.
5. Uses and structures clearly incidental and necessary to the permitted principal use or structure of this district, not involving the conduct of business on the premises, except home occupations and home industries located on the same lot or a contiguous lot under the same ownership.

### SPECIAL EXCEPTION USES AND STRUCTURES

None at this time.

**RIVER SIDE RECREATIONAL**

MINIMUM LOT AREA AND WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
Permanent/Temporary Single Family Units  Area:           5,625 square feet Width:          60 feet  Accessory Buildings  Area:           4,000 square feet Width:          60 feet	Front           15 feet Rear            5 feet Side            5 feet Riverside    20 feet from ordinary high-water mark	35 feet

**PERMITTED SIGNS**

1. For each single-family home or duplex house, one nameplate not exceeding a combined area of six square feet for each occupancy. Said nameplate shall not be subject to the permit requirements of this code.
2. For Bed and Breakfast operations, one identification sign for each developed parcel not exceeding twelve square feet in area.
3. For home occupation uses, one identification sign for each developed parcel or business not exceeding 12 square feet in area.
4. Church and public bulletin boards not to exceed 32 square feet; said sign will not be subject to the permit requirements of the Code.
5. Temporary signs not to exceed six square feet in area and a maximum of three feet in height and shall be located on the property in such manner as not to create a traffic hazard.
6. No occupancy shall have more than one of each type of permitted signs, although each sign may be a double-faced or back-to-back sign, only the largest side of which will be counted.
7. All signs prohibited on boulevard with the following exceptions: traffic signs, street identification (both put up by the county or local municipality), and nameplates on mailboxes, and noncommercial informational signs approved by the zoning administrator.
8. Permitted signs shall be located at least twenty feet from the lot line, or not more than five feet from the main building if such building is less than twenty-five feet from lot line.
9. Illumination of signs and bulletin boards shall not exceed eighty watts per face and shall be indirect, non-intermittent lighting.
10. All signs must have an approved permit from the administrative officer before being erected. All signs requiring a permit must be evaluated and issued a permit to continue every five years.
11. All signs shall be maintained in a neat and presentable condition, and in the event their use shall be abandoned, they shall be removed within thirty days of their abandonment.

**SPECIAL REQUIREMENTS**

1. Buildings or structures authorized in this District shall not obstruct natural drainage courses and floodways.
2. All supplemental district regulations, pursuant to Section 5.9 and 5.10.

## COMMERCIAL DISTRICT

### STATEMENT OF INTENT

The C-1 Highway Commercial District is intended to accommodate uses which ordinarily serve the traveling public and commercial uses which generally require substantial land area and access to a major traffic artery.

<b>PERMITTED PRINCIPAL USES AND STRUCTURES</b>	<b>MINIMUM OFF-STREET PARKING</b>
Retail business	1 space/100sq. ft. floor area
Clubs and lodges	5 spaces plus 1 space for every 300 sq. ft. of floor area
Automotive display, truck, boat, and manufactured display, sales, service and repair	1 space/300 sq. ft. of sales, service, or office floor area
Farm implement display, sales, service and repair	
Plant nursery and garden supplies sales	1 space/100 sq. ft. floor area
Lumberyard or building materials sales	1 space/300 sq. ft. floor area
Restaurant, nightclub, café or tavern, liquor store	1 space/100 sq. ft. floor area
Dancehall and skating rink	1 space/100 sq. ft. floor area
Eating and drinking establishment	5 spaces/100 sq. ft. floor area
Bowling alley	5 spaces/land or alley
Bank, lending institutions	4 space/teller window
Motel, hotel, tourist campground	1 space/unit or campsite
Dwelling unit above a store or shop	1 space/unit
Funeral parlor	1 space/4 seats in the main chapel
Monument marker display and sales	1 space/employee plus 1 space/vehicle used by the facility
Plumbing, heating and air conditioning sales, service and repair	1 space/300 sq. ft. floor area
Drive-in theater	Storage lanes outside ticket booth to accommodate 10% of the theater capacity
Miniature golf	2 spaces/tee plus 1 space/employee
Radio or television broadcasting station	5 spaces plus 1 space/employee
Professional office buildings, business, rentals, general work and repair shops and storage areas for businesses	1 space/100 sq. ft. floor area
Truck and freight terminals	1 space for each employee plus 1 space for each vehicle used by the commercial business
Commercial condominium	1 space for each head of office or office suite, plus 1 space for each employee, plus the number of spaces needed for clients
Rental storage facilities	None
Cabins	
All those permitted principal uses and structures allowed in the A-1 Agricultural District	

**PERMITTED ACCESSORY USES AND STRUCTURES**

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Dwelling unit in a commercial structure for the operator or caretaker of the business.
3. Storage warehouses used in conjunction with the permitted principal uses or structures of this district.
4. Temporary buildings and equipment used in conjunction with construction work, provided that such buildings and equipment are removed promptly upon completion of the construction work.
5. Recycling drop boxes.

**SPECIAL EXCEPTION USES AND STRUCTURES**

1. Golf driving range.
2. Recycling plant.
3. Wind towers provided that they shall not be closer to a dwelling or place of public assembly than a distance equal to their height, that the height and location shall not interfere with the operation of any airport or landing strip, and that one (1) parking space per employee and one (1) space for each vehicle used by the facility be provided.
4. Commercial communications station and tower provided that they shall not be closer to a dwelling or place of public assembly than a distance equal to one-half (1/2) their height, that the height and location shall not interfere with the operation of any airport or landing strip, and that one (1) parking space per employee and one (1) space for each vehicle used by the facility, be provided

MINIMUM LOT AREA AND WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
None	Front: 15 feet Side: 15 feet Rear: 15 feet Street Side, Corner Lot: 25 feet	2 ½ stories or 35 ft.

Where adjacent to and “A” or “R” district the adjoining yard or yards shall be not less than 25 feet.

Commercial condominiums – Zero lot line structures – condominium units which share a common wall with another similar such structure shall have no side yard requirements on any side of such unit which is used as a common wall with another such structure. Any such unit which does not have a common wall, but does have a side yard, shall maintain a 20 foot setback in that side yard. All other yard requirements shall apply to each respective unit.

## **PERMITTED SIGNS**

1. Temporary sign advertising the sale or lease of the premises, not exceeding thirty-two (32) square feet in area.
2. Trade, business or industry identification signs for the firms located on the site and/or off site, provided that they:
  - a. Do not exceed 25 feet in height
  - b. Are not within 25 of an A or R district.
  - c. Do not overhang the public right-of-way except those signs which project not more than one (1) foot beyond the front face or integral part of the building other than identification signs of less than two (2) square feet in a area.
  - d. Are not within 25 feet of a highway intersection or highway structure.
  - e. Do not exceed 75 square feet in area.
  - f. Other sign regulations pursuant to Iowa Department of Transportation guidelines.
3. Advertising signs and billboards provided that they:
  - a. Do not exceed 50 feet in height
  - b. Are not within 25 feet of an A or R district.
  - c. Are not within 300 feet of another billboard
  - d. Do not exceed 300 square feet in area.
4. No sign or billboard shall be located in, overhang or project into a required yard area.
5. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be removed within thirty (30) days and the surrounding area restored to a condition free from refuse and rubbish.
6. Signs shall be located in such a nature as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device which does not obstruct, or interfere, with the driver's view of approaching, merging, or intersecting traffic, as determined by the administrative officer.
7. All signs must have an approved permit from the administrative officer before being erected. All signs requiring a permit must be evaluated and issued a permit to continue every five years.

## **SPECIAL REQUIREMENTS**

1. No required parking space, driveway, other than direct connection to public street, nor any merchandise display or exterior storage shall be provided in any required front yard or in the first ten feet inside the property line of any required side or rear yard.
2. Overhead or area light fixtures shall be located and focused so as to avoid casting direct light upon any adjacent residential property or public right-of-way.
3. All unsurfaced yard areas shall be covered with a suitable, well maintained, perennial groundcover.
4. Buildings or structures authorized in this District shall not obstruct drainage courses and floodways.
5. All supplemental district regulations, pursuant to Section 5.9 and 5.10

**M-1**

**LIGHT INDUSTRIAL DISTRICT**

**STATEMENT OF INTENT**

The M-1 Light Industrial District is designed to accommodate various industrial and warehousing uses and through the use of appropriate standards, encourage the development of an area that will have minimal adverse effects on adjoining properties.

PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM OFF-STREET PARKING
1. Agricultural retail/service outlets.	1 space for each employee plus 1 space for every vehicle used by the industry.
2. Automobile paint and body shops.	
3. Automobile and farm implement display, sales, service and repair.	
4. Distribution, storage, or manufacture of food products.	
5. Tool, die, and machine shops.	
6. Manufacturing, fabrication and processing uses that are wholly contained within a building and create no offensive noise, dust, odor, vibration, or electrical interference.	
7. Wholesaling and warehousing uses but not including the bulk storage of anhydrous ammonia or petroleum products under pressure.	
8. Contractor’s shop and enclosed storage yard.	
9. Building fabrication, including manufactured homes, display and sales.	
10. Recycling plant, totally enclosed, no exterior storage.	
11. Public utilities including storage buildings and enclosed storage yards.	
12. Truck and freight terminal.	
13. Welding, machine and repair shops.	
14. Veterinary clinics, animal hospitals and kennels.	
15. Plumbing, heating, air conditioning and sheet metal shops.	
16. Frozen food lockers.	
17. Lumber yards and building materials, sales and storage.	
18. Railroads and public utilities including storage and maintenance yards	
19. Any use permitted in the C-1 District (see minimum requirements in the C-1	None

**PERMITTED ACCESSORY USES AND STRUCTURES**

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.
3. Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained by the occupants.
4. Recycling of drop boxes.

**SPECIAL EXEPTION USES AND STRUCTURES**

1. Concrete products manufacture and central mixing and proportioning plant; fertilizer manufacture or blending; iron and steal fabrication; provided that such use is located not closer than 500 feet to any existing dwelling unit or any park, school, church or place of public assembly; that it is located so that prevailing winds will not cause dust, smoke or odors to create a nuisance for developed properties in the vicinity; that one (1) parking space for each employee and one (1) space for each vehicle used by the industry be provided and at least one (1) loading space shall be provided for each 10,000 square feet of floor area.

2. Bulk storage of liquid fertilizer and petroleum products under pressure provided that such uses shall not be located within 500 feet of any existing dwelling, park, school or place of public assembly; and that it is located so that prevailing winds will not cause fumes, odors or gases to be carried toward developed properties in the vicinity, and that one (1) parking space for each employee and one (1) space for each vehicle or trailer used by the industry be provided.
3. Wind towers provided that they shall not be closer to a dwelling or place of public assembly than a distance equal to their height, that the height and location shall not interfere with the operation of any airport or landing strip, and that one (1) parking space per employee and one (1) space for each vehicle used by the facility be provided.
4. Commercial communications station and tower provided that they shall not be closer to a dwelling or place of public assembly than a distance equal to one-half (1/2) their height, that the height and location shall not interfere with the operation of any airport or landing strip, and that one (1) parking space per employee and one (1) space for each vehicle used by the facility, be provided

MINIMUM LOT AREA AND WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
No Minimum	Front: 40 feet Side: 40 feet Rear: 25 feet Street Side, Corner Lot: 30 feet	None

### PERMITTED SIGNS

1. Temporary sign advertising the sale or lease of the premises, not exceeding thirty-two (32) square feet in area.
2. Advertising signs and billboards for either on site and/or off site provided that they:
  - a. Are not within 150 feet of a highway structure, highway intersection, residence, park, school, cemetery, public or semi-public building
  - b. Are not within 300 feet of another billboard.
  - c. Do not exceed 300 square feet in area.
  - d. Do not exceed 50 feet in height.
3. Trade, business or industry identification signs for the firm located on the site and/or off site provided that:
  - a. Free standing signs shall not exceed 150 square feet in area or 25 feet in height.
  - b. Signs mounted flush on the wall of a building shall not exceed ten percent (10%) of the area of the wall of the building on which they are located or 200 square feet, whichever is smaller.
  - c. Overhanging signs, attached to a building shall not project above the height of the building, or more than four (4) feet from the wall of the building and shall not have more than 100 square feet in area.
  - d. Not more than one sign of each category above may be provided for any single use, although each sign may be a double-faced or back-to-back sign.
  - e. Other sign regulations pursuant to Iowa Department of Transportation guidelines.
4. All signs shall be maintained in neat and presentable condition and in the event they shall become illegible or their use shall cease, they shall be removed within thirty (30) days and the area occupied restored to a condition free from refuse and debris.
5. No sign or billboard shall be located in, overhang or project into a required yard.
6. Signs shall be located in such a nature as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device which does not obstruct, or interfere, with the driver's view of approaching, merging, or intersecting traffic, as determined by the administrative officer.

7. All signs must have an approved permit from the administrative officer before being erected. All signs requiring a permit must be evaluated and issued a permit to continue every five years.

### **SPECIAL REQUIREMENTS**

1. Exterior storage other than the display of finished products for retail sale shall be enclosed with a six (6) foot high fence or a suitable landscape planting that will screen the stored materials from the view of adjacent public streets, places or public assembly, parks, recreations areas and residential properties. No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building nor shall any other junk, debris or waste product be permitted to accumulate on the site.
2. All required yards shall be open landscaped area and not utilized for parking, storage or other structures other than a trade, business or industry sign for the firm located on the site.
3. Buildings or structures authorized in this District shall not obstruct natural drainage courses and floodways.
4. All supplemental district regulations, pursuant to Section 5.9 and 5.10.

**M-2 HEAVY INDUSTRIAL**

<b>PERMITTED PRINCIPAL USES AND STRUCTURES</b>	<b>MINIMUM OFF-STREET PARKING</b>
1. Animal hospital or kennel 2. Farm implement display, sales, service and repair 3. Truck display, sales, repair and storage 4. Grain storage bins 5. Grain elevator and feed mill 6. Welding and repair shop 7. Manufacturing and processing uses 8. Wholesaling and warehousing, but no including the bulk storage of liquid fertilizer or petroleum products under pressure 9. Truck and freight terminal 10. Tool, die and machine shops 11. Processing and handling of cheese, butter and other milk products 12. Building fabrication, including manufactured homes 13. Contractor's hop and enclosed storage yard 14. Lumber yard and building material sale and storage.	1 space for each employee plus 1 space for each vehicle used by the industry
15. Railroads and public utilities including storage and maintenance yard	None
16. Automobile paint and body shops 17. Plumbing, heating, air conditioning and sheet metal shops 18. Any use permitted in the M-1 district	See minimum requirements in M-1 district

**PERMITTED ACCESSORY USES AND STRUCTURES**

1. Uses and structures clearly incidental to the permitted principal uses or structures of this district.
2. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.
3. Dwelling units for watchmen, caretakers, or owners employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants.

**SPECIAL EXCEPTION USES AND STRUCTURE**

Subject to section 6.15-2 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Stockyards, rendering works, loading pens, buying stations, and /or sale barns and yards, commercial feedlots, and commercial poultry raising, provided that it is not closer than one-fourth (1/4) mile to any dwelling unit other than that of the owner or operator, or any park school, church or place of public assembly; that the provisions for drainage, sanitation, waste disposal, and fly control are approved by the Department of Natural Resources and/or County Health Officer, that is located so that prevailing winds will not cause dust or odors to create a nuisance for developed properties in the vicinity; that one(1) parking space for each employee and one (1) space for each vehicle used by the industry be provided.
2. Sanitary landfill or waste disposal area, subject to Department of Natural Resources guidelines.
3. Recycling plant, auto wrecking and junkyards on any lot, parcel or tract of land provided that that the front yard be maintained as an open space free of weeds and debris; that the site be enclosed with a six(6) foot high fence or a suitable landscape planting that will screen the operation from the view of adjacent public streets and places of public assembly, parks, recreation areas and residential properties; and that a minimum of one (1) parking space for each employee and one (1) space for each vehicle used by the facility be provided.

4. Concrete products manufacture and central mixing and proportioning plant; fertilizer manufacture or blending; iron and steel fabrication; provided that such use is located not closer than 500 feet to any existing dwelling unit or any park, school, church or place of public assembly; that it is located so that prevailing winds will not cause dust, smoke or odors to create a nuisance for developed properties in the vicinity; that one (1) parking space for each employee and one (1) space for each vehicle used by the industry be provided.
5. Bulk storage of liquid fertilizer and petroleum products under pressure provided that such uses shall not be located within 500 feet of any existing dwelling, park, school or place of public assembly; and that it is located so that prevailing winds will not cause fumes, odors or gases to be carried toward developed properties in the vicinity; that one (1) parking space for each employee and one (1) space for each vehicle or trailer used by the industry be provided.
6. Underground mines, quarries, sand and gravel pits, sawmills and related facilities required for obtaining, processing, storing and transporting minerals and raw materials.
7. Wind towers provided that they shall not be closer to a dwelling or place of public assembly than a distance equal to their height, that the height and location shall not interfere with the operation of any airport or landing strip, and that one (1) parking space per employee and one (1) space for each vehicle used by the facility be provided.
8. Commercial communications station and tower provided that they shall not be closer to a dwelling or place of public assembly than a distance equal to one-half (1/2) their height, that the height and location shall not interfere with the operation of any airport or landing strip, and that one (1) parking space per employee and one (1) space for each vehicle used by the facility, be provided.

<b>MINIMUM LOT AREA AND WIDTH</b>	<b>MINIMUM REQUIRED YARDS</b>	<b>MAXIMUM HEIGHT</b>
None	Front: 25 feet Rear: 20 feet Side: 15 feet Street Side, Corner Lot: 20 feet	None

### **PERMITTED SIGNS**

1. Temporary sign advertising the sale or lease of the premises, not exceeding thirty –two (32) square feet in area.
2. Advertising signs and billboards for either on site and/or off site provided that they:
  - a. Are not within 150 feet of a highway structure, highway intersection, residence, park, school, cemetery, public or semi-public building
  - b. Are not within 300 feet of another billboard.
  - c. Do not exceed 300 square feet in area.
  - d. Do not exceed 50 feet in height.
3. Trade, business or industry identification signs for the firm located on the site and/or off site provided that:
  - a. Free standing signs shall not exceed 150 square feet in area or 25 feet in height.
  - b. Signs mounted flush on the wall of a building shall not exceed ten percent (10%) of the area of the wall of the building on which they are located or 200 square feet, whichever is smaller.
  - c. Overhanging signs, attached to a building shall not project above the height of the building, or more than four (4) feet from the wall of the building and shall not have more than 100 square feet in area.
  - d. Not more than one sign of each category above may be provided for any single use, although each sign may be a double-faced or back-to-back sign.
  - e. Other sign regulations pursuant to Iowa Department of Transportation guidelines.

4. All signs shall be maintained in neat and presentable condition and in the event they shall become illegible or their use shall cease, they shall be removed within thirty (30) days and the area occupied restored to a condition free from refuse and debris.
5. No sign or billboard shall be located in, overhang or project into a required yard.
6. Signs shall be located in such a nature as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device which does not obstruct, or interfere, with the driver's view of approaching, merging, or intersecting traffic, as determined by the administrative officer.
7. All signs must have an approved permit from the administrative officer before being erected. All signs requiring a permit must be evaluated and issued a permit to continue every five years.

### **SPECIAL REQUIREMENTS**

1. Exterior storage other than the display of finished products for retail sale shall be enclosed with a six (6) foot high fence or a suitable landscape planting that will screen the stored materials from the view of adjacent public streets, places or public assembly, parks, recreations areas and residential properties. NO raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building nor shall any other junk, debris or waste product be permitted to accumulate on the site.
2. All required yards shall be open landscaped area and not utilized for parking, storage or other structures other than a trade, business or industry sign for the firm located on the site.
3. Buildings or structures authorized in this District shall not obstruct natural drainage courses and floodways.
4. All supplemental district regulations, pursuant to Section 5.9 and 5.10.

5.9 Supplementary District Regulations. Subject to Section 5.9, the following provisions, regulations, or exception shall apply equally to all districts except as hereinafter provided:

1. Visibility at Intersection. On a corner lot in any district, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by connecting the right-of-way lines at points which are twenty-five (25) feet distance from the intersection of the right-of-way lines, and measured along the right-of-way lines.
  
2. Accessory Buildings. No accessory building shall be erected in any required front yard and no separate accessory buildings shall be erected within five (5) feet of any main buildings or within five (5) feet of any lot line. If an accessory building is attached to the principal structure, the accessory building must comply with all appropriate front, side, and rear yard requirements.
  
3. Height Regulation Exceptions. a) The height limitations contained in the Schedules of District Regulations do not apply to grain storage bins, grain elevators, energy collection structures, feed mills, or to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housings or other structures placed above the roof level and not intended for human occupancy; b) A public building, church, temple, hospital, institution, or school may be increased in height over limitations imposed by district regulations up to a limit of seventy (70) feet if all required yards are increased an additional foot for each foot over the height limit otherwise required.
  
4. Use of Public Right-of-Way. No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structures for storage or display purposes, or to provide any parking or loading space required by this ordinance, or for any other purpose that would obstruct the use or maintenance of the public right-of-way. Mailboxes shall be exempt.
  
5. Utility Installation. For any future county road construction and/or reconstruction, any utility installation constructed within 100' of the existing right-of-way shall be moved at

- the utilities expense. Any utility that is installed greater than 100' of the existing right-of-way shall be moved at the county's expense.
6. Proposed Use Not Covered in Ordinance. Any proposed use not covered in this ordinance as a permitted use or special exception shall be referred to the Zoning Commission for a recommendation as to the proper district in which such use shall be permitted and the ordinance amended as provided in Section 6.17 before a permit is issued for such proposed use.
  8. Structures to have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
  9. Mobile Homes or Trailers. Mobile homes occupied as a permanent or temporary place of residence shall be located only in an approved mobile home park or mobile home subdivision unless otherwise provided in this ordinance. Occupied travel trailers and camping trailers shall be located only in an R-4 District.
  10. Off-Street Parking. Off-street parking space may be located within the required front yard in any C-1, M-1 or M-2 District, provided such space is fifty (50) feet or more away from any "R" District. No off-street parking is permitted in the front yard of any R-1, R-2, R-3, or R-4 District, except upon a regularly constructed, duly authorized driveway.
- 5.10 Application of District Regulations. Subject to Section 5.9, the regulations and restrictions of this ordinance shall apply as follows:
1. Regulations to be Uniformly Applied. The regulations set by this ordinance shall apply uniformly to each class or kind of structure or land, and particularly within each district, except as hereinafter provided.
  2. All Uses and Structures to Conform. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
  3. Height, Density or Yards Shall Not Be Violated. No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, or to have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required or in any other manner contrary to the provisions of this ordinance.
  4. Minimum Yards and Lot Areas May Not be Reduced. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance update.

5. New Areas. All territory which may hereafter become a part of the unincorporated area of the County shall be classified in the A-1 Agricultural District until otherwise classified, provided however, that the Zoning Commission may recommend the appropriate district classification prior to such territory becoming a part of the County, and upon the holding of a public hearing and approval by the Board of Supervisors, the territory, upon becoming a part of the County, may be immediately so classified.

5.11 Nonconformities. Within the districts established by this ordinance or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendment.

Subject to 5.9 and 5.10, it is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

5.12 Nonconforming Lots of Record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width or both of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width and yard requirements shall be obtained only through action by the Board of Adjustment.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the land involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

5.13 Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the regulations imposed by this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of land shall conform to the regulations specified by this ordinance for the district in which such land is located.

5.14 Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity.
2. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at a time of destruction, it shall not be constructed except in conformity with the provisions of this ordinance.

5.15 Nonconforming Uses of Structures. If a lawful use of a structure, or of structure and premises in combination exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

3. If no structural alterations are made, any nonconforming use of a structure or structure and premises may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this ordinance. See Section 6.15, Powers and Duties of the Board of Adjustment.
  4. Any structure or structure and land in combination, on or in which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.
  5. When a nonconforming use of a structure or structure and premises in combination, is discontinued or abandoned for a period of more than six (6) months, the structure, thereafter, shall not be used except in conformity with the regulations of the district in which it is located.
  6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- 5.16 Repairs and Maintenance. Nothing in this Chapter shall prohibit the maintenance and repair of nonconforming structures to keep such a structure in sound and safe condition, provided that no structural enlargement, extension, alteration or change shall be made to increase the degree of nonconformity. Nothing in this chapter shall be deemed to prevent the strengthening of or restoring to a safe condition or any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- 5.17 Uses Under Exception Provisions Not Nonconforming Uses. Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.
- 5.18 Site Plan Review.
1. Purpose: In rezoning, variance, and special exception issues, it is essential that new developments meet established minimum standards for the design of such developments to protect existing developments, to insure adequate provisions for public/private utilities, such as sewer, water and roads, and promote the health, safety, and general welfare of the public.
  2. Application: A site plan review is required whenever a person, firm, or corporation or other group wishes to develop a tract of land for multi-family dwelling units, commercial, or industrial use. For special exception and variances, the site plan will be reviewed by the Board of Adjustment.

3. Procedure: A development plan for a proposal listed in paragraph 2 above shall be filed with the Zoning Administrator, who will determine if all the information is provided and adequate for review. Once all the required information is received, the Zoning Administrator shall immediately forward copies of the Site Plan to the County Engineer and the County Sanitarian/Zoning Administrator for their review and recommendation. A copy of the Site Plan shall be kept on file by the Zoning Administrator. The Site Plan will be reviewed by the Planning and Zoning Commission and/or Board of Adjustment at the next regular meeting for which the public hearing is being called for the rezoning, variance or special exception.
4. Site Plan Review Standards: The standards of site design listed below are intended only as minimum requirements, so that the general development pattern in rural Clayton County may be adjusted to a wide variety of circumstances and topography, and to insure reasonable and orderly growth in rural Clayton County.
  - a. Internal roads and streets shall be adequately constructed to accommodate the traffic generated. Entrances and exits onto public streets shall not unduly increase congestion or traffic hazards on the public streets and the proposed site. They will conform to 911 regulations.
  - b. The proposed development shall be designed with appropriate regard for topography, surface drainage, natural drainage ways and streams, wooded areas, and other naturally sensitive areas which lend themselves to protection from degradation.
  - c. If applicable, the proposed development shall be designed with adequate water supply and sewage treatment facilities and storm water drains and structures necessary to protect the public health and welfare by not overloading existing public utilities. Runoff from development shall not be outletted into roadside drainage facilities in excess of the existing runoff prior to development.
  - d. The proposed development shall be designed, and the buildings and improvement shall be located within the tract or parcel in such a manner as not to unduly diminish or impair the use and enjoyment of adjoining or surrounding property. To such end, the developer shall provide for such fences, landscaping and other improvements as are proper and necessary to buffer the proposed use from the existing or potential surrounding land uses.
  - e. The proposed development shall be designed not to unduly increase the public danger or fire, explosion, and other safety hazards on the general public and the persons residing or working in adjoining or surrounding property.
5. Information on Site Plan: The purpose of the Site Plan is to show the facts needed to enable the Planning and Zoning Commission, Board of Adjustment, and/or the Board of Supervisors' to determine whether the proposed development complies with the standards listed in paragraph 4 above.
  - a. Location map showing relationship to surrounding roads, streams, and public facilities.

- b. Name and address of landowner and developer.
- c. Date, north arrow, name of proposed development.
- d. Existing buildings, utilities, railroads, rights-of-way, easements, location, and name of existing roads, stands of trees, and drainage ways.
- e. Location and name of adjoining subdivisions, subdivision lots therein, and names of adjoining landowners.
- f. Zoning district classification and if applicable, the type of water supply and sewage disposal and storm sewer disposal.
- g. Proposed location of buildings, parking lots, etc.

## CHAPTER 6

### ADMINISTRATION

- 6.1 Administration and Enforcement. An Administrative Officer designated by the Board of Supervisors shall administer and enforce this ordinance. He/she may be provided with the assistance of such other persons as the Board of Supervisors may direct. Duties of the Zoning Administrator shall include, but not be limited to, the following:
1. The review of applications for a building permit and the issuance of a permit upon finding the provisions of this ordinance would not be violated.
  2. Upon finding that a provision of this ordinance is violated, the Zoning Administrator shall notify the person responsible for the violation in writing indicating the nature of the violation and ordering the action necessary to correct it. The order for corrective action shall require discontinuance of illegal use of land or buildings; removal of illegal buildings, illegal additions to buildings, or illegal structural alterations; discontinuance of illegal work being done; other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.
  3. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this ordinance.
- 6.2 Appeals from Decision of Administrative Office. Appeals from any decision of the Administrative Officer may be taken to the Board of Adjustment as provided in Section 6.13.
- 6.3 Interpretation of Provisions. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion and protection of the public health, safety, morals and general welfare Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully

adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the higher standards, shall govern.

6.4 Violation and Penalties. In case a building or structure is erected, constructed, reconstructed, altered, repaired, converted, moved in or maintained, or any building, structure or land is used in violation of this Chapter, the appropriate authorities of Clayton County, in addition to other remedies, may institute injunction, mandamus, civil infractions or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violations, or to prevent the occupancy of said building, structure or land.

All reasonable expenses incurred by Clayton County in proceeding to enforce any order issued by the Zoning Administrator may be recovered by suit in the event Clayton County is the prevailing party. Clayton County may certify the amount of such expense to the extent awarded, together with a description of the property, to the County Auditor who shall enter the same upon the tax books as cost for obtaining compliance with the order of the Zoning Administrator and said amount shall be collected as other taxes.

Peace officers, when called upon by Clayton County or its authorized representatives, including the Zoning Administrator, shall assist in the enforcement of the rules, regulations and lawful orders of the Commission.

No person shall interfere with the authorized agents of Clayton County or peace officers in the discharge of any duty imposed by laws or rules of the County Zoning Ordinance or Subdivision Regulations.

In the event any person is aggrieved by any decision or order made by the Zoning Administrator, he/she may appeal to the Board of Adjustment as provided by Iowa Code, Sections 335.10 through 335.17, and as provided by the rules of the Board of Adjustment promulgated pursuant thereto. Any person or persons aggrieved by any decision of the board of adjustment, may present to a court of record, a petition, duly verified, within thirty (30) days after the filing of a decision in the office of the board, in the manner set forth in Iowa Code Section 335.18 and judicial review may then take place as provided by Iowa Code, Sections 335.18 through 335.22.

- 6.5 Separate Offenses May be Charged. The owners or tenant of any building, structure, land or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains a violation, may each be charged with a separate offense and upon conviction, suffer the penalties herein provided.
- 6.6 Other Remedies. Nothing herein contained shall prevent the Board of Supervisors or its agents from taking other lawful action as is necessary to prevent or remedy any violation.
- 6.7 Building Permit. Subsequent to the adoption of this ordinance, a building permit shall be obtained from the Administrative Officer before any building or structure shall be erected, reconstructed or structurally altered to increase the exterior dimensions, height of floor area, or remodeled to increase the number of dwelling units or to accommodate a change in use of the building and/or premises or part thereof. The building permit shall state that the proposed construction complies with all provisions of this ordinance, and no

subsequent modifications shall be made to plans or to actual construction that would be in violation of this ordinance. Before a building permit is issued, the developer must comply with all county well and septic regulations when applicable.

Any maintenance item such as a new roof, windows, siding, doors, and other repair items which do not enlarge the structure, shall not require a building permit. The construction of a new or the maintenance of old driveways shall not require a building permit.

- 6.8 Application for Building Permit: Applications for Building Permits shall be made prior to beginning construction on fully completed application forms obtained from the Administrative Officer, accompanied by such plans and information necessary to determine that the proposed construction complies with all applicable provisions of this ordinance. The signature of the applicant on the building permit shall certify that the new occupancy complies with all provisions of this chapter, and no subsequent modifications shall be made to the occupancy, use, method or operation that would be in violation of this chapter.
- 6.9 Fees. The Administrative Officer is directed to issue a Building Permit and/or sign permit as required by this ordinance for proposed construction, reconstruction or alteration for each structure which complies with all provisions contained herein and to charge a fee as established by the Clayton County Board of Supervisors.

There shall be no fees charged to the United States Government, the State of Iowa, or any political subdivision thereof.

All fees are required and shall be paid to the Administrative Officer who shall keep a complete and accurate record of fees received and shall forthwith deposit them to the credit of the general revenue fund of the County.

Any building permit under which no construction work has been commenced within one (1) year after the date of issue of said permit or under which the proposed construction, reconstruction or alteration has not been completed within that time period, shall expire by limitation; and no work or operation shall take place under such permit after such expiration. A building permit may be extended for a period not exceeding one (1) year by the Zoning Administrator, and may not be renewed more than one time. The renewal fee shall be the current permit fee.

- 6.10 Occupancy Permits. No land shall be occupied or used, and no building hereafter erected or structurally altered, shall be occupied or used in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy is issued by the County Zoning Administrator. The County Zoning Administrator shall not issue a Certificate of Occupancy until an inspection is made to insure that the building or part of the building meets the minimum standards of the Clayton County Zoning, Floodplain and Health Regulations.

The County Zoning Administrator, upon the finding that a building hereafter erected or structurally altered is occupied or used in whole or in part without obtaining the Certificate of Occupancy, shall immediately notify in writing the occupants and builder (if applicable), or post the alleged violation prominently on said property or building and

require compliance with the Clayton County Ordinance's within seven (7) days of receipt of notice. If compliance is not forthcoming within the seven (7) days following receipt, the building shall be deemed in violation of the appropriate Ordinances and shall immediately be vacated. Each day that a violation is permitted to exist shall constitute a separate offense.

- 6.11 Board of Adjustment Created. A Board of Adjustment is hereby established as provided by Iowa Code Section 335.11. The Board shall consist of five (5) members to be appointed by the Board of Supervisors for a term of five (5) years. The Board shall annually elect its own chairperson, or in his/her absence, the acting chairperson may administer oaths and compel the attendance of witnesses. There shall be a fixed place of meeting and all meetings shall be open to the public. The presence of three (3) members shall be necessary to constitute a quorum. The vote of the three (3) members shall be necessary on all matters upon which it is required to pass under the provisions of this Ordinance. On all appeals, applications, and other matters brought before the Board, the Zoning Administrator shall inform, in writing within ten (10) days, all the parties involved of its decisions and the reasons therefore.

Members of the Board of Adjustment may be removed from office by the Board of Supervisors for cause upon written charges and after a public hearing. Vacancies shall be filled by the Board of Supervisors for the unexpired term of a member.

- 6.12 Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson or in his absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public and shall comply with the Iowa open meetings law.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official additions, all of which shall be a public record and be filed within seven (7) days in the Office of the Board of Adjustment.

- 6.13 Hearings, Appeals, Notice. Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the County affected by any decision of the Administrative Officer. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days or such lesser period as may be provided by the rules of the Board of Adjustment by filing with the Administrative Officer and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

A fee (established by the Clayton County Board of Supervisors), shall be paid to the Administrative Officer at the time the notice of appeal is filed, which the Administrative Officer shall forthwith pay over to the credit of the general fund of the County.

The fee for the renewal of a variance or a special exception which carries a time limit shall be waived unless changes in the agreements are noted. The fee for a hearing when changes are noted in a variance or special exception shall be the fee, as set for a "Special Board of Adjustment."

- 6.14 Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him/her, that by reason of facts, stated in the certificate, a stay would, in his/her 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 Administrative Officer from whom the appeal is taken and on due cause shown.
- 6.15 The 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 Administrative Officer in the enforcement of this ordinance.
  2. Special Exceptions: Conditions Governing Applications, Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; 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 ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance. A special exemption 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 ordinance under which the special exception is sought and stating the grounds on which it is requested.
    - b. Notice shall be given at least four (4) and no more than twenty (20) days, (Chapter 362.3, Code of Iowa), in advance of the public hearing by publication in a newspaper of general circulation in the County.
    - c. The public hearing shall be held. Any party may appear in person, or by agent or attorney. A complete record of the hearing shall contain the following:
      - (1) The original application.
      - (2) The records of any action on this request by an administrative official.
      - (3) Proof of notice to required parties and proof of publication. The names and addresses of all property owners within five hundred (500) feet of the exterior

boundaries of the property for which the special exception is required indicating their approval or denial, will be contacted by mail for the purpose of a courtesy notice of the public hearing.

- (4) All relevant information, including but not limited to, maps, drawings, and/or photographs.
  - (5) The legal notice must be published in at least one official county newspaper and a courtesy copy of the legal notice should also be published in a local newspaper from where the request is being made.
- d. The final decision shall include the findings of fact and the conclusions reached by the Board of Adjustment. The decision must be in writing and include all conditions that may be associated with the decision. The decision should not be a mere conclusion or statement. Each decision shall be accompanied by specific findings of fact. These findings should be related to the specific standards stating the ordinance which the applicant must satisfy. If the items in Section 6.15(2) are not followed by the Board of Adjustment, their decisions shall become null and void.

In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance and punishable under Section 6.4 of this Ordinance. The Board of Adjustment may prescribe a time limit within the action for which the special exception is required, shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

3. Variances: Conditions Governing Application, Procedures. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. Under no circumstances shall the Board grant a use variance. Variances shall only be granted for changes in the dimensional requirements of the ordinance including yard requirements, setback lines, frontage and height requirements, and density regulations. A variance from the terms of this ordinance 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 the 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 ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
    - (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 ordinance to other lands, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
  - (5) The names and addresses of all property owners within five hundred (500) feet of the exterior boundaries of the property for which the variance is required indicating their approval or denial will be contacted by mail for the purpose of a courtesy notice of the public hearing.
  - (6) The legal notice must be published in at least one official county newspaper and a courtesy copy of the legal notice should also be published in a local newspaper from where the request is being made.
- b. Notice of public hearing shall be given as in Section 6.15(2b) above.
  - c. The public hearing shall be held. Any party may appear in person, or by agent or attorney. A complete record of the hearing shall contain the following:
    - (1) The original application.
    - (2) The records of any action on this request by an administrative official.
    - (3) Proof of notice to required parties and proof of publication. The names and addresses of all property owners within three hundred (300) feet of the exterior boundaries of the property for which the special exception is required indicating their approval or denial will be contacted by mail for the purpose of a courtesy notice of the public hearing.
    - (4) All relevant information, including but not limited to, maps, drawings, and/or photographs.
  - d. The Board of Adjustment shall make findings that the requirements of Section 6.15(3a) have been met by the applicant for a variance.
  - e. The final decision shall include the findings of fact and the conclusions reached by the Board of Adjustment. The decision must be in writing and include all conditions that may be associated with the decision. The decision should not be a mere conclusion or statement.

Each decision shall be accompanied by specific findings of fact. These findings should be related to the specific standards stating the ordinance which the applicant must satisfy. If the items in Section 6.15(3) are not followed by the Board of Adjustment, their decisions shall become null and void.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance and punishable under Section 6.4 of this Ordinance. The Board of Adjustment may prescribe a time limit within the action for which the variance is required, shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set, shall void the special exception.

- 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 ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Under no circumstances shall the Board grant a use variance. Variances shall only be granted for changes in the dimensional requirements of the ordinance including yard requirements, setback lines, frontage and height requirements, and density regulations.

- 6.16 Decisions of the Board of Adjustment. In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made. The vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in application of this ordinance.

A rehearing can only occur after the following:

1. During a scheduled hearing a motion to reconsider is made by a board member and carried by not less than four affirmatives.
  2. Substantial new evidence must be submitted.
  3. At least six (6) months have elapsed since the appeal was defeated.
  4. The case shall then be placed on the agenda for the next available date for rehearing.
- 6.17 Changes and Amendments. The regulations imposed and the districts created by this ordinance may be amended from time to time by the Board of Supervisors and after a report has been made upon the amendment by the commission. At least four (4) and no more than twenty (20) days, (Chapter 362.3, Code of Iowa), notice of the time and place of such hearing shall be published in a newspaper having general circulation in the county. In case the Commission does not approve the change; or, in the case of a protest filed with the Board of Supervisors against a change in district boundaries signed by the owners of twenty percent, (20%) or more of the property which is located within five hundred (500) feet of the exterior boundaries of the property for which the change or repeal is proposed, such amendment shall not be passed except by the favorable vote of the majority of the Board of Supervisors.

If the property is rezoned, and the property is not developed for eligible uses in whole or in part, within one (1) year from such rezoning, the Planning and Zoning Commission may, after seven (7) days notice, in writing, to the then-recorded owner of said land providing a reasonable opportunity to be heard, initiate and recommend to the Board of Supervisors that said land be rezoned to its previous zoning classification.

- 6.18 Style of Amendment. Amendments, supplements, or changes of the boundaries of districts as shown on the official zoning map shall be made by an ordinance amending the zoning ordinance, shall refer to the official zoning map, and shall set out the identification of the area affected by legal description and identify the zoning district as it exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the County Recorder as other ordinance and the official zoning map changed as provided in Section 6.19. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend it. The official zoning map, as amended, shall be the final authority to the current zoning status of land and water areas, buildings, and other structures in the county.
- 6.19 Change of Zoning District Boundaries, Application and Procedures. Any person, group, or corporation may submit to the Zoning Administrator, an application requesting a change in the zoning district boundaries as shown on the Official Zoning Map.
1. Such application shall be filed with the Zoning Administrator accompanied by a fee as established by the Clayton County Board of Supervisors and shall contain the following information:
    - a. The legal description and local address of the property.
    - b. The present zoning classification and the zoning classification requested for the property.
    - c. The existing use and proposed use of the property.
    - d. The names and addresses of all property owners within five hundred (500) feet of the exterior boundaries of the property for which the change is requested will be contacted by mail for the purpose of a courtesy notice of the public hearing.
    - e. A statement of the reasons supporting the request for a zoning district Change.
    - f. A plat showing the locations, dimensions and use of the applicant's property and all property within five hundred (500) feet of the exterior boundaries thereof, including streets, alleys, railroads and other physical features.

All fees shall be deposited to the general revenue fund of the County. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

2. Upon receipt of the application by the Administrative Officer, a copy shall be forwarded to the Commission with all other pertinent material for the request seven (7) days prior to the meeting for study and recommendation. The Commission shall, prior to making a recommendation, determine the following:
  - a. Whether or not the current district classification of the property to be rezoned is valid.
  - b. Whether there is a need for additional land zoned for the purpose requested.
  - c. Whether the proposed change is consistent with the current land use plan, considering such factors as:
    - (1) Whether the rezoning would result in a population density or development which would, in turn, cause a demand for services and utilities in excess of the capacity planned for the area, and

(2) Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets and/or roads in the vicinity.

- d. Whether there is an intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.

The Planning and Zoning Commission, with the approval of the Board of Supervisors, may contract with professional consultants, regional planning commissions, the Iowa Department of Economic Development, or the federal government for local planning assistance.

3. The Zoning Administrator shall report the Commission's determinations and recommendations to the Board of Supervisors within seven days. The supervisors shall then hold a public hearing as provided in Section 6.18 of this ordinance.

6.20 Board of Supervisor Conditions. Pursuant to Chapter 335.7, Code of Iowa, "an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the Board of Supervisors 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."

6.21 Separability Clause. Should any section or provision of this ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

6.22 Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

6.23 Effective Date. THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AFTER ITS PASSAGE AND PUBLICATION AS PROVIDED BY LAW.

PASSED THIS 27<sup>TH</sup> DAY OF MAY, 1997, A.D.