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Chapter 1

Basic Provisions

SECTION:

- 1.101 Title
- 1.102 Repeal and Saving Clause
- 1.103 Validity and Severability Clause
- 1.104 Conflict with Other Laws
- 1.105 Zoning Districts Map
- 1.106 Application of Regulations

1.101. SHORT TITLE: This Ordinance shall be known and may be cited as: "The County of Buena Vista Zoning Ordinance".

1.102. REPEAL AND SAVINGS CLAUSE: Effective on the Effective Date of this Ordinance the Buena Vista County Zoning Ordinance, enacted June 13th, 1966 is repealed. The repeal of said Ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said Ordinance or any part thereof, and such Ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

1.103. VALIDITY AND SEVERABILITY CLAUSE: If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

1.104. CONFLICT WITH OTHER LAWS:

- (A) Where any condition imposed by any provision of this Ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of an Ordinance adopted under any other law, or by provision of any Statute, the provision which is more restrictive or which imposes a higher standard or requirement shall apply.
- (B) This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of

this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

1.105. ZONING DISTRICTS MAP: The Board of Supervisors shall cause to be prepared and approved, an official Zoning Districts Map showing the various districts, which may be changed or corrected from time to time as recommended by the Planning Commission and enacted by the Board of Supervisors. The map shall be kept up to date by the Zoning Administrator and will be placed in the Board of Supervisors room at the County Building; also a similar map shall be prepared and placed in a convenient place in the office of the Buena Vista County Recorder of Deeds for reference at any time.

- (1) Official Map: The Official Zoning Districts Map shall be that Zoning Map on file in the Board of Supervisors Room of the County and all references hereafter to said official map shall mean the map just referred to, said map by this reference being made a part of this Zoning Title.
- (2) Districts: The Board of Supervisors shall divide the Official Zoning Districts Map of the County into districts or zones, as follows:

A	-	Agricultural Districts
MH	-	Mobile Home District
R-1	-	Residential District
R-2	-	Residential District
C-1	-	Commercial District
I-1	-	Industrial District
- (3) Boundaries: The zones shall show each zone in a certain place on the Zoning Districts Map and by different colors or shades, which also will show its boundaries in relation to the others and classify its uses under regulations as provided in this Title.

1.106. APPLICATION OF REGULATIONS: No structures or building or part thereof shall be erected, constructed, reconstructed, remodeled, converted, altered, enlarged, extended, raised, moved or used, and no land shall be used except in conformity with the regulations herein prescribed for the district in which such building or land may be situated and until a zoning compliance permit has been issued by the Zoning Administrator as provided herein.

- (1) The principal building on a lot shall front on a street or a public place.
- (2) No yard, or other open space provided about any building for the purpose of complying with the provisions of this Code shall be considered as providing a yard or open space for any other building, nor shall the lot

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area per family be reduced in any manner except in conformity with the area regulations herein established for the district in which such building is located.

- (3) The depths of front yards or rear yards and width of side yards shall be measured from the lot line to the nearest point of the adjacent building wall of the building under consideration.
- (4) No lot shall hereafter be so reduced in area that any required yard, court or other open space will be smaller than is prescribed in this Title for the District in which it is located.
- (5) No accessory building in the rear of any principal building on the same interior or corner lot shall be used for residence purposes.
- (6) Any portion of a building, which is covered by a roof, shall be considered as a part of the building.
- (7) The owner of a corner lot may elect to front the principal building on such lot on either of the two (2) streets upon which the corner lot abuts, provided that the principal entrance to such building shall open on the street so selected. Where any such election is manifestly contrary to the established character or the welfare of the neighborhood, the Zoning Administrator shall thereupon refer the case to the Board of Adjustment for determination.

Chapter 2

Definitions/Use Classifications

SECTION:

2.101: Definitions

2.102: Use Classifications

2.101. DEFINITIONS: For the purpose of interpreting this code, certain words, terms and expressions are herein defined. Words used in the present tense include the future; the singular number includes the plural and the plural includes the singular; the word "may" is discretionary and the word "shall" is always mandatory.

ADDITION: Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

ALLEY: The word "alley" shall mean a public thoroughfare not more than twenty-two feet (22') in width, for the use of vehicles, which has been dedicated or deeded to the public for its use.

ALTERATION: The term "alteration" shall mean any change in the supporting members of a building, such as bearing walls, partitions, columns, beams or girders. The enlargement of the size or height of a building shall be construed to be a structural alteration.

ATTACHED: Having one or more walls common with a principal building, or joined to a principal building by a covered porch or passageway, the roof of which is a part or extension of a principal building.

BASEMENT: The word "basement" shall mean a story partly underground but having at least one-half (1/2) of its height above the curb level, and also one-half (1/2) of its height above the highest level of the adjoining ground. A basement shall be counted as a story under the provisions of this Code.

BOARDING OR LODGING HOUSE: The terms "boarding or lodging house" shall mean a building, other than a hotel, where meals are regularly served or lodging furnished for compensation to more than five (5) persons not members of the family residing therein.

BUILDING: The word "building" shall mean a structure having a roof supported by columns or walls for shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building. The word "building" includes the word "structure".

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BUILDING, ACCESSORY: The term "building, accessory" shall mean any building which is subordinate to the main building on the lot, not attached thereto and used for purposes customarily incidental to those of the main building. Private garages are accessory buildings.

BUILDING, HEIGHT OF: The term "building, height of" shall mean the vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING LINE: The term "building line" shall mean the setback distance from the front property line, rear lot line, and width of side lot lines as provided in the Code.

BUILDING WALL: The term "building wall" shall mean the wall of the principal building forming a part of the main structure. The foundation walls of enclosed porches or piazzas, steps, walks and retaining wall or similar structures, shall not be considered as building walls under the provisions of this Code.

CELLAR: The word "cellar" shall mean a story having more than one-half (1/2) of its height below the curb level, or below the highest level of the adjoining ground. A cellar shall not be considered as a story for the purpose of this Code.

DETACHED: Fully separated from any other building, or joined to another building by structural members not constituting an enclosed or covered space.

DRIVE-IN SERVICE: A feature or characteristic of a use involving sale of products or provision of services to occupants in vehicles, including drive-in or drive-up windows and drive-through services such as mechanical automobile washing.

DRIVEWAY: A permanently surfaced area providing vehicular access between a street and an off-street parking or loading area.

DWELLING: The word "dwelling" shall mean any building or portion thereof, which is designed, or used exclusively for residential purposes but not including a tent, cabin trailer or mobile home.

DWELLING, SINGLE FAMILY: The term "dwelling, single family" shall mean a detached building that is arranged, designed or intended to be occupied as the residence of a single family and having no party wall in common with an adjacent house or houses.

DWELLING, TWO FAMILY: The term "dwelling, two " shall mean a detached building that is arranged, designed or intended to be occupied as the residences of two (2) families or housekeeping units living independently of each other.

DWELLING, MULTI-FAMILY: The term "dwelling, multi-family" shall mean an apartment house or dwelling used or intended to be used or occupied as the residence of three (3) or more families or housekeeping units living independently of each other.

FAMILY: The word "family" shall mean a group of individuals living and cooking together on the premises as one housekeeping unit, but a family shall not include a group of more than (5) individuals not related by blood or marriage.

FARM: The word "farm" shall mean an area of ten (10) acres or more, which is used for the growing of the usual farm products such as vegetables, fruits, trees and grain, and their storage on the area as well as for the raising thereon of the usual farm poultry and farm animals. The term "farming" includes the operating of such an area for one (1) or more of the above uses including the necessary accessory uses for treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities and provided further that farming does not include the feeding of garbage or offal to swine or other animals.

GARAGE, PRIVATE: The term "garage, private" shall mean an accessory building or portion of a building in which one or more motor vehicles are housed, but in which no business services or industry connected with motor vehicles is carried on other than leasing of space.

GRADE: The lowest horizontal elevation of the finished surface of the ground, paving, or sidewalk at a point where height is to be measured.

HOME OCCUPATION: An accessory occupation use conducted entirely within a dwelling unit by the inhabitants thereof, which is clearly incidental to the use of the structure for residential purposes and does not change the residential character of the site.

LANDSCAPED: An area devoted to or developed predominantly with plant material or natural landscape features, including lawn, ground cover, gardens, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, water features, paved or decorated surfaces or rock, stone, brick, block or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements, provided that the use of brick, stone aggregate, or other inorganic materials shall not predominate over the use of plant material.

LOADING SPACE: An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.

LOT: The word "lot" shall mean a parcel of land under one ownership on which a principal building and its accessories are placed, together with the required open

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spaces, having its frontage upon one or more streets or on an officially approved place.

LOT AREA: The net horizontal area within bounding lot lines, but excluding any portion of a flag (panhandle) lot providing access to a street and excluding any public or private easement or right of way providing access to another lot not to exclude utility easements.

LOT (Lakeshore): The term "lot (lakeshore)" shall mean a parcel of land under one (1) ownership on which a principal building and its accessories are, or may be placed, together with the required open spaces, having frontage on a natural or man made impoundment or flowage of water.

LOT, CORNER: The term "lot, corner" shall mean lots conforming to the requirements of the following specified conditions under the provisions of this Code:

1. A lot fronting on two (2) intersecting streets which form an interior angle one hundred thirty-five (135) degrees or less and which lot has a frontage of not less than twenty-five feet (25') on each of such streets.
2. A lot located at the angle in a street where the interior angle formed by the intersection of the street lines is one hundred thirty-five (135) degrees or less and which lot has a frontage of not less than twenty-five (25') on each leg of such angle.
3. Double Front set-backs on corner lots.

LOT COVERAGE OR BUILDING COVERAGE: The area of a lot covered by buildings or roofed areas, but excluding incidental projecting eaves, balconies, and similar features and excluding ground level paving, landscaping, and open recreational facilities.

LOT DEPTH: The term "lot depth" shall mean the distance from the front lot line to the rear lot line. In the case of a lot of irregular shape, the mean depth shall be the lot depth.

LOT WIDTH: The term "lot width" shall mean the distance between the side lot lines. In the case of a lot of irregular shape, the mean width shall be the lot width.

LOT INTERIOR: The term "lot interior" shall mean a lot other than a corner lot.

LOT THROUGH: The term "lot through" shall mean a lot running through the block from street to street.

LOT LINE, FRONT: In the case of an interior lot abutting on only one street, the "front lot line" is the street line of such street. In the case of any other lot, it may be such

street line as is elected by the owner to the "front lot line" for the purpose of this Code, provided that the principal entrance to such building shall be on the street so selected. The exception to this definition is a lakeshore lot.

LOT LINE, REAR: The term "lot line, rear" shall mean that boundary line which is opposite and most distant from the front lot line.

LOT LINE, SIDE: The term "lot line, side" shall mean any boundary line not a front line or a rear line.

MOBILE HOME: "Mobile home" means 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 also include any such vehicle with motive power not registered as a motor vehicle in Iowa.

MOBILE HOME PARK: "Mobile home park" shall mean any site, lot, field or tract of land upon which two or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.

The term "mobile home park" shall not be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

MOBILE HOME SPACE: An area within a mobile home park, which is designed for and designated as the location for a single mobile home and the exclusive use of its occupants.

MODULAR HOME: "Modular home" means a factory-built structure which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles.

NONCONFORMING USE: A lawful use of any land, building, or structure, other than a sign, that does not conform to currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.

NUISANCES: The word "nuisances" shall mean anything improper, offensive and injurious.

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OCCUPANCY: The word "occupancy" shall mean the purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

PARKING FACILITY: An area on a lot or within a building, or both, including one or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, and meeting the requirements established by this ordinance. The term "parking facility" shall include parking lots, garages, and parking structures.

PARKING SPACE: An area on a lot or within a building, used or intended for use for parking of a motor vehicle, having permanent means of access to and from a public street or alley independently of any other parking space, and located in a parking facility meeting the requirements established by this ordinance. The term "parking space" is equivalent to the term "parking staff" and does not include driveways, aisles, or other features comprising a parking facility.

PORCH, OPEN: The term "porch, open" shall mean a roofed structure, open on two (2) or more sides, projecting from the front, side or rear wall of the building.

PUBLIC NOTICE: The term "public notice" shall mean the publication of the time and place of any public hearing not less than four (4) and not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the County.

RECREATIONAL VEHICLE: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. The term recreational vehicle shall include, but shall not be limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.

RESIDENTIAL CONVENIENCE SERVICE: A use or activity of a commercial nature conducted as an accessory use to multiple family residential or mobile home park residential use, and intended solely for the convenience of residents thereof.

ROOM HABITABLE: The words "room habitable" shall mean a habitable room which provides a required area and window area to provide necessary light and ventilation of occupants and shall be clean and sanitary at all times.

SETBACK LINE: A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and governing the placement of structures and uses on the lot.

SITE PLAN: A plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and uses, and the principal site development features including parking, access, and landscaping and screening, proposed for a specific parcel of land.

STORY: The word "story" shall mean that part of any building comprised between any floor and the floor or attic next above; the first story of a building is the lowest story having at least one-half (1/2) of its height above the highest level of adjoining ground.

STREET, FRONT: The term "street, front" shall mean the street or public place upon which a plot abuts. If a plot abuts upon more than one street or public place it shall mean the street designated as the front street in the owner's application for a building permit.

STREET, LINE: The term "street, line" shall mean the dividing line between a lot and a public street, alley or place.

STREET, PUBLIC: The term "street, public" shall mean a public thoroughfare twenty-two feet (22') or more in width.

STREET, WALL: The term "street, wall" shall mean the wall of the building nearest the street under consideration.

STRUCTURE: The word "structure" shall mean that which is built or constructed and composed of parts joined together in a definite manner.

STRUCTURE, ACCESSORY: This shall refer to any structure subordinate to the main building or other buildings or structures on the lot, not attached thereto and used for purposes incidental to those of the main building. Examples include radio and television antennas, solar collectors, and wind generators.

SUBSTANDARD LOT: A lot of record that does not comply with currently applicable minimum area, width, or depth requirements for the district in which it is located, but which complied with applicable requirements when it was placed on record.

TOWNHOUSE: A dwelling unit having a common wall with or abutting one or more adjoining dwelling units in a townhouse group.

TOWNHOUSE GROUP: Two or more contiguous townhouses having common or abutting walls.

TOWNHOUSE LOT: That portion of the total development site of a townhouse

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residential use intended for separate ownership as the location of a single townhouse and associated private yard area.

USE: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

1. Accessory Use: A use or activity, which is incidental to and customarily associated with a specific principal use on the same site.
2. Principal Use: A use, which fulfills a primary function of a household, establishment, institution, or other entity.
3. Permitted Use: A use listed by the regulations for any particular district as a permitted use within that zone, and permitted therein as a matter of right when conducted in accord with the regulations established by this ordinance.
4. Special Exception Use: A use listed by the regulations for any particular district as a conditional use within that district and allowable therein, solely on a discretionary and conditional basis subject to a Special Exception Use Permit, and to all other regulations established by this ordinance.

VALUATION: The word "valuation" shall mean the estimated cost to replace a building, based on current cost of replacement.

YARD: A required open space on a lot adjoining a lot line, containing only landscaping and such uses and facilities as may be permitted by this ordinance.

1. Front Yard. A required yard extending the full width of a lot between the front lot line and the front setback line.
 2. Interior Yard. Any required yard, not adjacent to a street, which is determined on the basis of an interior lot line.
 3. Rear Yard. A required yard extending the full width of a lot between the rear lot line and the rear setback line, but excluding any area located within the street side yard of a corner lot.
 4. Side Yard. A required yard extending the depth of a lot from the front yard to the rear yard between the side lot line and the side setback line. In the case of a corner lot, the street side yard shall extend from the front yard to the rear lot line.
 5. Street Yard. Any required yard adjacent to a street and which is
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determined on the basis of a street lot line.

2.102 USE CLASSIFICATIONS: The purpose of the Use Classifications shall be to provide a consistent set of terms encompassing and defining uses permitted or specially excepted in the various districts, and to provide a procedure for determination of the applicable use classification of any activity not clearly within any defined use classification. In the event of any question as to the appropriate use classification of any existing or proposed use or activity, the Zoning Administrator shall have the authority to determine the appropriate classification, subject to the right of appeal pursuant to Chapter 10. In making such determinations, the Zoning Administrator shall consider the characteristics of the particular use in question, and shall consider any functional, product, service, or physical facility requirements common with or similar to uses cited as examples of use classifications.

- (1) General Description of Residential Use Types: Residential use types include the occupancy of living accommodations on a wholly or primarily nontransient basis but exclude institutional living arrangements involving those providing 24-hour skilled nursing or medical care and those providing forced residence, such as asylums and prisons.
 - a. Single Family Residential: The use of a site for only one dwelling unit.
 - b. Duplex Residential: The use of a site for two dwelling units within a single building.
 - c. Two Family Residential: The use of a site for two dwelling units, each in a separate building.
 - d. Townhouse Residential: The use of a site for four or more townhouse dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site, together with common area serving all dwelling units.
 - e. Condominium Residential: The use of a site for three or more dwelling units intended for separate ownership, together with common area serving all dwelling units.
 - f. Multiple Family Residential: The use of a site for three or more dwelling units, within one or more buildings.
 - g. Group Residential: The residential occupancy of living accommodations by groups of more than five (5) persons not

defined as a family on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, or boarding houses.

h. Mobile Home Residential: The residential occupancy of mobile homes by families on a weekly or longer basis. Uses only include mobile home parks or mobile home subdivisions.

(2) General Description of Commercial Use Types: Commercial use types include the sale, rental, service, and distribution of goods; and the provision of services other than those classified as Industrial or Civic Uses.

a. Administrative and Business Offices: Office of private firms or organizations, which are primarily used for the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.

b. Agricultural Sales and Services: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores, and tree service firms.

c. Automotive and Equipment Services: Establishments or places of business primarily engaged in automotive-related or heavy equipment sales or services. The following are automotive and equipment use types:

1. Automotive Washing: Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes.

2. Service Station: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.

3. Commercial Off-Street Parking: Parking of motor vehicles

on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.

4. Automotive Rentals: Rental of automobiles, noncommercial trucks, trailers, and recreational vehicles, including incidental parking and servicing of vehicles available for rent or lease. Typical uses include auto rental agencies, trailer rental agencies, and taxicab parking and dispatching.
5. Automotive Sales: Sales or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motor cycle dealerships, and boat, trailer, and recreational vehicle dealership.
6. Equipment Sales: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
7. Automotive Repair Services: Repair of automobiles, noncommercial truck, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.
8. Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling or salvage.
9. Vehicle Storage: Long term storage of operating or non-operating vehicles. Typical uses include storage of private parking towaways or impound yards, but exclude dismantling or salvage.

- d. Building Maintenance Services: Establishments primarily engaged

in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

- e. Business Support Services: Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but exclude automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.
 - f. Business or Trade School: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
 - g. Cocktail Lounge: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses.
 - h. Commercial Recreation: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:
 - 1. Indoor Sports and Recreation: Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, penny arcades.
 - 2. Outdoor Sports and Recreation: Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and racquetball courts.
 - 3. Indoor Entertainment: Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls, and dance halls.
 - 4. Outdoor Entertainment: Predominantly spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities, amusement parks.
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- i. Communications Services: Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Major Utility Facilities. Typical uses include television studios, telecommunication service centers or telegraph service offices.
 - j. Construction Sales and Services: Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale, from the premises, of materials used in construction of building or other structures other than retail sale of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Services use types. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.
 - k. Consumer Repair Services: Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding Automotive and Equipment use types. Typical uses include appliance repair shops, watch or jewelry repair, or musical instrument repair firms.
 - l. Convenience Storage: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.
 - m. Financial Services: Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities, and similar services.
 - n. Food Sales: Establishment or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
 - o. Funeral Services: Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
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- p. General Retail Sales: Sale or rental of commonly used goods and merchandise for personal or household use, but excludes those classified more specifically in this Section inclusive. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, house hold electronic equipment, records, sporting equipment, kitchen utensils, home furnishings and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories (excluding service and installation).
 - q. Kennels: Boarding and care services for dogs, cats, and similar small animals. Typical uses include boarding kennels, pet motels, or dog training centers.
 - r. Laundry Sales: Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.
 - s. Liquor Sales: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include state liquor stores, bottle shops, or any licensed sales for off-site consumption.
 - t. Medical Offices: A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans licensed for such practice by the State of Iowa.
 - u. Personal Improvement Services: Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of nonprofessional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
 - v. Personal Services: Establishments or places of business primarily
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engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, shoe repair shops, and self-service laundry or apparel cleaning services.

- w. Pet Services: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons, or pet grooming shops.
- x. Professional Office: A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions.
- y. Research Services: Establishments primarily engaged in research of an industrial or scientific nature but excluding products testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.
- z. Restaurant (Convenience): A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on premise consumption. Typical uses include soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.
- aa. Restaurant (General): A use engaged in the preparation and retail sales of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than 50 percent of the gross income. A general restaurant may include live entertainment. Typical uses include restaurants, coffee shops, dinner houses, and similar establishments with incidental alcoholic beverage service.
- bb. Scrap and Salvage Services: Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials, which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards or paper salvage yards.
- cc. Stables: Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include boarding stables or public stables.
- dd. Veterinary Services: Veterinary services for animals. Typical uses

include pet clinics, dog and cat hospitals, and veterinary hospitals.

ee. Visitor Habitation: Establishments primarily engaged in the provision of lodging services on a less-than-weekly basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:

14. Campground: Campground facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.

15. Hotel-Motel: Lodging services involving the provision of room and/or board. Typical uses include hotels, motels or transient boarding houses.

(3) General Description of Industrial Use Types: Industrial use types include the on-site extraction or production of goods by methods not agricultural, and storage and distribution of products.

a. Basic Industry: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes, which potentially involve hazardous or commonly recognized offensive conditions.

b. Custom Manufacturing: Establishments primarily engaged in the on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight (8) kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle making shops or custom jewelry.

c. Light Manufacturing: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

d. Resource Extraction: A use involving the on-site extraction of

- surface mineral products or natural resources. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
- e. Stockyards: Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales or auction yards.
 - f. Warehousing and Distribution: Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage warehouses or moving and storage firms.
 - 1. Limited Warehousing and Distribution: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses or moving and storage firms.
 - 2. General Warehousing and Distribution: Open air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, grain elevators or open storage yards.
- (4) General Description of Civic Use Types: Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance.
- a. Administrative Services: Offices, administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.
 - b. Aviation Facilities: Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.
 - c. Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such

cemetery.

- d. Club or Lodge: A use providing meeting, recreational, or social facilities for private or non-profit association, primarily for use by member and guests. Typical uses include private social clubs and fraternal organizations.
- e. College and University Facilities: An educational institution of higher learning, which offers a course of study designed to culminate in the issuance of a degree.
- f. Community Recreation: A recreational facility for use by residents and guests of a particular residential development, planned unit development or limited residential neighborhood, including both indoor and outdoor facilities.
- g. Convalescent Services: A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services, and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.
- h. Cultural Services: A library, museum, art gallery, or similar nonprofit use affording display, preservation and exhibition of objects of permanent interest in one or more of the arts and sciences.
- i. Day Care Services (Limited): A facility, or use of a building or portions thereof, for daytime care of six (6) or fewer individuals. This term includes nursery schools, pre-schools, day care centers for children or adults, and similar uses.
- j. Day Care Services (General): A facility, or use of a dwelling unit or portion thereof, for daytime care of seven (7) or more individuals. This term includes nursery schools, pre-schools, day care centers or children or adults, and similar uses.
- k. Detention Facilities: A publicly operated use providing housing and care for individuals confined by law.
- l. Guidance Services: A use providing counseling, guidance, recuperative, vocational, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition, either on a

residential or daytime care basis.

- m. Hospital Services: A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
- n. Local Utility Services: Services which are necessary to support principal development and involve only minor structures such as lines and poles which are necessary to support principal development.
- o. Maintenance and Service Facilities: A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage, and similar activities, including corporation's yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.
- p. Major Utility Facilities: Communication Towers, antennas, Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants, and similar facilities of public agencies or public utility firms having potentially significant impact upon surrounding uses.
- q. Military Installations: Military facilities of the federal or state governments.
- r. Park and Recreation Services: Publicly owned and operated parks, playgrounds, recreation facilities, and open spaces.
- s. Postal Facilities: Postal services, including post offices, bulk mail processing or sorting centers, operated by the United States Postal Service.
- t. Primary Educational Facilities: A public, private, or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the State of Iowa.
- u. Public Assembly: Publicly owned or operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums,

convention facilities, fairgrounds, and exhibition facilities.

- v. Railroads Facilities: Railroad yards, equipment servicing facilities, and terminal facilities.
 - w. Religious Assembly: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, but excluding primary or secondary educational facilities.
 - x. Residential Care Services: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or care for extended periods.
 - y. Safety Services: Facilities for conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
 - z. Secondary Educational Facilities: A public, private or parochial school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the State of Iowa.
 - aa. Transportation Terminal: A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of transportation, including bus terminals, railroad stations, airport terminals, and public transit facilities.
- (5) General Description of Agricultural Use Types: Agricultural use types include the on-site production of plant and animal products by agricultural methods.
- a. Horticulture: The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales. Typical uses include wholesale plant nurseries and greenhouses.
 - b. Crop Production: The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including incidental packing and processing.
 - c. Animal Production: The raising of animals or production of animal
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products such as eggs or dairy products, on an agricultural or commercial basis. Typical uses include grazing, ranching, dairy farming, poultry farming, and the raising of fur bearing animals.

- d. Support Housing: The occupancy of any living accommodations by agricultural employees and their families, without regard to duration, which occurs exclusively in association with the performance of agricultural labor.

Chapter 3

A - Agricultural Districts

SECTION:

- 3.101 Use Regulations
- 3.102 Special Exception
- 3.103 Site Development Regulations A-1 District
- 3.104 Site Development Regulations A-2 District

3.101. USE REGULATIONS: Within the A-1 (Prime Agricultural) and A-2 (Limited Agricultural) Districts unless otherwise provided, no building or land shall be used for other than one or more of the following procedures:

- 1) Residential Uses
Single Family Residential
- 2) Commercial Uses
Stables (A-1) Only
- 3) Industrial Uses
Stockyards (A-1) only
- 4) Civic Uses
Cemeteries, Churches, &
Other Religious
Affiliations
Local Utility Services
Railroad Facilities
Religious Assembly
- 5) Agricultural Uses
Horticulture
Crop Production
Animal Production
Support Housing
Private Stables

3.102. SPECIAL EXCEPTION: The following uses and structures may be permitted in the A-1 and A-2 Agricultural Districts subject to approval of the Board of Adjustment:

- 1) Residential Uses
- 2) Commercial Uses

Agricultural Sales and Services
 Commercial Recreation -
 Outdoor Sports and Recreation
 Veterinary Services
 Visitor Habitation-Campgrounds

3) Industrial Uses
 Resource Extraction

4) Civic Uses
 Aviation Facilities
 Major Utility Facilities
 Park and Recreation Services

5) Agricultural Uses

3.103. SITE DEVELOPMENT REGULATIONS. Each site in the A-1 Prime Agricultural District shall be subject to the following site development regulations.

<u>Feature</u>	<u>Regulation</u>
Lot Area	Minimum lot area, 25 acres Lot
Width	Minimum lot width, 330 feet
Residential Density	Not more than one dwelling unit per lot
Height	Maximum height, 40 feet for dwellings and non-farming buildings and structures
Front Yard	Minimum required setback, 50 feet
Street Side Yard	Minimum required setback, 50 feet
Interior Side Yard	Minimum required setback, 15 feet
Rear Yard	Minimum required setback, 50 feet

3.104. SPECIAL EXCEPTION. A developed building site including a habitable dwelling unit in the A-1 Prime Agricultural District may be parceled into a lot of 1 or more acres and sold separately from the surrounding or adjacent tract. All other regulations listed in Section 3.103, with the exception of the establishment of a minimum lot area, shall apply.

3.105. SITE DEVELOPMENT REGULATIONS. Each site in A-2 Limited Agriculture District shall be subject to the following site development regulations.

<u>Feature</u>	<u>Regulation</u>
Lot area	Minimum lot area, 1 acre, with private stables - 5 acres
Lot width	Minimum lot width, 200 feet

Zoning – 6.1.3

Residential Density	Not more than one dwelling unit per lot
Height	Maximum height, 35 feet for dwellings and non-farm buildings and structures
Front Yard	Minimum required setback, 50 feet
Street Side Yard	Minimum required setback, 50 feet
Interior Side Yard	Minimum required setback, 15 feet
Rear Yard	Minimum required setback, 35 feet

Chapter 4

"MH" Mobile Home District

SECTION:

- 4.101 Use Regulation
- 4.102 Special Exceptions
- 4.103 Site Development Regulations

4.101 USE REGULATIONS: Within the "MH" Mobile Home District, unless otherwise provided in this Title, no building or land shall be used for other than one or more of the following purposes:

- 1) Residential Uses
- 4) Civic Uses
 Mobile Home Residential Park and Recreation Services
 Local Utility Services

4.102 SPECIAL EXCEPTIONS: The following uses and structures may be permitted in the "MH" Mobile Home District subject to approval of the Board of Adjustment.

- 1) Residential Uses
 Single Family Residential
- 2) Civic Uses
 Religious Assembly
 Primary Education
 Facilities Secondary
 Education Facilities

4.103 SITE DEVELOPMENT REGULATIONS: Each site in the District shall be subject to the following site development regulations.

<u>Feature</u>	<u>Regulation</u>
Lot area	Minimum lot area, 8,500 square feet <u>with</u> public water and sewer Minimum lot area, 12,000 <u>without</u> public water or sewer Minimum lot area, 20,000 <u>without</u> public water and sewer
Lot width	Minimum lot width, 70 feet
Residential Density	Not more than one dwelling unit per lot
Height	Maximum height, 35 feet

Zoning – 6.1.4

Front Yard	Minimum required setback, 25 feet
Street Side Yard	Minimum required setback, 25 feet
Interior Side Yard	Minimum required setback, 15 feet
Rear Yard	Minimum required setback, 10 feet
Mobile Home Park	In conformance with section 1.0910
Mobile Home Subdivision	Mobile Homes must be converted to real property in conformance with section 135D.26 of the Code of Iowa

Chapter 5

"R-1" Residential District

Section:

5.101 Use Regulations

5.102 Special Exceptions

5.103 Site Development Regulations

5.101. USE REGULATIONS: Within the "R-1" Residential District, unless otherwise provided in this Title, no building or land shall be used for other than one or more of the following purposes:

- 1) Residential Uses
Single Family Residential
Two-Family Residential

- 4) Civic Uses
Park and Recreation Services

- 5) Agricultural Uses
Horticultural
Crop Production

5.102. SPECIAL EXCEPTIONS: The following uses and structures may be permitted in the "R-1" Residential District subject to the approval of the Board of Adjustment:

- 4) Civic Uses
Religious Assembly
Primary Educational Facilities
Secondary Educational Facilities

5.103. SITE DEVELOPMENT REGULATIONS: Each site in the District shall be subject to the following site development regulations.

<u>Feature</u>	<u>Regulation</u>
Lot Area	Minimum lot area, 12,000 square feet with public water or sewer Minimum lot area, 20,000 square feet without public water and sewer
Lot Width	Minimum lot width, 80 feet with public water or sewer Minimum lot width, 100 feet without public water or sewer

Zoning – 6.1.5

Height	Maximum height, 35 feet
Front Yard	Minimum required setback, 30 feet
Street Side Yard	Minimum required setback, 30 feet
Interior Side Yard	Minimum required setback, 7 feet
Rear Yard	Minimum required setback, 35 feet

Chapter 6

"R-2" Residential District

SECTION:

- 6.101 Use Regulations
- 6.102 Special Exception
- 6.103 Site Development Regulations

6.101. USE REGULATIONS: Within the "R-2" Residential District, unless otherwise provided in this Title, no building or land shall be used for other than one or more of the following purposes:

- 1) Residential Uses
 - Single Family Residential
 - Duplex Residential
 - Multi-Family Residential
 - Group Residential
 - Townhouse Residential
 - Condominium Residential

- 4) Civic Uses
 - Parks and Recreation Services
 - Local Utility Services

6.102. SPECIAL EXCEPTIONS: The following uses and structures may be permitted in the "R-2" Residential District subject to the approval of the Board of Adjustment:

- 2) Commercial Uses
 - Personal Services
 - Professional Office -
 - Convenience Storage

- 4) Civic Uses
 - Administrative Services
 - Primary Educational Facilities
 - Secondary Educational Facilities

6.103. SITE DEVELOPMENT REGULATIONS: Each site in the District shall be subject to the following site development regulations:

<u>Feature</u>	<u>Regulation</u>
Lot Area	Minimum lot area, 8,500 square feet with water and sewer

Zoning – 6.1.6

	Minimum lot area, 12,000 square feet without sewer
	Minimum lot area, 20,000 square feet without water and sewer
Lot Width	Minimum lot width, 70 feet with 8,500 square feet Lot Area
	Minimum lot width, 80 feet with 12,000 square feet Lot Area
	Minimum lot width, 100 feet, with 20,000 square feet Lot Area
Residential Density	Not more than eight (8) dwelling units per lot with a minimum lot area of 2,500 square feet per dwelling unit in addition to the lot area requirement. Calculation shall start up with the second dwelling unit.
Height	Maximum height, 45 feet
Front Yard	Minimum required setback, 30 feet
Street Side Yard	Minimum required setback, 30 feet
Interior Side Yard	Minimum required setback, 10 feet
Rear Yard	Minimum required setback, 35 feet

Chapter 7

"C-1" Commercial District

SECTION:

- 7.101 Use Regulations
- 7.102 Special Exceptions
- 7.103 Site Development Regulations

7.101. USE REGULATIONS: Within the "C-1" General Commercial District, unless otherwise provided in this Title, no building or land shall be used for other than one or more of the following purposes:

- 2) Commercial Uses
 - Administrative and Business Offices
 - Agricultural Sales and Services
 - Automotive Rentals
 - Automotive Repair Services
 - Automotive Sales
 - Automotive Washing
 - Building Maintenance Services
 - Business Support Services
 - Business or Trade School
 - Campground
 - Cocktail Lounge
 - Communication Services
 - Construction Sales and Services
 - Consumer Repair Services
 - Convenience Storage
 - Equipment Sales
 - Equipment Repair Services
 - Financial Services
 - Food Sales
 - Funeral Services
 - General Retail Sales
 - Hotel-Motel
 - Indoor Sports and Recreation
 - Indoor Entertainment
 - Kennels
 - Laundry Services
 - Liquor Sales
 - Medical Offices
 - Personal Improvement Services
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Zoning – 6.1.7

- Pet Services
- Professional Offices
- Research Services
- Restaurant (Convenience or General)
- Service Station
- Vehicle Storage
- Veterinary Services

3) Industrial Uses
Warehousing and Distribution

4) Civic Uses
Administrative Services
Club or Lodge
Day Care Services (limited)
Local Utility Services
Maintenance and Service Facilities
Park and Recreation Services
Postal Facilities
Safety Services

7.102. SPECIAL EXCEPTIONS: The following uses and structures may be permitted in the "C-1" Commercial District subject to the approval of the Board of Adjustment:

2) Commercial Uses
Outdoor Sports and Recreation
Outdoor Entertainment

3) Industrial Uses
Light Manufacturing
General Warehousing and Distribution

4) Civic Uses
Cultural Services
Day Care Services (General)
Detention Facilities
Guidance Services
Hospital Services
Primary Educational Facilities
Public Assembly
Religious Assembly
Residential Care Services

Secondary Educational Facilities
Transportation Terminals

7.103. SITE DEVELOPMENT REGULATIONS: Each site in the District shall be subject to the following site development regulations:

<u>Feature</u>	<u>Regulation</u>
Lot Area	Minimum lot area, 20,000 square feet
Lot Width	Minimum lot width, 100 feet
Height	none
Front Yard	Minimum required setback, 25 feet
Street Side Yard	Minimum required setback, 25 feet
Interior Side Yard	Minimum required setback, 10 feet. Only if abutting a Residential District.
Rear Yard	Minimum required setback, 25 feet

Chapter 8

I-1 Industrial District

SECTION:

- 8.101 Use Regulation
- 8.102 Special Exception
- 8.103 Site Development Regulations

8.101. USE REGULATIONS: Within the "I-1" Industrial District, unless otherwise provided in this Title, no building or land shall be used for other than one or more of the following purposes:

- 2) Commercial Uses
 - Administrative and Business Offices
 - Agricultural Sales and Services
 - Automotive Rentals
 - Automotive Repair Services
 - Automotive Sales
 - Automotive Washing
 - Building Maintenance Services
 - Business Support Services
 - Business or Trade School
 - Communications Services
 - Construction Sales and Service
 - Convenience Storage
 - Equipment Sales
 - Equipment Repair Services
 - Kennels
 - Laundry Services
 - Research Services
 - Vehicle Storage
 - Veterinary Services
 - 3) Industrial Uses
 - Basic Industry
 - Custom Manufacturing
 - General Warehousing and Distribution
 - Limited Warehousing and Distribution
 - Resource Extraction
 - 4) Civic Uses
 - Administrative Services
 - Aviation Facilities
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Local Utility Services
 Major Utility Services
 Maintenance and Service Facilities
 Park and Recreation Services
 Postal Facilities

8.102. SPECIAL EXCEPTIONS: The following uses and structures may be permitted in the "I-1" Industrial District subject to the approval of the Board of Adjustment:

- 2) Commercial Uses
 Outdoor Sports and Recreation
 Outdoor Entertainment
 Scrap and Salvage Services
- 3) Industrial Uses
 Stockyards
- 4) Civic Uses
 Public Assembly
 Safety Services
 Transportation Terminals

8.103. SITE DEVELOPMENT REGULATIONS: Each site in the District shall be subject to the following site development regulations:

<u>Feature</u>	<u>Regulation</u>
Lot Area	Minimum lot area, 20,000 feet
Lot Width	Minimum lot width, 100 feet
Height	Maximum height, none
Front Yard	Minimum required setback, 45 feet
Street Side Yard	Minimum required setback, 45 feet
Interior Side Yard	Minimum required setback, 50 feet, only if abutting a Residential District.
Rear Yard	Minimum required setback, 50 feet

Chapter 9

General Regulations

SECTION:

- 9.101 Accessory Uses
- 9.102 Temporary Uses
- 9.103 Off-Street Parking; Loading Space
- 9.104 Signs
- 9.105 Non Conforming Uses
- 9.106 Governmental Bodies
- 9.107 Recreational Vehicles
- 9.108 Supplemental Use Regulations
- 9.109 Mobile Home Park

9.101. ACCESSORY USES:

- (1) Purpose: The purpose of these provisions is to establish the relationship among principal and accessory uses and to establish provisions governing the conduct of accessory uses.
 - (2) Principal Use Includes Accessory Use: Principal uses specified as permitted uses or special exception uses for a district by the District Regulations shall be deemed to include accessory uses and activities identified by these regulations and such other accessory uses that are necessarily and customarily associated with and are appropriate, incidental, and subordinate to such principal uses. Accessory uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations.
 - (3) Accessory Uses - Residential Use Types: Residential use types shall include the following accessory uses, activities, and structures.
 - a. Private garages for not more than three vehicles.
 - b. Recreational activities and facilities for use by residents.
 - c. Playhouses, patios, cabanas, porches, gazebos, and incidental household storage buildings.
 - d. Radio and television receiving antennas.
 - e. Solar collectors and wind generators.
 - f. Home occupations
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- g. Keeping of dogs and cats and similar small animals as household pets.
 - h. Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental, and subordinate to a principal use.
- (4) Accessory Uses - Commercial Use Types: Commercial use types shall include the following accessory uses, activities, and structures.
- a. Any other commercial use type that is not listed as a permitted use in the same district, and complies with the following criteria.
 - 1. Is operated primarily for the convenience of employees, clients, or customers of the principal use.
 - 2. Occupies less than 10 percent of the total floor area of the principal use.
 - 3. Is located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
- (5) Accessory Uses-Industrial Use Types: Industrial use types shall include the following accessory uses, activities, and structures.
- a. Any commercial use type or any other industrial use type that is not a permitted use in the same district, and complies with the following criteria:
 - 1. Is operated primarily for the convenience of employees, clients, or customers of the principal uses.
 - 2. Occupies less than 25 percent of the total floor area of the principal use.
 - 3. Is located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
- (6) Accessory Uses - Civic Use Types: Civic use types shall include accessory uses and activities necessarily and customarily associated with the purpose and function of the civic use as a principal use, including but not limited to the following:
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- a. Refreshment stands and food and beverage sales of a convenience nature located in uses involving public assembly.
- b. Cafeterias, dining halls, and similar eating and beverage services operated incidental to principal uses and primarily for the convenience of employees, residents, clients, patients, or visitors thereof.
- c. Gift shops, newsstands, and similar commercial activities operated incidental to principal uses and primarily for the convenience of employees, residents, clients, patients, or visitors thereof.

9.102. TEMPORARY USES:

- (1) Purpose: Provisions authorizing temporary uses are intended to permit occasional, temporary uses and activities when consistent with the purposes of the Zoning Ordinance.
 - (2) Temporary Use Types: The following types of temporary use may be authorized, subject to specific limitations herein and such additional conditions as may be established by the Zoning Administrator.
 - a. Contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project.
 - b. Religious, patriotic, or historic assemblies, displays, or exhibits.
 - c. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities not closer than 200 feet to an existing dwelling.
 - d. Outdoor art and craft shows and exhibits.
 - e. Christmas tree sales lots.
 - f. Mobile home residence for occupancy by supervisory or security personnel on the site of an active construction project.
 - g. Outdoor special sales, including swap meets, flea markets, parking lot sales, or similar activities, limited to locations in commercial or industrial districts, and when operated not more than 3 days in the same week or more than 5 days in the same month.
 - h. Temporary use of mobile trailer units or similar portable structures for nonresidential uses, located in districts where the use is a
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permitted use, and limited to a maximum period of 6 months per calendar year.

- i. Seasonal retail sale of agricultural or horticultural products raised or produced off the premises, when located not closer than 200 feet to an existing dwelling.
- j. Additional temporary uses determined to be similar to the foregoing by the Zoning Administrator.
- k. Temporary signs relating to temporary uses.

(3) Required Conditions of Temporary Use:

- a. Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of temporary use upon completion or removal of the use.
- b. A temporary use conducted in a parking facility shall not occupy or remove from availability more than 25 percent of the spaces required for permanent use.
- c. The Zoning Administrator may establish such additional conditions as he deems necessary to ensure land use compatibility and to minimize potential impacts on nearby uses, including but not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup following temporary use.

(4) Determinations: The Zoning Administrator may authorize a temporary use only when, in his judgment, the following determination can be made:

- a. The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site.
- b. The temporary use will be compatible with nearby uses in the general vicinity.
- c. The temporary use will not impact public health, safety, or convenience, or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct of uses and activities in the vicinity.

(5) Application and Authorization:

Zoning – 6.1.9

- a. Application to conduct a temporary use shall be made to the Zoning Administrator, and shall include a site plan and description of the use, and such additional information as the Zoning Administrator may require to evaluate the use and to make the determination whether to approve, approve conditionally, or to deny the temporary use within 10 days after the date of application.
 - b. Application shall be made at least 20 days prior to the requested date for commencement of the temporary use, and the Zoning Administrator shall make a determination whether to approve, approve conditionally, or to deny the temporary use within 10 days after the date of application.
 - c. Authorization of a temporary use shall be by issuance of a zoning permit or a certificate of occupancy.
 - d. A temporary use authorized pursuant to these provisions shall not be exempted or relieved from compliance with any other ordinance, law, permit, or license applicable to such use.
- (6) Extension: Authorization for a temporary use may be renewed by the Zoning Administrator, upon request of the applicant, provided temporary use shall not be authorized or continued for a period of more than six months except upon a new application and authorization.

9.103. OFF STREET PARKING; LOADING SPACE:

- (1) General Parking Area and Surface Requirements: All off-street parking areas as required in this Section shall comply with the following minimum area and surface requirements.
 - a. A "parking space" shall be not less than eight feet (8') in width and not less than nineteen feet (19') in length.
 - b. Parking spaces shall be surfaced with Portland cement concrete, asphalt concrete, or equivalent hard surface; or two inch (2") thickness pit run one inch (1") screened gravel with fifteen percent (15%) binder.
 - c. Enclosed parking areas or garages, if surfaced as required in subparagraph "b" above shall qualify to meet the minimum parking space requirements under this section.
 - d. Requirements as to number and size of parking space in this

Section are minimum requirements only and shall not be construed as limitations.

- e. Penalties. Willful failure to permanently maintain and provide parking spaces as required under this Section shall be a simple misdemeanor and each day such violation continues shall be considered a separate offense.
- (2) Residential Dwellings and Other Lodgings: Parking Space on the lot occupied by the main building shall be provided as follows for each type of dwelling: Motels and Hotels, 1 space per unit; Apartment houses, 1.5 spaces per unit; Townhouses, 2 spaces per unit; and Trailer homes, 1 space per unit.
- (3) Churches, Schools, Auditoriums, Stadiums and Other Places of Public Assemblage: All churches, schools, auditoriums, stadiums, or other places of public assemblage shall provide one off-street parking space for every six (6) seating capacity provided. Such parking spaces shall be provided on the same lot as the place of public assemblage or on a permanently reserved space within five hundred feet (500') of said lot.
- (4) All Other Uses: All other buildings having a gross floor area of more than two thousand (2,000) square feet shall provide one off-street parking space for each one thousand (1,000) square feet of floor space or fraction thereof either on the same lot as the principal building or permanently reserved space within five hundred feet (500") of said lot.
- (5) Loading Spaces: Every hospital, hotel, institution, commercial or industrial building having secondary access from an alley, side street or otherwise shall have one permanently maintained loading space not less than ten feet (10') in width and thirty feet (30') in length and fourteen feet (14') in height, for each five thousand (5,000) square feet of lot area upon which such building is located.

9.104. SIGNS. The purpose of this section is to provide that signs shall be safely constructed and kept in a safe condition, and that signs shall not be located so as to cause a safety hazard.

- (1) Definitions: For use in this section, the following terms are defined.
 - a. The term "sign" shall mean and include every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign and temporary sign, and shall include any announcement, declaration, demonstration, display, illustration or insignia used to

advertise or promote the interests of any person when the same is placed out of doors in view of the general public.

- b. The term "ground sign" as regulated by this Section shall mean any sign supported by uprights or braces placed upon the ground and not attached to any building.
- c. The term "wall sign" as regulated by this Section shall mean all flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure. Such signs may extend no more than twelve (12) inches from the surface of the building or structure to which they are attached.
- d. The term "illuminated sign" shall mean any sign, which has character, letters, figures, designs or outline, illuminated by electric lights or luminous tubes as a part of the sign proper.
- e. The term "facing" or "surface" shall mean the surface of the sign upon, against or through which the message is displayed or illustrated on the sign.
- f. The term "incombustible material" shall mean any material, which will not ignite at or below a temperature of 120 degrees Fahrenheit and will not continue to burn or glow at that temperature.
- g. The term "person" shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.
- h. The term "structural trim" shall mean the molding, battens, capping, nailing strips, latticing and platforms, which are attached to the sign structure.
- i. The term "erect" shall mean to build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.
- j. The term "street line" shall mean the place where the street right of way line begins and the private property line ends.

- (2) Permits Required: It shall be unlawful for any person to erect, alter, or relocate within the County any sign or other advertising structure as defined in this ordinance, without first obtaining a sign permit and making payment of the fee required by this Section.

- a. Application for Sign Permit: Application for sign permits shall be made upon blanks provided by the Zoning Administrator and shall contain or have attached thereto the following information:
1. Name, address and telephone number of the applicant.
 2. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 3. Position of the sign or other advertising structure in relation to nearby buildings or structures.
 4. One sketch of the plan and method of construction and attachment to the building or in the ground.
 5. Name of person, firm, corporation or association erecting structure.
 6. Written consent of the owner of the building, structure or land on which the structure is to be erected, unless owned by the applicant.
 7. Such other information as the Zoning Administrator shall require to show full compliance with this ordinance and all other ordinances of the County.
 8. Inscription - what sign will say.
 9. For signs located along a State primary highway a State sign permit will also need to be included with the application.
- a. Permit Issued: It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit to examine such plans and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear the proposed structure is in compliance with all the requirements of this ordinance and all other ordinances of Buena Vista County Iowa, he shall then issue the sign permit. If the work authorized under a sign permit has not been completed within six (6) months after date of issuance, the said permit shall become null and void.
- b. Permit Fees: Every applicant, before being granted a sign permit,
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shall pay to the Zoning Administrator the permit fee, established by resolution of the Board of Supervisors.

- (3) Unsafe and Unlawful Signs: If the Zoning Administrator shall find that any sign or other advertising structure regulated hereunder is unsafe or insecure or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this ordinance, he shall give written notice thereof to the permit holder. Such notice shall include a statement explaining the alleged violations and deficiencies, an order to repair or remove said sign, and an explanation of the consequences of failure to comply with said order. If the permit holder fails to remove or alter said sign so as to comply with the order within ten days after such notice, said sign or other advertising structure may be removed or altered to comply by the Zoning Administrator at the expense of the permit holder or owner of the property on which it is located. The permit holder may appeal the order of the Zoning Administrator to the Board of Adjustment and, if such an appeal is on file, the ten day compliance period shall be extended until ten days following the Board of Adjustment's decision on the matter. If, however, the Zoning Administrator finds that any sign or other advertising structure poses a serious and immediate threat to the health or safety of any person, he may order the removal of such sign summarily and without notice to the permit holder.
- (4) Permit Revocation: Any permit holder who fails to comply with a valid order of the Zoning Administrator within the allotted time period, or who fails to pay reasonable removal or repair expenses assessed under the preceding section shall have his permit as to such sign or signs revoked, and another permit for the erection or maintenance of such sign or signs shall not be issued to said permit holder for a period of one (1) year from the date of revocation.
- (5) Removal of Certain Signs: Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within ten (10) days after written notification from the Zoning Administrator, and, upon failure to comply with such notice within the time specified in such order, the Zoning Administrator is hereby authorized to cause removal of such signs, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

- (6) Exemptions: The provisions and regulations of this ordinance shall not apply to the following signs, provided, however, said signs shall be subject to the provisions of 1.0904-3:
- a. Real estate signs not exceeding eight (8) square feet in area, which advertise the sale, rental or lease of the premises upon which said signs are located only.
 - b. Professional name plates not exceeding one (1) square foot in area and attached to the principal building.
 - c. Signs denoting the architect, engineer or contractor when placed upon work under construction, and not exceeding sixteen (16) feet in area.
 - d. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other non-combustible materials.
 - e. Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency or non-advertising signs as may be approved by the Board of Adjustment.
 - f. Temporary and/or seasonal signs up to a maximum of six (6) square feet on owned property or with owners consent.
 - g. Political signs as allowed by Section 306C.22, Code of Iowa.
- (7) Safety:
- a. Obstructions to doors, windows or fire escapes: No sign shall be erected, located or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
 - b. Signs not to constitute traffic hazard: No sign or other advertising structure as regulated by this ordinance shall be erected at the inter-section of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view or, or be confused with any authorized traffic sign, signal or device; or which makes use of the words, "STOP", "LOOK", "DRIVE-IN", "DANGER", or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. No sign or

other advertising structure as regulated by this ordinance shall have posts, guides or supports located within any street or alley right of way.

- c. Face of sign shall be smooth: All signs or other advertising structures which are constructed on street lines, or within five (5) feet thereof, shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude therefrom, except electrical reflectors and devices which may extend over the top and in front of the advertising structures.
- d. Goose neck reflectors: Goose neck reflectors and lights shall be permitted on ground signs, roof signs and wall signs, provided, however, the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign as to prevent glare upon the street and adjacent property.

(8) Ground Signs:

- a. Letters, etc., to be secured: All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
- b. Set-back line. No ground sign shall be nearer the street than five (5) feet from the property line.
- c. Premises to be kept free of weeds, etc.: All ground signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

(9) Wall Signs:

- a. Limitation on placement and area: No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached and any one wall sign shall not exceed an area of (five hundred) square feet.
- b. Shall not be attached to a wall at a height of less than (ten) feet above the sidewalk or ground.

(10) Bulletin Boards and Announcement Signs:

- a. These shall be permitted on the premises of charitable, religious and public institutions but may not exceed thirty-two square feet (32 sq. ft.) in size, and must be a minimum of fifteen feet (15 ft.) from all street lines. The height of such signs shall not exceed six feet (6 ft.).
- (11) Area of Ground Signs: The area of any on-premise sign in the A, C-1 and I-1 districts shall not exceed sixty (60) square feet if the sign projects more than twelve (12) inches beyond the surface of that portion of the building, structure or pole to which it is attached and shall not exceed one hundred and twenty (120) square feet if the sign projects less than twelve (12) inches beyond the surface of that portion of the building, structure or pole to which it is attached. The area of any off-premise sign in the I-1 and C-1 districts shall not exceed three hundred and fifty (350) square feet.
 - (12) On-Site Signs, Residential Districts: Excluding home occupation signs, on-site signs shall be permitted in the R-1, R-2 and MH districts not exceeding sixteen (16) square feet and not closer than fifteen (15) feet from the street property line. Home occupation signs shall be permitted not exceeding two (2) square feet in area and shall be attached to the principal building.

9.105. Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures, and Nonconforming Uses of Structures and Premises:

- (1) Intent: It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival. It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

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 grounds 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 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 addition of other uses of a nature which would not be permitted generally in the district involved.

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

- (2) Nonconforming Lots: 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. This provision shall apply even though such lot fails to meet the requirements involving area or width, or both, of the lot; shall conform to the regulations for the district in which such lot is located.
 - (3) 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 terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
 - a. 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;
 - b. 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.
 - c. If such nonconforming use of land ceases for any reason for a period of more than one hundred twenty (120) consecutive days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
 - (4) Nonconforming Structures: Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not
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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:

- a. No such structure may be enlarged or altered in a way, which increases its nonconformity. Such structures may be enlarged or altered in a way, which does not increase its nonconformity.
- b. Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement costs, exclusive with the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance.
- c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(5) Nonconforming Uses of Structures and Land: Where a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted 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:

- a. 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.
- b. Any nonconforming use may be extended throughout any parts of a building, which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any nonconforming use of structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Adjustment 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 conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to less conforming use.

- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- e. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for 120 consecutive days, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- f. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of land.

- (6) Repairs and Maintenance: On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with the protecting the public safety, upon orders of such official.

- (7) 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.
 - (8) Change of Tenancy or Ownership: There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination.
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9.106. GOVERNMENTAL BODIES. All Municipal, County, and State agencies, subdivisions or governmental units must comply with all of the zoning regulations of the County of Buena Vista, Iowa, as set forth in the County Code. All such agencies, governmental units and subdivisions thereof, must follow the same procedure in applying for any building permit, variance or any other request where the zoning laws of the County of Buena Vista, Iowa, are applicable.

9.107. RECREATIONAL VEHICLES.

- (1) Recreational vehicles shall not be parked or stored within the front yard of a lot in any residential district. Recreational vehicles may be parked or stored within the side yard or rear yard of a residential lot or within an enclosed garage.
- (2) Recreational vehicles shall not be used for human occupancy in any residential district.

9.108. SUPPLEMENTAL USE REGULATIONS.

- (1) Purpose: These provisions apply to specific use classifications in addition to regulations established by the District Regulations. In event of any conflict in provisions, the more restrictive provision shall apply unless specifically indicated to the contrary.
- (2) Townhouse Regulations: Townhouse residential use shall be subject to the following additional site development regulations:
 - a. Each townhouse shall be located on an individual townhouse lot having a minimum width of twenty (20) feet.
 - b. There shall be at least four (4) connected units in each development.
 - c. No driveway, which serves an individual townhouse only, and is located in the front yard of a townhouse lot, shall exceed 50 percent of the lot width. A common driveway serving more than one unit may occupy more than 50 percent of the width of a lot, provided that said driveway shall not have more than two points of vehicular access to a public street, and shall not occupy more than 50 percent of the total required street yard area of all units served.
- (3) Home Occupations: Home occupations accessory to residential use shall be subject to the following limitations:
 - a. The home occupation shall be conducted entirely within a dwelling

- unit, which is the bona fide residence of the practitioner(s), or entirely within an attached accessory garage (not to include a carport, driveway, yard or outside area or detached accessory garage).
- b. No person not a family member who resides in the dwelling unit participates in the home occupation on the premises.
 - c. The residential character of the lot and dwelling shall be maintained. Neither the interior nor the exterior of the dwelling shall be structurally altered so as to require compliance with non-residential construction codes to accommodate the home occupation. No additional buildings shall be added on the property to accommodate the home occupation.
 - d. The home occupation shall not generate customer related vehicular traffic in excess of three vehicles per twenty-four hour day in the residential neighborhood.
 - e. No direct selling of merchandise shall occur on the premises.
 - f. No equipment or materials associated with the home occupation shall be displayed or stored where visible from anywhere off the premises.
 - g. The occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste run-off outside the dwelling unit or on the property surrounding the dwelling unit.
 - h. No vehicle used in connection with the home occupation, which requires a driver's license to operate, shall be parked on the premises or on any street adjacent to the residentially zoned property.
 - i. The home occupation shall not be advertised by signs on the premises, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio or newspapers.
 - j. Nothing herein shall be construed to allow the following businesses or occupations as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractors' yards, dancing schools, junk yards, restaurants, rental outlets, vehicle repair shops or

massage parlors.

- (4) Accessory Building Regulations: Accessory building use shall be subject to the following limitations.
- a. Private garages, either attached or detached, providing space for not more than three (3) motor vehicles, shall be permitted on one lot, except in the "R-2" District that for private garages, a space for one motor vehicle for each tenant may be provided.
 - b. Accessory buildings which are structurally part of or attached to the principal building shall conform to the site development regulations of the principal building except if such accessory building is attached to the rear of the principal building in such a manner that it is completely to the rear of all portions of said building, it shall be considered a detached accessory building for purposes of determining required rear yard dimensions.
 - c. Site development regulations for detached accessory buildings are as follows:
 1. No detached accessory building or accessory structure is permitted within the front yard setback.
 2. No detached accessory building shall cover more than one-half of the rear yard area.
 3. A detached accessory building may be erected across abutted rear and side lot lines by mutual agreement of the adjoining lot owners and concurrence of the Board of Adjustment.
 4. No detached accessory building on a corner lot may be placed in any rear or side yard nearer to a public street right-of-way than the principal building on the same lot.
 5. A detached accessory building located entirely within the rear yard of a principal building shall be located no less than two (2) feet from the side lot line and/or the rear lot line. If a garage door directly faces an alley, there must be a fifteen (15) foot minimum setback from the alley.
 6. If any portion of a detached accessory building is within a side yard of the principal building it shall not be located

nearer to a side lot line than the permitted distance for the principal building on the same lot.

- (5) Administrative Services: When located in any residential district, administrative services shall be subject to the following limitations.
- a. The use shall be limited to activities and services of direct benefit to residents of the neighborhood, and shall be conducted in a manner compatible with permitted residential uses in the same residential district.
 - b. The use shall not involve vehicle dispatching or maintenance activities except as consistent with services provided to residents of the neighborhood.

9.109. MOBILE HOME PARK.

- (1) Development Plan: The following information shall be shown on the development plan or submitted in writing with it:
- a. The name of the proposed mobile home park;
 - b. Names, addresses and telephone numbers of the developer or his representative;
 - c. Location of the mobile home park, giving the subdivision and lot numbers;
 - d. A map of the entire area scheduled for development, if the proposed development is a portion of a larger holding intended for subsequent development;
 - e. Allocation map showing the relationship of the proposed development and the adjacent tracts;
 - f. The present land use and existing zoning of the proposed development and the adjacent tracts.
 - g. Interior streets, streets, street names, right-of-way and roadway widths;
 - h. All lot lines and open spaces with dimensions shown;
 - i. Topographic contours shall be shown on the plan at five (5) foot intervals where slope is greater than 10% and two (2) foot intervals
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where slope is 10% or less;

j. Delineation of all improvements required in this section.

(2) Permitted accessory uses and requirements thereof:

- a. Accessory buildings or structures under park management supervision, shall be used only as office space, storage, laundry facilities, recreation facilities, garage storage or other necessary service for park resident's use only. No accessory building or structure shall exceed twenty-five (25) feet in height, nor two (2) stories; and shall meet the requirements of other applicable codes and ordinances;
- b. A mobile home may be displayed and offered for sale, provided that the mobile home is situated on a permanent pad within the mobile home park;
- c. One (1) identification sign, approved in conjunction with the final site plan approval of the mobile home park. In no case shall such sign be larger than sixty (60) square feet in surface area nor have any moving parts nor stand higher than ten (10) feet from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way line than thirty (30) feet;
- d. No more than one (1) entry and/or one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than two (2) square feet in surface area, nor have any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign;
- e. Not more than one (1) local street sign at a local intersection of such park which identifies the local street by name, the sign approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than one (1) square foot in surface area per local street name, nor stand higher than seven (7) feet from the ground to the top of the sign.

(3) Required development standards:

- a. The land area of a mobile home park shall not be less than five (5) acres;

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- b. Mobile Home sites shall be at least six thousand (6,000) square feet in area;
- c. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for attachment to appropriate external systems and so attached;
- d. Each mobile home site shall have side yards with each yard having a width of not less than ten (10) feet.
- e. Each mobile home site shall have front and rear yards with the rear yard not less than ten (10) feet in width and the front yard of not less than fifteen (15) feet. A double front yard set-back will be required on corner lots.
- f. For the purpose of this section, yard width shall be determined by measurement from the mobile home face (side) to its mobile home site boundary from which every point shall not be less than the minimum width herein provided. Open patios, carports and individual storage facilities shall be disregarded in determining yard widths. Enclosed all weather patios shall be included in determining yard widths. The front yard is that yard which runs from the hitch end of the mobile home to the nearest lot line. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the front and rear ends;
- g. From all lots, the following minimum distances shall be maintained: Thirty-five (35) feet to the boundary of such park which is not a public street; seventy-five (75) feet to the right-of-way of any public street or highway;
- h. A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy the space required by yard setback dimensions;
- i. Each mobile home site shall be provided with a stand consisting of a solid concrete pad not less than four (4) inches thick, and not less than the length and width of the mobile home that will use this site. This pad will be so constructed, graded and placed to be durable and adequate for the support of the maximum anticipated load during all seasons;
- j. Each mobile home shall be supported on uniform jacks or blocks.

In addition, each mobile home shall have tie downs or anchors securing both ends and sides at a maximum of eight (8) foot spacing;

- k. Alternative pad and support mechanisms (in lieu of items i and j) may be approved upon request if accompanied by sketches or other documentation;
- l. An all weather hard surfaced outdoor patio area of not less than one hundred and eighty (180) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home site and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior space of a mobile home;
- m. Storage of goods and articles underneath any mobile home shall be prohibited;
- n. Uniform skirting of each mobile home base shall be required, within thirty (30) days after initial placement, such skirting shall be of twenty (20) gauge non-corrosive sheet metal or aluminum or material of equal strength and so constructed and attached to this mobile home so as to deter and prevent entry of rodents and insects;
- o. On-site outdoor laundry space of adequate area and suitable location shall be provided if park is not furnished with indoor dryers. Where outdoor drying space is required or desired, individual clothes drying facilities on each site of the collapsible umbrella type of hanging apparatus shall be allowed, with park management providing a concrete-imbedded socket at site;
- p. All mobile homes within such parks shall be suitably connected to common sewer and water services provided at each mobile home site.

All sanitary sewer facilities, including plumbing connections to each mobile home site, shall be constructed so that all facilities and lines are protected from freezing, from bumping or from creating any type of nuisance or health hazard. Sewage facilities shall be of such capacity to adequately serve all users of park at peak periods. Running water from a tested and approved supply, designed for a minimum flow of two hundred (200) gallons per day per mobile

home site shall be piped to each mobile home. All sanitary sewer and water facilities shall conform to minimum State and County Health regulations. Storm drainage facilities shall be so constructed as to protect those who reside in the mobile home park, as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park;

- q. Disposal of garbage and trash: All garbage and trash containers shall be placed in a conveniently located similarly designed enclosed structure(s). The removal of trash shall take place not less than once a week. Individual incinerators shall be prohibited;
 - r. Every mobile home shall be equipped at all times with fire extinguishing equipment in good working order of such type and size so as to satisfy regulations of the State Fire Marshall and the local Fire District;
 - s. All electric, telephone, and other lines from supply poles outside the park or other sources to each mobile home site shall be underground;
 - t. Any common fuel oil storage shall be centrally located in underground tanks, at a distance away from any mobile home sites as it is found to be safe. All fuel lines leading to park and to mobile home sites shall be underground and so designed as to conform with any County or State Code that is found to be applicable. When separate meters are installed, each shall be located in a uniform manner. The use of individual fuel oil or propane gas storage tanks to supply each mobile home separately is prohibited;
 - u. A recreation space of at least three hundred (300) square feet of land per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than five hundred (500) feet from any mobile home site served. Streets, sidewalks, parking areas and accessory buildings are not to be included as recreation space in computing the necessary area;
 - v. All roads, driveways and motor vehicle parking spaces shall be paved and constructed as to handle all anticipated peak loads, and adequately drained and lighted for safety and ease of movement of pedestrians and vehicles. All roads shall have curbs and gutters;
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- w. Two automobile parking spaces shall be provided within one hundred and fifty (150) feet of each mobile home site. In such park there shall be provided additional parking spaces in number not less than the number of mobile home sites within such park for central storage of all recreational type vehicles including trucks rated not more than one (1) ton. Said parking area shall be properly screened as not to be a nuisance, and such park central storage shall not be closer than fifty (50) feet to any mobile home when such storage is allowed in the mobile home park. Each parking space shall have a minimum width of ten (10) feet and twenty (20) feet in length.
- x. One (1) visitor parking space shall be provided for every two (2) mobile home sites and said parking shall be located within three hundred (300) feet of the mobile home sites it is intended to serve;
- y. Required standards for roadways, parking and

<u>MOTOR VEHICLE PARKING</u>	<u>TRAFFIC USE</u>	<u>MINIMUM PAVEMENT WIDTH (curb face to curb face)</u>
Parking Prohibited	2-way road	22 feet
Parallel Parking (1 side only)	1-way road	22 feet
Parking Prohibited Parallel Parking	1-way road	22 feet
(2 sides)	1-way road	29 feet
Parallel Parking (2 sides)	2-way road	40 feet

- z. When a cul-de-sac drive is provided, the radius of such roadway loop shall be a minimum of seventy-five (75) feet, curb face to curb face, with the drive length a maximum of three hundred (300) feet.
- aa. Walkways shall not be less than four (4) feet in width excepting that walkways designed for common use of not more than three mobile home sites shall be not less than three (3) feet in width. Walkways shall be constructed with materials approved by the Board of Adjustment;

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- bb. When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas;
- cc. Park owners and management are required to maintain the physical and natural facilities and features of the park in neat, orderly, safe manner.

Chapter 10

Administration and Procedures

Section:

- 10.101 Special Exception Procedure
- 10.102 Variance Procedure
- 10.103 Administrative Appeals
- 10.104 Amendment Procedure
- 10.105 Public Notice Procedures
- 10.106 Fee Schedule
- 10.107 Enforcement

10.101. SPECIAL EXCEPTION PROCEDURE: The formulation and enactment of this Zoning Regulation is based upon the division of the County into districts, each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts but because of the actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the County. Such uses, on account of their peculiar location, need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

- (1) Jurisdiction: The Zoning Administrator shall be responsible for administration of the Special Exception Procedure and the Board of Adjustment shall be responsible for the review, evaluation, and action on all applications for a Special Exception Use Permit.
- (2) Application and Fee: Application for a Special Exception Use Permit shall be filed with the Zoning Administrator. The application shall include the following:
 - a. Name and address of the owner and applicant.
 - b. Address and legal description of the property.
 - c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
 - d. The property address and the name and mailing address of the owner of each lot within 500 feet of the subject property and a map with parcels keyed to the ownership and address data.

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- e. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application.
 - f. Site plans, preliminary building elevations, preliminary improvement plans, and such additional maps and drawings, all sufficiently dimensioned as required to illustrate the following:
 - 1. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
 - 2. The location and dimensions of boundary lines, easements, and required yards and setbacks.
 - 3. The location, height, bulk, general appearance, and intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites within 50 feet.
 - 4. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs and lighting.
 - 5. The location of watercourses and drainage features.
 - 6. The number of existing and proposed off- street parking and loading spaces, and a calculation of applicable minimum requirements.
 - 7. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
 - 8. Any applicable fee established by the Board of Supervisors.
- (3) Public Hearing and Notice: The Board of Adjustment shall hold a public hearing on each application for a Special Exception Use Permit. Notice shall be given as prescribed in Section 1.1005. At the public hearing, the Board of Adjustment shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained.

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- (4) Report of the Zoning Administrator: The Zoning Administrator shall review the application or proposal and shall prepare a report which shall be filed with the Board of Adjustment and available to the applicant at least 10 days prior to the public hearing.
- (5) Action by the Board of Adjustment: The Board of Adjustment shall act on the application not more than 20 days following the closing of the public hearing on a Special Exception Use Permit. The Board may grant a Special Exception Use Permit as the permit was applied for or in a modified form or subject to conditions, or may deny the application. The Board shall notify the applicant of its decision by mail.
- (6) Review and Evaluation Criteria: The Zoning Administrator and the Board of Adjustment shall review and evaluate Special Exception Use Permit applications using the following criteria:
- a. Conformance with applicable regulations and standards established by the Zoning Regulations.
 - b. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setback and open spaces, landscaping and site development, and access and circulation features.
 - c. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use.
 - d. Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
 - e. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use.
 - f. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
 - g. Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
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which such permit became effective, unless prior to expiration a building permit is issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy is issued for the use, or the site is occupied if no building permit or certificate of occupancy is required.

(10) Revocation:

- a. The issuance of a Special Exception Use Permit by the Board of Adjustment shall entitle the owner to continue to operate the use so long as he remains in compliance with the terms and conditions of this Ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the Special Exception Use Permit, if such a Special Exception Permit is granted, does expressly grant to the County, for the enforcement of this Ordinance, the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of this Ordinance or of the terms of the Special Exception Use Permit.
- b. In the event the owner or occupant of the property for which a Special Exception Use Permit has been issued, shall violate any provision of this Ordinance or any term, condition, limitation, regulation or safeguards contained in the Special Exception Permit, the Special Exception Permit shall become null and void and the owner or occupant shall be deemed to be in violation of this Ordinance and the County may proceed to enforce the provisions of this Ordinance and the terms, conditions, limitations, and safeguards of the Special Exception Permit as provided in this Ordinance. In addition to all other remedies provided herein, in the event that such Special Exception Permit shall become null and void, the compliance bond, if any, given by the owner under the provisions of this Ordinance shall be forfeited.

- (11) Approval to run with the Land: A Special Exception Use Permit granted pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the Special Exception Use Permit application.

10.102. VARIANCE PROCEDURE: This procedure is intended to provide relief from the terms of the Zoning Ordinance when, because of special circumstances applicable to the property, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, and to ensure that any adjustment thereby authorized shall not constitute

a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the district in which such property is situated.

(1) Application:

- a. Application for the Variance shall be filed with the Zoning Administrator. The application shall include the following:
 1. Name and address of the owner or applicant.
 2. Address and legal description of the property.
 3. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
 4. A statement describing the Variance requested and the reasons why it complies with the criteria for Variances provided in this Section.
 5. The property address and the name and mailing address of the owner of each lot within 500 feet of the subject property and a map with parcels keyed to the ownership and address data.
 6. Site plans, preliminary building elevations, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to the Variance application:
 - (aa) Existing and proposed location and arrangement of uses on the site, and on abutting sites within 50 feet.
 - (bb) Existing and proposed site improvements, buildings, and other structures on the site, and any offsite improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale and architectural character.
 - (cc) Existing and proposed topography, grading landscaping and screening, irrigation facilities, and erosion control measures.
 - (dd) Existing and proposed parking, loading, and traffic

and pedestrian circulation features, both on the site and any offsite facilities or improvements related to or necessitated by the proposed use.

- b. The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a Variance exist.
 - c. The application shall be accompanied by a fee established by the Board of Supervisors.
- (2) Report of the Zoning Administrator: The Zoning Administrator shall review and prepare a report on the application. The report shall be filed with the Board of Adjustment and available to the applicant at least 10 days prior to the public hearing.
- (3) Public Hearing and Notice: The Board of Adjustment shall hold a public hearing on each application for a Variance. Notice shall be given as prescribed in Section 10.105.
- (4) Action by the Board of Adjustment:
- a. The Board of Adjustment shall act upon the application not more than 20 days following the close of the public hearing on a Variance. The Board may grant a Variance as the Variance was applied for or in modified form, or subject to conditions, or the application may be denied. A Variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Board may prescribe. The Board shall notify the applicant of its decision by mail.
 - b. The concurring vote of three members of the Board of Adjustment shall be necessary to grant a Variance.
- (5) Findings:
- a. Basic Criteria: The Board of Adjustment may grant a Variance if it makes affirmative findings of fact on each of the following criteria.
 - 1. The Zoning Regulations applicable to the property do not allow for a reasonable use.
 - 2. The hardship for which the Variance is requested is unique
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to the property and not general to the area in which the property is located.

3. The Variance will not alter the character of the area adjacent to the property, and will not impair the purposes or regulations of the Zoning District in which the property is located.
4. The hardship for which the Variance is requested did not result from actions of the applicant.

10.103. ADMINISTRATIVE APPEALS: This procedure is intended to afford review of administrative actions taken pursuant to the Zoning Ordinance where such actions may be in error.

- (1) Appeals: Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, or board of the County affected by any administrative decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal, which shall specify the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
 - (2) Fee: The appeal shall be accompanied by a fee prescribed by the Board of Supervisors.
 - (3) Stay of proceedings: An appeal from the action of the Zoning Administrator shall stay all proceedings in furtherance of such action unless the Zoning Officer certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In the event the Zoning Administrator shall make and file such certificate, his action shall not be stayed otherwise than by a restraining order that may be granted by the Board of Adjustment, or by a court of record, upon application of the party aggrieved by the action of the Zoning Administrator, and after notice to him and up on due cause shown.
 - (4) Public Hearing and Notice: The Board of Adjustment shall hold a public hearing on the appeal. Notice shall be given as prescribed in Section 1.1005. Upon the hearing of such appeal, any interested party may appear in person or by an agent or attorney.
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- (5) Action:
- a. The Board of Adjustment shall act on the appeal within 20 days following the closing of the public hearing. In exercising the powers set out in this section, the Board of Adjustment may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may take such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whose action the appeal was taken. The Board shall notify the appellant of its decision by mail.
 - b. The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is required to pass under these provisions.
- (6) Lapse of Variance: Unless a longer time period shall be specifically established as a condition of approval, a Variance shall lapse and shall become void one year following the date on which the Variance became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the Variance application, or a certificate of occupancy is issued for the site or structure which was the subject of the Variance application, or the site is occupied if no building permit or certificate of occupancy is required.
- (7) Revocation: Upon violation of any applicable provision of this Ordinance, or if granted subject to the conditions, upon failure to comply with conditions, a Variance shall be revoked upon notification to the owner of the use or property subject to the Variance.
- (8) Variance to Run With Land or Structure: Unless otherwise specified at the time a Variance is granted, a Variance shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it applies.

10.104. AMENDMENT PROCEDURE: The purpose of this procedure is to prescribe the manner in which changes shall be made in the text of the Zoning Regulations (Text Amendment) and the application of such regulations to property within the County by means of the Zoning Map (Rezoning). This procedure is intended to conform to minimum requirements of state law and to afford opportunity for review of proposed

changes by the public.

- (1) Jurisdiction: The Board of Supervisors shall have jurisdiction with respect to all Text Amendments and Rezoning. The Planning and Zoning Commission shall review and submit a recommendation to the Board of Supervisors on all Text Amendments and Rezoning.

 - (2) Initiation:
 - a. A Text Amendment may be initiated by the Planning and Zoning commission or the Board of Supervisors.

 - c. A Rezoning may be initiated by the County Planning and Zoning Commission or the Board of Supervisors.

 - d. A Rezoning may be initiated by the owner or the authorized agent of the owner of property by filing an application for a change in district boundaries (rezoning) as prescribed in this Title. If the property for which rezoning is proposed is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

 - (3) Application and Fee:
 - a. Application for Rezoning initiated by a property owner shall be filed with the Zoning Administrator on a form and shall include the following data and maps:
 1. Name and address of the owner and applicant.
 2. Address and legal description of the property.
 3. If the applicant is not the legal owner of the property, statement that the applicant is the authorized agent of the owner.
 4. An accurate map of the area proposed for rezoning and the surrounding area, showing existing streets and property lines, and existing and proposed district boundaries. The map shall include an area determined by the Zoning Administrator to be necessary to illustrate the relationship to and potential impact on the surrounding area, but not less than 300 feet or more than 600 feet from the property proposed for rezoning.
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5. A property address list of each lot and the name and mailing address of the owner of each lot within 500 feet of the property proposed for rezoning and a map keyed to the ownership and address data. Such list shall be certified as accurate by an appropriate representative of an abstracting or title company doing business in the County.
 - b. The Zoning Administrator may require additional information or maps if they are necessary to enable the Commission to determine whether the change is consistent with the objectives of this ordinance.
 - c. An application for rezoning initiated by a property owner shall be accompanied by a fee established by the Board of Supervisors.
 - d. A rezoning initiated by the Planning and Zoning Commission or by the Board of Supervisors shall be pursuant to a motion of the Commission or Board of Supervisors. The Zoning Administrator shall prepare the information prescribed in paragraph (a) above, pursuant to the intent of the motion. No fee shall be applicable.
 - e. A Text Amendment initiated by the Planning and Zoning Commission or by the Board of Supervisors shall be pursuant to a motion of the Commission or Board of Supervisors. The County Attorney shall prepare a draft of an ordinance amending the text of the Zoning Regulations pursuant to the intent of the motion. No fee shall be applicable.
- (4) Public Hearing: Not more than 25 days after filing of the application, the Planning and Zoning Commission shall hold a public hearing on each application for a Text Amendment or Rezoning. Notice shall be given as prescribed in Section 10.105. At the public hearing, the Planning and Zoning Commission shall review the application or the proposal and shall receive pertinent evidence relating to consistency with the objectives or this ordinance, and the development policies of the County.
- (5) Action by the Planning and Zoning Commission: The Planning and Zoning Commission shall act on the application not more than 20 days following the closing of the public hearing. The Planning and Zoning Commission shall determine whether, in its opinion, the change is consistent with the objectives of this Ordinance, and shall recommend to the Board of Supervisors that the Text Amendment or Rezoning be enacted, be enacted in modified form, or rejected.

- (6) Action by the Board of Supervisors:
- a. Not more than 25 days following receipt of the recommendation of the Planning and Zoning Commission, the Board of Supervisors shall hold at least one public hearing on the Text Amendment or Rezoning. Within 20 days following the closing of a public hearing, the Board of Supervisors shall make a specific finding as to whether the change is consistent with the objectives of this Ordinance.
 - b. If the Board of Supervisors finds that the change is consistent, it shall introduce an ordinance amending the text of the Zoning Regulations or amending the Zoning Map, whichever is appropriate.
 - c. If the Board of Supervisors finds that the change is not consistent, it shall deny the application. The Board of Supervisors shall not modify a recommendation of the Planning and Zoning Commission on a rezoning or change until it has requested and considered a report of the Commission on the modification. Failure of the Commission to report within 30 days after receipt of the Board of Supervisors request shall be deemed concurrence.
- (7) Protest Provision: Any ordinance enacted by the Board of Supervisors of Supervisors to reclassify property from one district to another district shall require a favorable vote of three-fourths of all members of the Board of Supervisors, when a written protest against the Rezoning is received from either of the following:
- a. From persons owning 20 percent or more of the land included within the proposed Rezoning.
 - b. From persons owning 20 percent or more of the land area adjoining and within 200 feet of the area proposed for Rezoning, but excluding land outside the County.
- (8) New Application: Whenever a petition requesting an amendment, supplement or change of any regulations prescribed by this Title has been denied by the Board of Supervisors such petition cannot be renewed for one year thereafter unless it is signed by the owners of at least fifty percent (50%) of the property owners who previously objected to the change; this provision, however, shall not prevent the Board of Supervisors from acting on its own initiative in any case or at any time provided in this Section.
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10.105. PUBLIC NOTICE PROCEDURE: The purpose of this procedure shall be to establish the minimum requirements for notice to be given with respect to procedural actions and public hearings required by the Zoning Regulations.

- (1) Public Hearing, Publication: Notice of a public hearing for consideration of a special exception, text amendment, rezoning, administrative appeal, revocation and suspension, or variance by the Board of Supervisors, Planning and Zoning Commission and Board of Adjustment shall be given as follows:
 - a. Notice shall be given by publication of a legal notice in a newspaper of general circulation at least four (4) days prior and no more than twenty (20) days prior to the date of the hearing.
- (2) Public Hearing, Mailed Notice: Notice of a public hearing for consideration of a special exception, rezoning, or variance by the Board of Supervisors of Supervisors, Planning and Zoning Commission and Board of Adjustment shall be given as follows:
 - a. Notice shall be given by mail to the applicant at least ten (10) days prior to the date of the hearing.
 - b. Notice shall be given by mail to the owner of each site within 500 feet of the subject property at least ten (10) days prior to the date of the hearing.
- (3) Notice Requirements Defined: Requirements for notice, and publication contained in this section shall have the following meaning:
 - a. Notice by certified or regular mail shall refer to the date of deposit of such mail with the U.S. Post Office.
 - b. Publication shall refer to the date of publication of a legal notice in a newspaper of general circulation in the County. One publication day shall be sufficient.
 - c. Each such notice, whether by mail, or publication, shall include appropriate information pertaining to the general nature of the application or decision, and identifying the applicant, the subject property, the time and place of the meeting or hearing, and the address and telephone number of the office from which additional information may be obtained.

10.106. FEE SCHEDULE: The Board of Supervisors shall establish, by resolution, a

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procedure for setting and revising from time to time, fees to be applicable to applications, permits and appeals pursuant to the Zoning Regulations and not subject to the text amendment procedure.

10.107. ENFORCEMENT: The Board of Supervisors shall appoint a Zoning Administrator to act as its officer to effect proper administration of this Title.

- (1) Application for a Zoning Compliance Permit: Application for a zoning compliance permit shall be made in writing upon a blank form furnished by the Zoning Administrator. The application shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, enlarged, altered or moved. There shall be submitted with all applications for a permit one copy of a site layout or plot plan showing:
 - a. The address, shape, area and legal description.
 - b. The location of the proposed construction, upon the lot, lots or acreage affected.
 - c. The dimensions and height of structures.
 - d. The nature of the proposed construction, alteration, or repair and the intended use.
 - e. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other uses.
 - f. The present use of any structure affected by the construction or alteration.
 - g. The yard open area and parking space dimensions, if applicable.
 - h. The proposed design and construction standards of parking spaces, if applicable.
 - i. The number of loading and unloading spaces provided, if applicable.
 - j. Any information deemed necessary by the Zoning Administrator to determine compliance with and provide for the enforcement of this Ordinance.
 - k. A special exception use permit issued by the Board of Adjustment, if required by this Ordinance.
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1. All other licenses and permits required by law for the construction and enlargement, alteration, conversion or moving of the building or structure for which a permit is being applied under this Ordinance.

If the information shown on the site layout is in compliance with the above requirements and all other provisions of this Title, the Zoning Administrator shall issue a zoning compliance permit upon payment of the required permit fee. Any permit granted under this section shall be null and void unless the development proposed shall be ready for its first inspection within one hundred eighty (180) days from the date of the granting of the permit. The Zoning Administrator shall make every effort to notify the holder of a permit that he is liable for voiding action before voidance is actually declared. The Zoning Administrator may suspend or revoke a permit issued in error on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the County.

- (2) Occupancy Permit: No lot, building or structure for which a zoning, special exception or other permit was or should have been obtained under this Title or other law, shall be occupied or used until an Occupancy Permit shall have been issued by the Zoning Administrator. The Zoning Administrator shall inspect the lot and building and structure which is the subject of an application for a Zoning Compliance Permit at the time of the staking out of the building foundation, at the completion of the work authorized by the permit and shall determine on such inspections whether or not the construction or alteration of the building or structure or the use or occupancy of the lot conforms to the information provided in the application for the Zoning Compliance Permit, the Special Exception Permit, and the provisions of this Ordinance and all other laws relating to the construction, alteration, conversion or moving of the building or structure.

It shall be the duty of the holder of every Zoning Compliance Permit and every Special Exception Permit to notify the Zoning Administrator of when the lot, building or structure is ready for inspection. Following each inspection, the Zoning Administrator shall notify the holder of each permit, or his agent, as to whether or not the construction is in compliance with the application and this Zoning Ordinance at the time of inspection. Should the Zoning Administrator determine that the use, building or structure is not in compliance with the application of this Ordinance, further construction or use of the lot, building or structure or any part

thereof, shall cease until such lot, building or structure has been brought into compliance and approved by the Zoning Administrator following notice of and request for re-inspection and re-inspection duly made by the Zoning Officer.

Should a permit holder fail to comply with the requirements of the Zoning Officer or this Ordinance at any inspection stage, the Zoning Administrator shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements and such posting shall be considered as service upon and notice to the permit holder of the cancellation thereof; no further work upon said construction shall be undertaken or shall be permitted until the issuance of a new permit after reapplication therefore in accordance with the provisions of this Title. Failure of permit holder to make proper notification of the time for inspection shall automatically cancel the permits requiring the issuance of new permits before construction may proceed. Following the final inspection of the lot, building, or structure and the finding of the Zoning Administrator that said lot, building or structure or use thereof is in conformance with the applications and information on file and meets the requirements of this Title, the Zoning Administrator shall issue an Occupancy Permit thereof.

- (3) Violations - Nuisance Per Se: Any building or structure, including tents and mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or changed in violation of any provisions of this Title is prohibited and hereby declared to be a nuisance per se.
- (4) Penalties: Any person or the agent in charge of such building or land who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision of this Ordinance or any amendment thereof, shall be fined upon conviction not more than five hundred (\$500) dollars, together with the cost of prosecution, or shall be punished by imprisonment in the county jail for not more than thirty (30) days for each offense, or may be both fined and imprisoned as provided herein. Each and every day during which an illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed as separate offenses. The Board of Supervisors, the County Planning and Zoning Commission, the County Zoning Administrator, The Board of Adjustment, the Attorney of the County or any owners or owners of real estate within the district in which such building, structure or land is situated may institute injunction, mandamus, abatement or any other appropriate action, actions or proceedings to prevent, enjoin, abate or

remove any said unlawful erection, construction, maintenance or use. The rights and remedies provided herein, are cumulative and in addition to all other remedies provided by law.

- (5) Enforcement of Zoning By Board of Supervisors: In addition to other remedies provided, the Board of Supervisors may correct a violation of this ordinance and assess the land or premises for the cost of the correction if the violation is not corrected within thirty (30) days after the Board of Supervisors gives notice to the owner of record of the land or premises that the Board of Supervisors intends to correct the violation pursuant to this provision. If the Board of Supervisors assesses the cost of the correction to the land or premises, the assessment shall become a lien upon the land or premises so assessed and shall be collected in the same manner as county taxes are collected under the provisions of state law. The notice specified in this subsection 5 shall be deemed given when mailed by ordinary mail to the owner of record at the owner's last address shown on the records of Buena Vista County.

BUENA VISTA COUNTY ORDINANCE NO. 6.2

Title: AN ORDINANCE REGULATING THE SUBDIVISION OF LAND PRESCRIBING STANDARDS FOR SUBDIVISIONS AND FOR THE IMPROVEMENT THEREOF, PRESCRIBING PROCEDURES FOR THE REVIEW OF PROPOSED SUBDIVISION PLATS AND ESTABLISHING FEES THEREFOR, AND PRESCRIBING PENALTIES FOR VIOLATION OF SUCH ORDINANCE. THIS ORDINANCE IS IN CONFORMANCE WITH CHAPTER 354 OF THE CODE OF IOWA.