

**ORDINANCE #10**

**ZONING ORDINANCE**  
**FOR THE UNINCORPORATED AREA**  
**OF CLARKE COUNTY, IOWA**

**An ordinance establishing comprehensive zoning regulations for the unincorporated area of Clarke County, Iowa, and providing for the administration enforcement, and amendment thereof, in accordance with the provisions of Chapter 335, Code of Iowa.**

WHEREAS Chapter 335, Code of Iowa, empowers the Board of Supervisors to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS the Board of Supervisors deems it necessary, for the purpose of implementing the 1992 Clarke County Comprehensive Plan and promoting the health, safety, morals, and general welfare of the County, to enact such an ordinance; and

WHEREAS the Board of Supervisors, pursuant to the provisions of Chapter 335, Code of Iowa, has appointed a County Planning and Zoning Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced herein; and

WHEREAS the County Planning and Zoning Commission has given reasonable consideration among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the County; and

WHEREAS the County Planning and Zoning Commission has made a preliminary report and held public hearings thereon, and submitted its final recommendations to the Board of Supervisors; and

WHEREAS the Board of Supervisors has given due public notice of hearings relating to zoning districts, regulations and restrictions, and has held such public hearings; and

WHEREAS all requirements of Chapter 335, Code of Iowa, with regard to the preparation of the report of the County Planning and Zoning Commission and the subsequent action of the Board of Supervisors have been met;

NOW THEREFORE, be it ordained by the Board of Supervisors of Clarke County, Iowa:

**PURPOSE**

This ordinance is adopted in accordance with the Clarke County Comprehensive Plan, 1992, as amended, and as permitted and specifically authorized in Chapter 335, county Planning and Zoning, Code of Iowa, 1993, as amended.

This ordinance is intended and designed to meet the specific objectives of Chapter 335, Code of Iowa, 1993, as amended, to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street or highway; to secure safety from fire, flood, panic, and other hazards; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public improvements.

**SECTION 1. TITLE**

This ordinance shall be known and may be cited and referred to as the “Zoning Ordinance” of Clarke County, Iowa.

**SECTION 2. INTERPRETATION OF STANDARDS**

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

**SECTION 3. FARMS EXEMPT**

In accordance with the provisions of Chapter 335, Code of Iowa, no regulation or restriction adopted under the provisions of this ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings, structures, or erections which are primarily adapted, by reason of nature and area, for use for agricultural purposes while so used; provided, however, that such regulations or restrictions which relate to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream shall apply thereto.

**SECTION 4. DEFINITIONS**

For the purpose of this ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural number includes the singular; the word “shall” is mandatory, the word “may” is permissive; the word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual; the words “used” or “occupied” include the words intended, designed, or arranged to be used or occupied.

**Accessory Use or Structure:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**Agriculture:** The use of not less than twenty (20) acres of land for purpose of producing or causing to be produced agricultural products, including vegetables, fruit, trees, and grains; pasturage; dairying; animal and poultry husbandry; forages; and beekeeping and the accessory uses for treating or storing the produce, provided that the operation of such accessory uses shall be secondary to that of the regular agricultural activities.

**Bed and Breakfast:** An accessory use of a single family residence for the accommodation of overnight guests. A maximum of five (5) rooms shall be available for rent.

**Boardinghouse:** A building other than a hotel or motel, occupied as a single housekeeping unit, where lodging or meals are provided for three (3) or more, but not exceeding eight (8) persons for compensation, but not open for transient guests, in contradistinction to hotels and motels open to transients.

**Building:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.

**Building Height of:** 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 average height of the highest gable of a pitch or hip roof.

**Carport:** A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purpose of this ordinance a carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements herein.

**Cellar:** That portion of a building having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

**Clinic, Medical or Dental:** A building or buildings in which physicians, dentists or physicians and dentists, and allied professional assistants are associated for the purpose of carrying on their professions.

**Commercial Feedlot:** A feedlot as defined herein, under joint or corporate ownership or control and where the livestock feed is not grown on the premises, and which is not part of a typical farm operation where crops, livestock, and/or grazing are all carried out as a part of the same operation.

**Commission:** The County Planning and Zoning Commission of Clarke County, Iowa.

**Common Sewer System:** A central sewer collecting system available to each platted lot and discharging into a treatment plant, the construction and location of which is approved by the County Board of Health and/or the State Board of Health.

**Common Water System:** A central water supply system available to each platted lot from one single source approved by the County Board of Health.

**Conditional Use:** A use, that because of its unique characteristics and because of the uniqueness of its proposed location, may be allowed only after careful consideration, at a public hearing, of the impact of the particular use upon the neighborhood and public facilities therein. Such a use may be permitted in a particular zoning district only upon showing that in a specified location it will comply with all the conditions and standards for the location or operation of such conditional use as specified herein.

**Day Nursery or Nursery School:** Any public or private agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight, for six (6) or more unrelated children of pre-school age, for compensation.

**Dwelling:** Any building or portion thereof which is designed, or used exclusively for residential purposes but not including a tent, cabin, or trailer.

**Dwelling, Single-Family:** A detached residence designed for or occupied by one family only.

**Dwelling, Two-Family:** A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

**Dwelling, Multiple:** A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.

**Dwelling, Condominium:** A multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the others; regulated by Chapter 499B, Code of Iowa, 1973.

**Dwelling, Row:** Any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls. Also referred to as a "town-house".

**Dwelling Unit:** A room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and/or kitchen facilities.

**Family:** An individual, or two or more persons related to one another by blood, marriage, or legal adoption, including foster children, and not more than two (2) roomers; or, in the alternative, not more than three (3) unrelated persons.

**Farm:** An area comprising twenty (20) contiguous acres or more which is used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of livestock. Division of said area by road does not render property non-contiguous.

**Farmstead:** The buildings, including the farm house and adjacent service area buildings that are part of the farm operation.

**Feedlot:** A lot, yard, corral, or other area in which livestock, including poultry, are confined, primarily for the purposes of feeding and growth prior to slaughter or the sale of products derived from such animals. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze.

**Floodplain:** As defined by the Federal Emergency Management Agency, FIRM maps as Zone "A" or as determined by appropriate engineering calculations on a wet stream. Local 100 year runoff levels shall be considered separately from designated floodplain.

**Garage, Private:** An enclosed structure intended for and used for the parking of the private motor vehicles of the families upon the premises.

**Gas Station:** Any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items customarily associated with the sale of such products; for the rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined to be spray painting, body, fender, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires.

**Home Business:** Any business carried on by a member of the immediate family, residing on the premises, provided that such business is contained on six (6) acres including but not limited to the residence, business, off street parking and storage. There shall be no more than 10 persons regularly employed in addition to any person or persons residing on the premises. All buildings and facilities must meet all Federal, State and County regulations; provided further, that the buildings or premises shall not thus be rendered objectionable or detrimental to the overall intent of the agricultural zoning district due to the exterior appearance, emission of odor, gas, dust, smoke, noise, or in any other way.

Further, any specific business falling within this definition shall be subject to all other applicable zoning regulations.

**Home Occupation:** Any occupation or activity carried on by a member of the immediate family, residing on the premises, provided that any such activity shall not occupy more than twenty-five (25) percent of the floor area of one (1) story of the principal building; provided further, that not more than one (1) person not a member of the family there residing shall be regularly employed in addition to the proprietor; provided further, that there shall be no display of goods and no advertising on the premises other than a small sign not to exceed two (2) square feet in area carrying only the name and occupation of any occupant of the premises; provided further, that the building or premises occupied shall not thus be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, the emission of odor, gas, dust, smoke, noise, or in any other way; provided further, that no such buildings shall include features of design not customary in buildings for residential use; and provided further, any commodities sold on the premises shall be incidental to the services offered.

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

**Junk or Salvage:** Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste, appliances, furniture, equipment, building demolitions materials, structural steel materials, or similar materials. This definition shall also include junked, dismantled, or wrecked motor vehicles, or parts of motor vehicles, and iron, steel, or other scrap ferrous or nonferrous material.

**Junk or Salvage Yard:** Any area where junk or salvage is bought, sold, exchanged, baled or packed, disassembled, kept, stored, or handled. This definition shall also include auto or other vehicle or machinery wrecking or the processing of used, discarded, or salvaged materials as part of a manufacturing operation located on the same property, and contractor's storage yards.

The visible presence on any lot, parcel, or tract of land of three (3) or more wrecked, scrapped, ruined, dismantled, or inoperative vehicles, including implements of husbandry not a part of a farming operation, shall constitute *prima facie* evidence of a junk or salvage yard. This shall not include motor vehicles licensed for the current year as provided by law, or motor vehicles legally placed in storage, if kept within a completely enclosed building.

**Kennel:** Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. Kennel shall also mean the keeping of three (3) or more dogs, cats, or other household pets of the mammal group over the age of six months.

**Lot:** For the purpose of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open space as are herein required. Such lot shall have frontage on a public road or street and may consist of: (a) A single lot of record; (b) A portion of a lot of record; (c) A combination of complete lots of record, of complete lots of record and portions of lots of records, or of portions of lots of record; and (d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

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

**Lot, Depth:** The mean horizontal distance between the front and rear lot lines.

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

**Lot, Interior:** A lot other than a corner lot.

**Lot Lines:** The lines bounding a lot, including the right-of-way line of any public road or highway acquired by easement.

**Lot of Record:** A lot which is part of a subdivision in the office of the County Recorder of Clarke County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**Lot, Reversed Frontage:** A corner lot, the side street line of which is substantially a continuation of the front lot line of the first platted lot to its rear.

**Lot Width:** The width of a lot measured at the building line and at right angles to its depth.

**Manufactured Home:** A factory-built structure which is manufactured or constructed under authority of 42 U.S.C. sec. 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

**Mini-Warehouse:** A structure containing separate storage spaces of varying sizes leased or rented on an individual basis, solely for the storage of personal possessions and goods.

**Mobile Home:** Any vehicle which at any time was used or maintained for use as a conveyance upon highways or public streets, or waterways; so designed and so constructed as to permit occupancy thereof as a dwelling unit or sleeping place for one or more persons whether unattached to a permanent foundation.

**Mobile Home Park or Trailer Park:** Any lot or portion of a lot upon which two or more mobile homes or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.

**Nursing or Convalescent Home:** A building or structure having accommodations and where care is provided for invalid, infirmed, aged, convalescent, or physically disabled or injured persons, not including insane and other mental cases, inebriate, or contagious cases.

**Official Map:** A legally adopted map that shows the location and width of proposed streets, public facilities and public areas, and drainage rights-of-way.

**Outdoor Storage:** The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

**Parking Space:** A permanently surfaced area of not less than two hundred (200) square feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or exiting, shall not encroach upon any public right-of-way.

**Planned Development:** An area of a minimum contiguous size, as specified by ordinance, developed according to plan as a single entity and containing one or more structures with appurtenant or adjacent common areas.

**Porch:** A roofed or unroofed open structure projecting from the front, side, or rear wall of a building. For the purpose of this Ordinance, a porch is considered a part of the principal building and is not permitted to extend into any required yards.

**Porch, Unenclosed:** A roofed projection which has no more than fifty (50) percent of each outside wall area enclosed by a building or siding material other than meshed screens.

**Principal Permitted Use:** The main use of land or structures as distinguished from an accessory use.

**Rooming House:** See Boardinghouse.

**Setback:** The shortest distance between a structure and a lot line or future street line.

**Shoulder:** That portion of the roadbed contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

**Signs:** (See Section 22)

**Stable, Commercial:** A building or structure used or intended to be used for housing horses, mules, or ponies which are hired, bred, boarded, or shown on a commercial basis.

**Stable, Private:** A building or structure used or intended to be used for housing horses, mules, or ponies belonging to the owner of the property only, for non-commercial purposes.

**Story:** That portion of a building included between the surface of any floor next above it, or if there be no floor above it, then the space between the floor and the ceiling or roof next above it.

**Story, Half:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level.

**Street Line:** The right-of-way line of a street, road or highway.

**Street, Public:** Any thoroughfare or public way which has been dedicated to the public or deeded to the County for street or road purposes.

**Structural Alterations:** Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

**Structure:** Anything constructed and erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, poster panels, swimming pools, manmade ponds and lakes, wells and septic tanks.

**Trailer Park:** See "Mobile Home Park"

**Travel Trailer:** A recreational vehicle, with or without motive power; designed as a temporary dwelling, not exceeding eight (8) feet in width and forty (40) feet in length, exclusive of separate towing unit. Such vehicles are customarily and ordinarily used for travel or recreational purposes and not used for permanent habitation.

**Yard:** An open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this ordinance. In the instance of an irregular lot or building site, yard designation shall be as determined by Zoning Administrator.

**Yard, Front:** A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, Rear: A yard extending the full width of the lot between a main building and the rear lot line.

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

Zoning Administrator: The administrative officer appointed by the Board of Supervisors to administer and enforce the regulations included in this ordinance.

## **SECTION 5. ESTABLISHMENT OF DISTRICTS**

In order to carry out the purpose and indicated upon the Official Zoning Map of Clarke County, Iowa, is hereby divided into six (6) zoning district classifications as follows:

|       |  |
|-------|--|
| A-1   | Agricultural District                      |
| R-1   | Rural Residential District                 |
| PUD   | Planned Unit Development District          |
| C-1   | General Commercial District                |
| I-1   | Industrial District                        |
| PC/ID | Planned Commercial and Industrial District |

## **SECTION 6. BOUNDARIES AND OFFICIAL ZONING MAP**

The boundaries of these districts are indicated upon the Official Zoning Map of Clarke County, Iowa, which map is made a part of this ordinance by reference hereto. The Official Zoning Map and all the notations, references and other matters shown thereon shall be as much a part of this ordinance as if the notations, references and other matters set forth by said map were all fully described herein. The Official Zoning Map shall be on file in the office of the Clarke County, Iowa, Zoning Administrator, and shall bear the signature of the Chairman of the Board of Supervisors attested by the County Auditor, under the certification that this is the Official Zoning Map referred to in Section 6 of the Zoning Ordinance.

If in accordance with the provisions of this ordinance changes are made in the district boundaries or other matter portrayed on the Official Map, the resolution number and date of said change shall be recorded by the County Auditor on the Official Zoning Map.

The Board of Supervisors may from time to time adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map, in the event that the Official Zoning Map becomes damaged or destroyed; or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions; provided, however, that any such adoption shall not have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or other public right-of-way shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines, shall be construed as following such lot lines;
3. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;
4. Boundaries indicated as approximately following corporate limits shall be construed as following corporate lines;
5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
6. Boundaries indicated as approximately following the center lines of river, streams, creeks or other waterways shall be construed to follow such center lines;
7. Boundaries not capable of being determined in the previous paragraphs shall be as dimensioned on the Official Zoning Map or if not dimensioned shall be determined by the scale shown on the map.

## **SECTION 7. GENERAL REGULATIONS**

- A. Conformance Required. Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by this ordinance for the district in which the building or land is located.
- B. Street Frontage Required. Except as permitted in Section 22 of this Ordinance no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least forty (40) feet on at least one public street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to a street; and there shall be not more than one (1) single-family dwelling for such frontage or easement, except that a common easement of access at least fifty (50) feet wide may be provided for two (2) or more such single-family dwellings or for one (1) or more two-family or multiple dwellings.

- C. Accessory Building. No accessory building shall be erected in any required yard other than a rear yard, except as provided hereinafter. Accessory buildings in rear yards shall be at least five (5) feet from alley lines; and at least two (2) feet from lot lines of adjoining lots which are in any Residence District, and on a corner lot they shall conform to the setback regulations on the side street. Accessory buildings may be erected as a part of the principal building, or may be connected thereto by a breeze-way or similar structure, provided all yard requirements for a principal building are complied with. An accessory building which is not a part of the main building shall not occupy more than thirty (30) percent of the rear yard and shall not exceed twelve (12) feet in height. No accessory building shall be constructed upon a lot until the construction of the main building has actually commenced, and no accessory building shall be used unless the main building on the lot is also being used, except in the A-1 district, where one accessory building per four (4) acres is permitted without a main building.
- D. Corner Lot. For corner lots, platted or of record after the effective date of this ordinance, the front yard regulations shall apply to each street side of the corner lot.
- E. Front Yard. In all residential districts there shall be a minimum front yard required as stated in the yard requirements from that particular district; provided, however, that where lots comprising thirty (30) percent or more of the frontage within two hundred (200) feet of either side lot line are developed with buildings at a greater or lesser setback, the front yard requirements shall be the average of these building setbacks and the minimum front yard required for the undeveloped lots. In computing the average setback, buildings located on reverse frontage lots or entirely on the rear half of lots shall not be counted. The required front yard as computed herein need not exceed seventy-five (75) feet in any case.
- F. Required Yard Cannot be Reduced. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum required by this ordinance. No part of a yard or other open space, or off-street parking or loading space provided about any building, structure, or use for the purpose of complying with the provisions of this ordinance shall be included as part of a yard, open space, or off-street parking or loading space required under this ordinance for another building, structure, or use.
- G. Permits Previously Issued. Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building, or part thereof, for which approvals and/or required permits have been granted before the enactment of this ordinance; the construction of which in conformance with such plans shall have been started prior to the effective date of this ordinance and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.
- H. Zoning Districts Dividing Property. Where one (1) parcel of property is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in its respective zoning classification, and for the purpose of applying the regulations of this ordinance, each portion shall be considered as if in separate and different ownership.
- I. 55 Foot Utility Setbacks. Except as otherwise permitted by local, state, or federal law, every underground private utility or public utility pipeline or transmission line hereinafter constructed adjacent to a county road, shall be constructed or installed at least fifty-five (55) feet from the center line of said county road. The provisions of Section 22 and Section 24 of this Ordinance specifically apply to said construction.
- J. One Main Building Per Residential Lot. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one residential lot unless otherwise provided in this Ordinance.
- K. Concept Plan Required. A concept plan is required for all development within the Planned Unit Development (PUD), Planned Commercial or Industrial (PC/ID) zoning districts (See section 12. Concept Plans). In addition, the Planning and Zoning Commission or Board of Supervisors may require the submittal of a concept plan as a condition of record in conjunction with any zone change request where not normally required.
- L. Conformance with Building Code. All construction shall conform with the Building Code of the State of Iowa.

**SECTION 8. NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, AND NON- CONFORMINGUSE OF STUCTURES**

Statement of Intent. Within the various districts established by this ordinance or amendments that may later be adopted there exist structures and uses of land and structures which were lawful prior to the adoption of this ordinance but which would be prohibited, regulated, or restricted under the provisions of this ordinance. It is the

intent of this ordinance to permit these non-conformities to continue until they are removed, or cease to operate for a period of one year or more. 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 such non-conformities shall not be enlarged upon, expanded or extended.

A. Non-conforming Use of Land, Use of Structures, and Structures in any Residential District.

1. Non-Conforming Use of Land. The lawful use of land upon which no building or structure is erected or constructed which becomes non-conforming under the terms of this Ordinance as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - a. No such non-conforming use shall be enlarged or increased not extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment to this Ordinance;
  - b. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel which was not occupied by such use at the effective date of adoption or amendment of this Ordinance;
  - c. If any such non-conforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the district regulations for the district in which such land is located.
2. Non-Conforming Use of Structures. If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - a. No existing structure devoted entirely or in part to a use not permitted by this Ordinance in the district in which it is located, except when required by law, shall be enlarged, extended, reconstructed, moved, or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located;
  - b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance. No such use shall be extended to occupy any land outside such building;
  - c. If no structural alterations are made, a non-conforming use of a structure may be changed to another non-conforming use of a similar nature within the same or a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use;
  - d. In the event that a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for a period of one (1) year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.
  - e. Any structure devoted to a use made non-conforming by this Ordinance that is destroyed by any means of sixty (60) percent or more of its replacement cost at the time of destruction, exclusive of the foundations, shall not be reconstructed and used as before such happening. If the structure be less than sixty (60) percent destroyed above the foundation, it may be reconstructed and used as before provided it be done within six (6) months of such happening, and be built of like or similar materials.
3. Non-Conforming Structures. Where a structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its locations 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 non-conformity;
  - b. Should such structure be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

B. Non-Conforming Use of Land, Use of Structures, and Structures in any District other than a Residential District.

1. Non-Conforming Use of Land. The regulations described in Section 8.A.1. shall also apply to this subsection.
2. Non-Conforming Use of Structures. The regulations described in Sections 8.A.2. shall also apply to this subsection with the following exception:

- a. Any structure in a district other than a residential district devoted to a use made non-conforming by this ordinance may be structurally altered or enlarged in conformity with the lot areas, lot coverage, frontage, yard, height, and parking requirements of the district in which located, provided such construction shall be limited to buildings on land owned, of record, by the owner of the land devoted to the non-conforming use. Such structural alteration or enlargement shall not authorize the substitution of a non-conforming use that is less restrictive than the one to which the structure was devoted at the time of this Ordinance.
  - b. Any structure in any district other than a residential district made non-conforming by this ordinance may rebuild when destroyed if it can be done within one year.
3. Non-Conforming Structures. The regulations described in Section 8.A.3. shall also apply to this subsection.

C. Required Repairs.

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

**SECTION 9**                      **A-1 DISTRICT REGULATIONS (Agricultural District).**

Statement of Intent.        The A-1 District is intended and designed to preserve agricultural resources and protect agricultural land from encroachment of urban land uses.

A. Principal Permitted Use. Only the use of structures or land listed in this section shall be permitted in the A-1 District.

1. Agriculture and the usual agricultural buildings and structures, including livestock feedlots, poultry farms, grain storage and grain drying facilities; and further provided that no commercial feedlot shall be located closer than the distance allowed by state code to any "R" District boundary, to any residence not associated with the operation, or to the corporate limits of any city or town.
2. Single family dwellings provided they are developed in accordance with the regulations of this zone.
3. Churches, chapels, temples, and similar places of worship.
4. Public and parochial schools, elementary and secondary, and colleges and universities.
5. Publicly owned parks, playgrounds, golf courses, and recreation areas.
6. Private non-commercial recreational areas and centers, including country clubs, swimming pools, and golf courses; but not including automotive race tracks, miniature golf courses, drive-in theaters and similar commercial uses.
7. Cemeteries, including mausoleums.
8. Kennels for the raising, breeding and boarding of dogs or other small animals; providing that all buildings, including exercise runways, be at least two hundred (200) feet from all property lines.
9. Nurseries, greenhouses and truck gardens.
10. Stables, private and public, and riding academies and clubs, and other structures for housing animals or fowl. Any such structure must be located at least two hundred (200) feet from all boundary lines of the property on which located, except for horses which are kept solely for private or personal use, then such structures must be located not less than one hundred (100) feet from said boundaries.

B. Permitted Accessory Uses.

1. Single family dwellings, including mobile homes, provided they are installed on a permanent foundation, and further provided that any wheels or axles are removed. Such mobile homes shall be taxed as real property, in accord with Code of Iowa 414.28.
2. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.
3. Private garage or carport.
4. Home business.
5. Home occupation.
6. The taking of boarders or the leasing of rooms by a resident family; provided the total number of boarders and roomer does not exceed three (3) per building.
7. Temporary building for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
8. Roadside stands for the sale of products grown on the premises.

C. Conditional Uses.

1. Authorization.            The Board of Adjustment may, after public hearing, grant a conditional use permit for the following uses subject to the provisions herein:
  - a. Mink and chinchilla farms and ranches.

- b. Airports and landing fields.
  - c. Mining and extraction of minerals and raw materials, including sand and gravel pits; subject to approval of the Iowa Natural Resources Council of any such operation located in or on the flood plain of any river or stream. In granting such Conditional Use permits, the Board may prescribe such restrictions and conditions with respect thereto as the Board deems necessary to reasonable insure compliance with the objectives of this Ordinance.
  - d. Public or private sanitary landfills and solid waste disposal facilities.
  - e. Commercial feedlot.
  - f. Private gun clubs, skeet-shooting ranges, commercial swimming pools and similar uses.
  - g. Private Camp grounds.
  - h. Automobile race tracks and/or drag strips and snowmobile tracks.
  - i. Public water supply and sewage treatment facilities.
  - j. Electrical and natural gas transmission, regulating and storage facilities.
  - k. Any public building erected and used by any department of the Township, County, State or Federal Government, not previously allowed as a principal permitted use.
  - l. Microwave/communications towers and support buildings and structures.
  - m. Establishments or enterprises involving large assemblages of people or automobiles including, but not limited to:
    - 1) Amusement parks;
    - 2) Carnivals, circuses and fairgrounds, except as hereinafter provided;
    - 3) Commercial sports or recreational enterprises, including amphitheaters, convention halls and auditoriums;
    - 4) Rodeo grounds, show rings, music festivals and sports festivals.
  - n. Stills and accessory buildings for the production of alcohol if licensed or approved by the appropriate state or federal regulatory agencies.
  - o. Uses allowed in other districts which are appropriate in the particular location, as determined by the Zoning Administrator.
2. Conditions To Authorization. No conditional use shall be granted by the Board of Adjustment until the Board of Adjustment first finds:
- a. Surrounding Area. The value and qualities of the area (or neighborhood) surrounding the conditional use are not substantially injured, and the establishment of a conditional use will not impede the normal and orderly development and improvement of surrounding undeveloped property for uses predominant in the area.
  - b. Infrastructure. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
  - c. Intent of Ordinance. That the conditional use is consistent with the intent and purpose of this Ordinance to promote public health, safety, and general welfare.
  - d. Nuisance Factors. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
  - e. Comprehensive Plan. That the conditional use is in keeping with the comprehensive plan and policies of the County.
3. Application. An application for conditional use shall be files with the Zoning Administration on a form provided for that purpose. The application shall be accompanied by such plans and elevations and site plans as prescribed by the Zoning Administrator. The approved conditional use and development shall be binding on the property until officially amended.
4. Reversion. If an approved conditional use is not initiated within one (1) year of approval, the approval shall be rescinded.

D. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 23.

- 1. Lot Area: Schools, colleges and universities, churches, chapels, and temples, private recreation centers, and similar uses: Five (5) acres, (which may include road easements). Single family dwellings: Two (2) acres.
- 2. Lot Width: 150 feet
- 3. Front Yard: 50 feet
- 4. Side Yards: Dwellings: Total side yard—50 feet, minimum on one side—25 feet. Other permitted uses: 50 feet on each side, except for accessory nonagricultural buildings, which must have a fifteen (15) foot setback.
- 5. Rear Yard: 50 feet, except for accessory nonagricultural buildings, which must have a fifteen (15) foot setback.
- 6. Maximum Height: 35 feet.

E. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 20 and 21.

**SECTION 10**      **R-1 DISTRICT REGULATIONS (Rural Residential District).**

Statement of Intent.    The R-1 District is intended and designed to provide for relatively low density single family development.

A. Principal Permitted Uses.      Only the use of structures or land listed in this section shall be permitted in the R-1 District.

1. Agricultural
2. Single family dwellings, including manufactured homes and mobile homes 20 feet or more in width if put on permanent foundations and taxed as real estate.
3. Churches, chapels, temples, and similar places of worship.
4. Public and parochial schools, elementary and secondary, and colleges and universities.
5. Publicly owned parks, playgrounds, golf courses, and recreation areas.
6. Private non-commercial recreational areas and centers, including country clubs, swimming pools, and golf courses; but not including automotive race tracks, miniature golf courses, drive-in theaters, and similar commercial uses.
7. Cemeteries, including mausoleums.
8. Kennels for the raising, breeding, and boarding of dogs, cats, or other household pets; providing that all buildings, including exercise runways, be at least two hundred (200) feet from all property lines.
9. Nurseries, greenhouses, and truck gardens.
10. Stables, private and public, and riding academies and clubs, and other structures for housing animals. There shall be at least one (1) acre for each horse. No minimum required for other permitted uses. Any such structure must be located at least two hundred (200) feet from all property lines.

B. Permitted Accessory Uses.

1. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.
2. Private garage or carport.
3. Home occupation.
4. Temporary building for uses incidental to construction work, such buildings shall be removed upon the completion or abandonment of the construction work.

C. Bulk Regulations.      The following minimum requirements shall be observed, subject to the modifications contained in Section 23.

1. Lot Area—Dwelling: two (2) acres.
2. Lot Area—Schools, colleges and universities, churches, chapels and temples, private recreation centers, and similar uses: Five (5) acres (which may include road easements).
3. Lot Width: 150 feet.
4. Front Yard: 35 feet from the right-of-way.
5. Side Yards: Dwellings: Total side yard—50 feet, minimum on one side—25 feet. Other permitted uses: 50 feet on each side, except for accessory non-agricultural buildings, which must have a fifteen (15) foot setback.
6. Rear Yard: 50 feet, except for accessory non-agricultural buildings, which must have a fifteen (15) foot setback.
7. Maximum Height: 35 feet.

**SECTION 11.**      **PUD DISTRICT REGULATIONS (Planned Unit Development District).**

Statement of Intent.    The PUD District is intended and designed to provide a district in which a variety of housing types and unit densities and related commercial uses may be developed under unified control; to maximize open space; to provide, through the use of a development plan, an improvement to the integration of the neighborhood environment beyond that which would otherwise be created by normal zoning practices; and to provide a greater flexibility in development of land. It is further intended to achieve economy in land development, maintenance, street systems, and utility networks while providing buildings groupings for privacy, usable and attractive open spaces, safe circulation, and the general well-being of the inhabitants.

A. Principal Permitted Uses.      Only the use of structures or land listed in this section shall be allowed in the Planned Unit Development District.

1. Single family dwellings.
2. Apartments.
3. Public or private park or recreation area which may include a golf course, swimming pool, tennis court, ski slope, toboggan run, ice skating rink, and other similar recreational uses, but which may not include any use of activity which produces noise, glare, odor, air pollution, fire hazards,

or other safety hazards, smoke, fumes, or other detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.

4. Public and parochial schools, elementary and secondary, and colleges and universities.
5. Churches, chapels, temples, and similar places of worship.
6. Art gallery or professional office buildings.
7. Theater for stage productions or films, but not a drive-in theater.
8. Studio of artist, sculptor, musicians, or photographer, but no goods or objects shall be sold or publicly displayed on the premises.
9. Motel or hotel with customarily accessory retail, dining, and service facilities.
10. Restaurant.
11. Any use which is interpreted by the Zoning Administrator to be a use similar to one of the above-named uses and in conformance with the intent of this district.

B. Accessory Uses.

1. Accessory uses and structures customarily incidental to any principal permitted use.

C. Concept Plan Required. A concept plan, as defined in Section 15 of this ordinance, is required with the submittal of any application for a Planned Unit Development.

D. Minimum Parcel Size. A minimum of 20 contiguous acres shall be required for a Planned Unit Development. The Planning and Zoning Commission may increase or decrease the 20 acre minimum land area, if it deems such change necessary to fulfill the purpose and intent of this Section.

E. Requirements Regarding Tract.

1. The developer shall provide within the planned unit development a sanitary sewage disposal system which shall be of sufficient size and design to collect and dispose of all sewage from all present and probable structures in the planned unit.
2. The developer shall provide within the planned unit development a storm drainage system which shall be of sufficient size and design as will in the opinion of the County Engineer collect, carry off, and dispose of all predictable surface water run-off within the development.
3. The developer shall provide within the planned unit development a potable water system which shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development. The developer shall also provide a fire hydrant within six hundred (600) feet of each structure.

F. Density and Design Standards.

1. Area limitations for various uses. Within a planned unit development, the following percentages of the total land area shall be devoted to the specified uses:
  - a. A minimum of thirty percent (30%) for open air recreational uses and other usable open space. Usable open space shall be defined as an open area designed and developed for use by the occupants of the development or by others for recreation (whether commercial, private, or public) courts, gardens, or household service activities such as clothes drying, which space is effectively separated from automobile traffic and parking and is readily accessible; the term shall not include space devoted to streets and parking.
  - b. A maximum of seventy percent (70%) for residential use; land devoted to residential use shall be deemed to include those streets, alleys, parking areas, private open spaces and courts which abut and service primarily residences or groups of residences, but it shall not include usable open space which is available for use by the general public or by persons who do not live in the residences or groups or residences immediately adjacent to it.
  - c. A maximum of thirty percent (30%) for theater, motel, hotel, lodge, restaurant, enclosed recreational use, art gallery, professional office, and parking associated with these uses.
  - d. Under no circumstances shall the minimum of thirty (30%) percent for open-air recreational uses and other usable open space required in a. above reduced to less than thirty (30%) percent.
2. Residential Density. The density of residences shall not exceed ten (10) units per acre of land within the development which is devoted to residential use, as defined in 1.a. above, and usable open space.
3. Lot Size, Etc. There shall be no minimum lot size, no minimum setbacks, no minimum percentage of lot coverage, and no minimum lot width. However, every single family dwelling shall have access to a public street, court, walkway, or other area dedicated to public use. No structure and no group of structures (such as semi-detached dwellings or a row of town houses) shall be erected within twenty-four (24) feet of any other structure or group of structures.

4. Height. The height of any residential structure within a planned unit development shall not exceed thirty-five (35) feet, and the height of other structures (except churches) shall not exceed forty-five (45) feet.
5. Length. There shall be no continuous structure of town houses, attached dwellings, or apartments containing more than twelve (12) dwelling units.
6. Location of Structures. The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.
7. Protection of Open Spaces. Open spaces between structures, including those spaces being used as public or private recreational areas, shall be protected by adequate covenants running with the land or by conveyances or dedications.
8. Roads and Parking Areas. The dimensions and construction of roads, alleys, and parking areas within the development shall conform with all applicable County ordinances and regulations.

**SECTION 12. C-1 DISTRICT REGULATIONS (General Commercial District).**

Statement of Intent. The C-1 District is intended and designed to provide for the normal commercial uses required to serve families living in the various areas of the county, located so as to be easily accessible within minimum distance of homes which can economically support such uses. The establishments allowed cater to the day-to-day needs of the families residing nearby. This district will normally be used for new, small, or existing commercial uses where the planned district is not appropriate.

- A. Principal Permitted Uses. Only the use of structures or land listed in this section shall be allowed in the C-1 District.
1. Agricultural uses
  2. Retail business, service establishments, or recreational uses such as the following:
    - a. Antique shops
    - b. Art shops
    - c. Book, flower, and gift shops
    - d. Confectionary stores, dairy stores, including ice cream or snack bars.
    - e. Grocery stores
    - f. Laundromats, coin-operated dry cleaning establishments
    - g. Restaurants
    - h. Taverns
    - i. Dance academy, fitness club, health club, exercise club, and the like
    - j. Animal hospitals, veterinary clinics
    - k. Automobile, mobile home, motorcycle, snowmobile, boat, and farm implement establishments for display, hire, rental, and sales (including sales lots); including as incidental to these major uses all repair work in connection with company or customer vehicles.
    - l. Automobile accessory stores
    - m. Bowling alleys
    - n. Carwashes
    - o. Commercial swimming pools, skating rinks, golf driving ranges, miniature golf courses, and similar recreational uses and facilities.
    - p. Gas stations and garages for general motor vehicle repair including body and fender work, but not including automobile, tractor, or machinery wrecking and used parts yards.
    - q. Motels
    - r. Lumber yards
    - s. Monument sales yards
    - t. Public auction facilities and sale barns
    - u. Restaurants, (including drive-in restaurants, taverns, bars, and nightclubs).
    - v. Theaters, including drive-in theaters
    - w. Nurseries and greenhouses
    - x. Livestock feed and grain sales, providing dust is effectively controlled
    - y. Fertilizer and agricultural chemical and seed sales
    - z. Broadcasting and telecasting stations, studios, and offices
    - aa. Any use which is interpreted by the Zoning Administrator to be a use similar to one of the above named uses and in conformance with the intent of this District.
  3. General offices, such as dental or other medical services, financial counseling, etc.
  4. Insurance corporations
  5. Corporate headquarters
  6. Laboratories
  7. Research facilities
  8. Professional facilities

9. Private health clubs
10. Day care centers. Day care centers shall provide the minimum square footage of indoor and outdoor space per person that complies with any State of Iowa minimum square footage requirements.
11. Retail sales and services, especially smaller shops catering to the office users, such as restaurants and gift shops.
12. Banks and similar financial institutions.
13. Barber and beauty shops
14. Veterinary clinics
15. Residences located above the ground floor
16. Health clinics and similar health facilities
17. Any other use which is deemed by the Zoning Administrator to be a use similar to one of the above named uses and in conformance with the intent of this District.

B. Permitted Accessory Uses. Uses of land or structures customarily incidental and subordinate to one of the allowed principal uses, unless otherwise excluded. Residences; provided they are clearly subordinate to the primary use allowed by right.

- C. Bulk Regulations. The following minimum requirements shall be observed in the C-1 District.
1. Lot Area: No minimum requirements
  2. Lot Width: No minimum requirements
  3. Front Yard: Thirty-five (35) feet from right-of-way
  4. Side Yards: Residential: Same as in R-1 District. Other Allowed Uses: No minimum requirements, except when adjoining any residential district or use, in which case, fifteen (15) feet shall be required. When adjoining a street or road right-of-way, forty (40) feet shall be required.
  5. Rear Yard: Forty (40) feet
  6. Maximum Height: Same as specified in the R-1 District

D. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with Section 20 and 21.

### **SECTION 13. I-1 DISTRICT REGULATIONS (Industrial District).**

Statement of Intent. The I-1 District is intended and designed to accommodate light manufacturing, processing, and storage, and accessory activities which are generally characterized by a minimum of obnoxious characteristics which might adversely affect the surrounding development. These uses are not normally located in the unincorporated areas of the county, and this District should be located only in sound industrial locations with direct access to highways and other needed transportation facilities and utilities.

- A. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the I-1 District.
1. Agricultural
  2. Any use permitted in and as regulated by the C-1 District regulations
  3. Carpet and rug cleaning, provided that necessary equipment is installed and operated for the effective precipitation or recovery of dust.
  4. Blacksmith, welding, or other metal working shops, excluding drop hammers and the like.
  5. Carting, express, hauling, truck terminal, and storage yards
  6. Contractor's equipment storage yard, rental of equipment to contractors, storage yard for delivery vehicles.
  7. Creamery, bottling works, ice cream manufacturing (wholesale), ice manufacturing, and cold storage.
  8. Bakeries, other than those whose products are sold at retail only on the premises.
  9. Enameling, lacquering, and japanning
  10. Foundry, casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.
  11. Laboratories; experimental, film, or testing
  12. Manufacture or assembly of electrical appliances, instruments, and devices
  13. Manufacture of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
  14. Manufacture and repair of electrical signs, advertising structures, light sheet metal products, including heating and ventilating equipment.
  15. Machine shops
  16. Manufacture, compounding, processing, packaging, or treatment of cosmetics, pharmaceutical, and food products; except fish and meat products, cereals, sauerkraut, vinegar, yeast, stock feed, flour, and rendering or refining of fats and oils.

17. Manufacture, compounding, packaging, or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork, fiber, leather, paper, plastics, metals, or stones, tobacco, wax, yarns, and wood.
18. Milk distributing station other than a retail business conducted on the premises
19. Repair, rental, and servicing of any article of which the sale, warehousing, fabrication, or assembly is permitted in this District.
20. Sawmill, planing mill, including manufacture of wood products not involving chemical treatment.
21. Printing and/or publishing houses
22. Woodworking, sheet metal, plumbing, and sign painting shops
23. Wholesale storage and warehouses establishments
24. Any use which is interpreted by the Zoning Administrator to be a use similar to one of the above-named uses and in conformance with the intent of this District.

B. Permitted Accessory Uses. Accessory uses permitted in and as regulated by the C-1 District regulations

C. Required Conditions. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, obnoxious, or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water-carried waste. All facilities required for the discharge, collection, and treatment of liquid, solid, or gaseous wastes shall be designed, constructed, and operated in accordance with all statutes and regulations of the State of Iowa.

D. Bulk Requirements. Lot area, width, yard, and height requirements shall be the same as specified in and as regulated by the C-1 District regulations.

E. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provision of Sections 20 and 21 of this Ordinance.

#### **SECTION 14. PC/ID DISTRICT REGULATIONS (Planned commercial or Industrial District).**

Statement of Intent. This district is established for the purpose of providing for a limited group of industrial and manufacturing uses or for the establishment of office park and mixed office/commercial developments designed as single units under unified control; the operation of which will ensure the creation and maintenance of an environment which will serve the mutual interest of the county as a whole, as well as any adjacent residential areas and the occupants of the industrial park area in particular. The PC/ID district may be established upon any tract of land in any industrial or highway commercial district depending on the appropriate intended use, held by a single owner or under unified control; provided a development plan is submitted in compliance with the provisions of this section. From the concept plan submitted, the Planning and Zoning Commission must find that the proposed planned industrial district is consistent with the development plan of the area and will not adversely affect surrounding properties.

A. Uses Allowed by Right. Only the use of structures or land listed in this section shall be permitted in the PC/ID District.

1. Administrative and professional buildings
2. Corporate headquarters
3. General offices, such as dental or other medical services, financial counseling, etc.
4. Insurance corporations
5. Research facilities
6. Professional offices
7. Private health clubs
8. Day care centers. Day care centers shall provide the minimum square footage of indoor and outdoor space per person that complies with any State of Iowa minimum square footage requirements.
9. Retail sales and services, especially smaller shops catering to the office users, such as restaurants and gift shops
10. Banks and similar financial institutions
11. Barber and beauty shops
12. Veterinary clinics
13. Residences located above the ground floor
14. Health clinics and similar health facilities
15. Automobile assembly
16. Creamery, bottling, ice manufacturing, and cold storage plant
17. Manufacturing, compounding, processing, packaging, or treatment of cosmetics, pharmaceutical, and food products, except fish and meat, sauerkraut, vinegar, yeast and the rendering of fats and oils

18. Manufacturing, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork, fiber, leather, paper, plastic, metals or stones, tobacco, wax, yarns and wood.
19. Manufacture of musical instruments, novelties, and molded rubber products
20. Manufacture or assembly of electrical appliances, instruments, and devices
21. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
22. Laboratories; experimental, film, or testing
23. Manufacturing and repair of electric signs, advertising structures, light sheet metal products; including heating and ventilating equipment
24. Printing and/or publishing establishment
25. Any use which is interpreted by the Zoning Administrator to be a use similar to one of the above-named uses and in conformance with the intent of this District

- B. Accessory Uses. Accessory uses of land or structures customarily incidental to any of the above-named uses.
- C. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 20 and 21.
- D. Minimum Lot Size. A minimum lot size of twenty (20) acres is required in the Planned Commercial or Industrial District.
- E. Concept Plan Required. A concept plan, as defined in Section 15 of this Ordinance, is required with the submittal of any application for a Planned Commercial or Industrial Park.

## **SECTION 15. CONCEPT PLANS**

- A. Purpose. A concept plan is used to review the impact of proposed land uses on the adjacent properties, neighborhood, road systems, and existing and planned infrastructure and to determine the need for additional dedication and design criteria. The purpose of the concept plan review include:
1. To insure use compatibility between the proposed land uses and the surrounding area.
  2. To minimize potential hazardous, adverse, or objectionable effects of the proposal.
  3. To insure safe points of access and internal circulation to all future lots and adjacent properties.
  4. To insure that all subdivision requirements such as right-of-way width and utility easement dedications can be met.
  5. To insure that all zone district development standards, such as parking requirements, can be met.
- B. Definition of Concept Plan. A concept plan is a graphic representation drawn to scale of the proposed development of a particular site which delineates the basic zoning and subdivision requirements including, but not limited to, the intended lot lines, general uses, ranges of square footage of the proposed uses and the general location of buildings and parking areas, points of access, primary internal circulation, contour lines, easements and required dedication areas for public facilities.
- C. Submittal Requirements. All concept plans submitted for review shall contain the following information:
1. Indication of the scale and a bar scale
  2. North arrow
  3. Vicinity map (does not have to be drawn to scale)
  4. Existing topography at two-foot (2') contour intervals
  5. Legal description
  6. Location and dimensions of proposed lot lines and lot sizes
  7. Location and uses of building areas and the ranges
  8. Location and dimensions of required building and landscaping setbacks
  9. Location and dimensions of all existing utilities and proposed utility easements
  10. Location of all floodplain boundaries
  11. Location, use, maintenance, and ownership of existing and proposed trail easements, "No Build" areas, preservation or scenic easements, or other purpose restrictions
  12. Parking area, verifiable based upon building square footage
  13. Designation and classification of any right-of-way, turning or acceleration and deceleration lanes, areas to be vacated, access points, etc. that are required
  14. Internal site circulation and designation of public streets
  15. Zoning and use of adjacent property
  16. Any significant natural features, such as wetlands, woodlands, potholes, severe slope areas, and the like, and any significant cultural/historical features, such as historically or architecturally significant buildings or sites, archeological sites, and other similar natural or historical significant features.

17. Proposed development phasing plan
18. Any conditions of record established at the time of zoning
19. Any covenants or easements permitting the use of this land by adjacent property owners or use of adjacent land by these property owners.

D. Concept Plan Review Criteria. A concept plan shall be reviewed using the criteria listed below. No concept plan shall be approved unless the plan complies with all of the requirements of this Section, is consistent with the intent and purpose of this Ordinance, and is compatible with the existing and proposed land uses surrounding the site.

1. Will the proposed development have a detrimental effect upon the general health, welfare, safety, and convenience of persons residing or working in the neighborhood of the proposed development?
2. Will the proposed density, types of land uses, and range of square footage permit adequate light and air both on and off the site?
3. Are the permitted uses, bulk requirements, and required landscaping appropriate to the type of development, the neighborhood, and the community?
4. Are the proposed ingress/egress points, traffic circulation, parking areas, loading and service areas, and pedestrian areas designed to promote safety, convenience, and ease of traffic flow and pedestrian movement both on and off the site?
5. Will the proposed development overburden the capacities of existing streets, parks, utilities, schools, and/or other public facilities?
6. Does the proposed development promote the stabilization and preservation of the existing properties in adjacent areas and surrounding residential neighborhoods?
7. Does the concept plan show how any potentially detrimental use to use relationships, e.g., commercial use adjacent to single-family homes, will be mitigated? Does the development provide a gradual transition between uses of differing intensities?
8. Does the concept plan adequately identify and show the proposed treatment of significant natural, cultural, historical, architectural, and archeological features and show how development will be accomplished so as to minimize disruption to these and promote their recognition and enhancement?
9. Is the proposed concept plan in conformance with all requirements of this Section, this Ordinance, and with all elements of the comprehensive plan?

E. Procedure for Review.

1. Pre-application Conference. The applicant is encouraged to meet with the Zoning Administrator prior to submittal of the application for the approval of a concept plan.
2. Submission. A request for approval of a concept plan shall be submitted to the Director of Planning and Development for review. The Planning and Zoning Commission or Board of Supervisors may require the submittal of a concept plan as a condition of record in conjunction with any zone change request where not normally required.
3. The concept plan will be used by the county staff to establish the lot pattern, easements and rights-of-way, points of access, internal circulation, ranges of uses and square footage, and other conditions of record for the future development of a site.
4. Amendments to an Approved Concept Plan. A written request to amend the approved concept plan and revised plans shall be submitted for review to the Zoning Administrator. Amendments to an approved concept plan may be approved administratively. All amendments shall conform to the criteria outlined in this Section. Minor and major amendments shall be characterized by the following types of proposed changes.
  - a. Minor Amendments to the Approved Concept Plan. Minor relocation or reorientation of buildings/building areas, lot lines and/or easements; relocation of internal access and circulation; relocation or rearrangement of parking areas; reduction of established square footage and/or density limitations; and increase of building or landscape setbacks.
  - b. Major Amendments to the Approved Concept Plan. Major relocation of buildings, lot lines, and/or easements; relocation of points of access; changes to established land uses or building types; greater than 5% increase of established square footage or density maximums; increase of building height; and decrease of perimeter landscape or building setbacks.
5. Phasing Plan. If the applicant wishes to phase the development of the concept plan, a phasing plan shall be submitted and approved with the concept plan. A phasing plan proposes a sequence of development and provisions of required public improvements. A phasing plan must be reviewed by all appropriate county departments.

## **SECTION 16. BUFFER LANDSCAPE REQUIREMENTS**

- A. Where a commercial or industrial zone abuts a residential zone, special buffer landscaping is required to minimize noise and sight impact of the nonresidential activities in the residential area.

- B. The standard buffer landscaping shall be a landscaping strip at least five (5) feet wide, located along the residential/nonresidential boundary.
- C. The Zoning Administrator may approve an alternative landscaping plan which moved the buffer landscaping away from the residential/nonresidential boundary if he finds that:
  - 1. Noise and sight buffering of the residential zone can be accomplished at least as well with the alternate plan.
  - 2. The alternate landscaping plan allows materially better use and functioning of the nonresidential premises.
  - 3. The alternate landscaping plan does not result in less landscaped area than would have been required with the normal five (5) foot landscaping strip, and
  - 4. There is a solid wall or fence at least six (6) feet high along all segments of the residential/nonresidential boundary which does not have the standard buffer landscaping strip.
- D. The buffer landscaping shall consist primarily of trees or shrubs which grow at least eight (8) feet tall within eight (8) years of planting. Normally, the trees or shrubs in the landscaping strip shall be evergreen and form a largely opaque screen.
- E. Landscaping which dies shall be replaced by the person obligated to provide it as expeditiously as possible, but in not case longer than none (9) months after notification.
- F. In those instances where nonresidential parking is adjacent to a residential zone, a six (6) foot high wall or fence shall be required, in addition to the required landscaping strip.

**SECTION 17. LANDSCAPING REQUIRED**

- A. Landscape Plan. Where a commercial or industrial zone abuts a residential zone, special buffer landscaping is required to minimize noise and sight impact of the nonresidential activities in the residential area. Location, size, and description of all proposed and existing plant materials; existing plant materials to be removed; existing plant material to be retained; areas to be developed for buildings, parking, streets, and landscaping. Alternative plant material should also be listed in case of the unavailability of proposed plant material. The landscape plan shall be drawn to a minimum scale of one (1) inch equals (100) feet. The objectives of the landscape plan are to:
  - 1. Reduce adverse effects upon the subject property and adjacent or nearby property.
  - 2. Screen unsightly situations, undesirable views, and incompatible land uses.
  - 3. Buffer noise and other disturbing sounds.
  - 4. Provide for shade, protection from elements, and the comfort and convenience of people.
  - 5. Establish an aesthetic quality of character to each property development.

A statement of intent shall be included with the landscape plan to explain the methods used to implement the above objectives through the provision of plant materials and other suitable structures and features.

- B. Minimize standards for plant material.
  - 1. Hardiness suitable to Clarke County
  - 2. Monitoring period of three (3) growing seasons to ensure normal growth
  - 3. All dead plant material shall be replaced within the monitoring period
  - 4. Ornamental trees, measured by height, shall be a minimum of six (6) feet in height from the ground when planted
  - 5. Shade trees, measured by trunk diameter, shall be a minimum of one and one-half (1½) inch caliper.

**SECTION 18. FLOOD HAZARD OVERLAY DISTRICTS: (Reserve)**

**SECTION 19. AIRPORT OVERLAY ZONES** (Please see separate ordinance)

**SECTION 20. OFF-STREET LOADING SPACES REQUIRED**

- A. In any district, in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area, so used, in excess of ten thousand (10,000) square feet.
  - 1. Each loading space shall be not less than twelve (12) feet in width and forty (40) feet in length.

2. Such space may occupy all or any part of any required yard or open space, except where adjoining an "R" District, it shall be set back ten (10) feet and effectively screen-planted.

**SECTION 21. OFF-STREET PARKING REQUIRED.**

- A. In all districts in connection with every industrial, commercial, business, trade, institutional, recreational, or dwelling use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule. Required off-street parking facilities shall be primarily for the parking of private passenger automobiles of occupants, patrons or employees of the principal use served.
  1. Automobile sales and service garages: fifty (50) percent of gross floor area.
  2. Banks, clinics, business and professional offices: fifty (50) percent of gross floor area, but in no case less than ten (10) spaces.
  3. Bowling alleys: five (5) spaces for each lane.
  4. Churches and schools: one (1) parking space for every eighty (80) square feet of principal auditorium, including balcony, if any. Where no auditorium is involved, one (1) parking space for each staff member.
  5. Dance halls, assembly halls: two hundred (200) percent of floor area used for dancing, or assembly.
  6. Dwelling: two (2) parking spaces for each family or dwelling unit.
  7. Funeral homes, mortuaries: one (1) parking space for each five (5) seats in the principal auditorium.
  8. Furniture and appliance stores, household equipment, or furniture repair shops: one hundred (100) percent of floor area.
  9. Hospitals: one (1) space for each five (5) beds, plus one (1) space for each three (3) employees, plus one (1) space for each two (2) staff doctors.
  10. Hotels, motels, lodging houses: one (1) space for each bedroom.
  11. Manufacturing plants: one (1) parking space for each three (3) employees on the maximum working shift, but in no case less than one (1) space for each five hundred (500) square feet of gross floor area.
  12. Nursing, convalescent and retirement homes: one (1) space per eight (8) beds, plus one (1) space per three (3) employees, plus one (1) space for each resident staff member.
  13. Restaurants, taverns and night clubs: two hundred (200) percent of gross floor area.
  14. Retail stores, shops, super markets, etc., over two thousand (2,000) square feet floor area: two hundred (250) percent of gross floor area.
  15. Retail stores, shops, super markets, etc., under two thousand (2,000) square feet floor area: one hundred (100) percent of gross floor area.
  16. Theaters, assembly halls with fixed seats and sports arenas: one (1) space for each five (5) seats.
  17. Wholesale establishments or warehouses: one (1) space for each two (2) employees, but in no case less than one (1) space for each one thousand (1,000) square feet of gross floor area.
- B. In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply.
- C. Where a parking lot does not abut on a public or private street, road alley or easement of access, there shall be provided an access drive not less than ten (10) feet in width in case of a dwelling, and not less than twenty (20) feet in width in all other cases leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question; provided, however, such easement of access or access drive shall not be located in any agricultural residence district, except where serving a permitted use in an agricultural or residence district.
- D. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:
  1. No part of any parking space shall be closer than five (5) feet to any established highway, road or street right-of-way line. In case the parking lot adjoins an "R" District, it shall be set back at least five (5) feet from the "R" District boundary and shall be effectively screen-planted.
  2. All required off-street parking areas shall be surfaced in a manner approved by the County Engineer, so as to provide a durable surface. They shall be graded and drained to dispose of all surface water accumulation within the area, and shall be arranged and marked to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.
  3. Any lighting used to illuminate any off-street parking area shall be arranged to reflect the light away from adjoining premises in any "R" District.
- E. Off-street parking areas in residential districts shall be provided on the same lot with the principal use. Off-street parking and loading areas may occupy all or part of any required yard or open space, subject

to the provisions of this section; except that no required off-street parking or loading areas shall be located in any required front yard in a residence district.

**SECTION 22. SIGNS (Reserved for Future Use)**

**SECTION 23. EXCEPTIONS AND MODIFICATIONS**

The regulations specified in this Ordinance shall be subject to the following exceptions, modifications and interpretations:

- A. Use of Existing Lots of Record. In any district where dwellings are permitted, a single-family dwelling may be located on any lot or plot of official record as of the effective date of this ordinance irrespective of its area of width; provided however:
1. The sum of the side yard widths of any such lot or plot shall not be less than thirty (30) percent of the width of the lot, but in no case less than ten (10) percent of the width of the lot for any one side yard.
  2. The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case less than twenty (20) feet.
- B. Structures Permitted Above the Height Limit. The building height limitations of this ordinance shall be modified as follows:
- Chimneys, cooling towers, elevator bulk-heads, fire towers, monuments, stage towers or scenery lofts, water towers, churches, ornamental towers and spires, radio or television towers or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted regulations of Clarke County; provided, however, that no such structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of any public airport.
- C. Area Requirements. In any district in which residences are permitted and where neither public water supply nor public sanitary sewer is available, the lot area and frontage requirements shall be as follows, or the minimum required for the particular district, whichever is the greater:
1. Lot: Two (2) acres, lot width at building line—two hundred (200) feet; provided, however, that where a public water supply system is available these requirements shall be one and one-half (1½) and one hundred fifty (150) feet, respectively. The foregoing square footage regulations shall be computed exclusive of any road easements.
  2. The above requirements shall not apply in subdivision developments, providing private water supply and sewage collection and disposal systems, which have been approved by the Iowa Department of Natural Resources.
- D. Double Frontage Lots. Buildings on through lots extending through from street to street shall provide the required front yard on both streets.
- E. Mixed-Use Yard Requirements. In instances where buildings are erected containing two or more uses housed vertically, the required side yards for the first floor use shall control.

**SECTION 24. BOARD OF ADJUSTMENT: PROCEDURE**

- A. Board Created. A Board of Adjustment is hereby established which shall consist of five (5) members appointed by the Board of Supervisors. The terms of office of the members of the Board of Adjustment and the manner of their appointment shall be as provided by State statute.
- B. Meetings. The meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum.
- C. Appeals. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of Clarke County affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days of the decision by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from its taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after 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 such case, proceedings shall not be stayed otherwise than by a restraining order, which may not be granted by the Board, or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee according to the Schedule of Fees: Clarke County Zoning Ordinance, which is on file in the Office of the Zoning Administrator.

## **SECTION 25. BOARD OF ADJUSTMENT: POWERS AND DUTIES**

The Board shall have the following powers and duties:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator in enforcement of this ordinance.
- B. To grant a variation from the terms of this ordinance when a property owner can show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this ordinance actually prohibits the use of his property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of this ordinance would result in unnecessary hardship; provided, however, that all variations granted under this clause shall be in harmony with the general purpose and intent of this ordinance.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 31 of this ordinance.

Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

- C. To permit the following exceptions to the district regulations set forth in this ordinance, provided all exceptions to the district regulations set forth in this ordinance, provided all exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent property, shall not increase congestion in the public streets, shall not increase public danger of fire and safety, and shall not diminish or impair established property values in surrounding areas:
  1. To permit erection and use of a building or the use of premises or vary the height, yard or area regulations in any location for a public service corporation for public utility purposes, or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.
  2. To permit the extension of a zoning district where the boundary line of a district divided a lot in single ownership as shown of record or by existing contract or purchase at the time of the passage of this ordinance, but in no case shall such extension of the district boundary line exceed fifty (50) feet in any direction.
- D. To issue special permits and decide such matters as may be required by other sections of this Ordinance.

## **SECTION 26. DECISIONS OF THE BOARD OF ADJUSTMENT**

In exercising the above mentioned powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determinations as it believes proper, and to that end shall have all the powers of the Zoning Administrator. The concurring vote of three of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance; provided, however, that the action of the Board shall not become effective until after the resolution of the Board setting forth the full reason for its decision and the vote of each member participating therein, has been filed. Such resolution, immediately following the Board's final decision, shall be filed in the office of the Board, and shall be open to public inspection.

Every variation and exception granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.

Any taxpayer, or any officer, department, board or bureau of Clarke County, or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

## **SECTION 27. CERTIFICATE OF ZONING COMPLIANCE**

No land shall be occupied or uses, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this ordinance.

No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefore by the Zoning Administrator. No permit shall be issued to make a change unless the changes are in conformity with the provisions of this ordinance.

Nothing in this part shall prevent the continuance of a non-conforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property.

Written application on approved forms shall be filed with the Zoning Administrator and shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part, the exact location, size and height of any building or structure to be erected or altered, the existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate and when no buildings are involved, the location of the present use and the proposed use to be made of the lot, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One (1) copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Administrator together with such Zoning Certificate as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

Agricultural uses are exempt from filing plot plans.

A permit fee shall be charged for the issuance of a Certificate of Zoning Compliance, in accordance with the Schedule of Fees: Clarke County Zoning Ordinance, which is on file in the office of the Zoning Administrator. Agricultural uses are exempt from filing plot plans.

No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been occupied until that certificate is issued.

Certificates of Zoning Compliance issued in accordance with the provisions of this section shall be null and void at the end of six (6) months from the date of issue; if the construction, alteration, or change of use has not commenced during the six (6) month period. Proposed construction or alteration must be completed within eighteen (18) months.

No certificate or permit shall be issued that will allow the construction of only a basement or cellar for use for dwelling purposes.

A Certificate of Zoning Compliance shall be required of all non-conforming uses. Application for a certificate for non-conforming uses shall be filed with the Zoning Administrator within ninety (90) days from the effective date of this ordinance, accompanied by proof that such non-conforming use was legally established prior to the effective date of this Ordinance.

## **SECTION 28. AMENDMENTS**

A. General. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of Supervisors may by resolution on its own action or by petition after recommendation by the Planning and Zoning Commission, after public hearings as provided herein, amend, supplement, or change the regulations, district boundaries or classifications of property now or hereafter established by this Ordinance or amendments thereof.

B. Procedure for Change.

1. Applications for any change of district boundaries or classification of property as shown on the Official Zoning Map shall be submitted to the Planning and Zoning Commission at their public

office upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Planning and Zoning Commission so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments of the text or requirements of this Ordinance shall likewise be submitted to the Planning and Zoning Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment.

2. Before submitting its recommendation on a proposed amendment to the Board of Supervisors, the Planning and Zoning Commission shall hold at least one (1) public hearing thereon, notice of which shall be given to all property owners within five hundred (500) feet of the property concerned by placing said notice in the United States mail at least ten (10) days before date of such hearing. Notice shall also be published of said hearing in a newspaper of general circulation, as required by, and in conformance with, Iowa law. The notice shall state the place and time at which the proposed amendment to the ordinance, including text and maps, may be examined. When the Planning and Zoning Commission has completed its recommendations on a proposed amendment, it shall certify the same to the Board of Supervisors.
3. After receiving the certification of said recommendations on the proposed amendment from the Planning and Zoning Commission and before adoption of such amendment, the Board of Supervisors shall hold a public hearing thereon, and notices thereof shall be published in accord with Iowa law. In addition, notices shall be sent by the United States mail as specified in subsection (2) above.
4. After receiving certification of the recommendations on the proposed amendment from the Planning and Zoning Commission and after holding the public hearing provided for, the Board of Supervisors shall consider such recommendations and vote on the adoption of the proposed amendment. The proposed amendment shall become effective by a favorable vote of a majority of all the members of the Board of Supervisors.
5. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within five hundred (500) feet of any part of the property proposed to be changed.
6. The failure to notify as provided in Subsections (2) and (3) above shall not invalidate any recommendation of the Planning and Zoning Commission, provided such a failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Planning and Zoning Commission be affected by such amendment or change, shall not invalidate any recommendation adopted hereunder; it being the intention of this subsection to provide so far as may be, due notice to the persons substantially interested in the proposed change that an application is pending before the Planning and Zoning Commission, proposing to make a change in the Official Zoning Map or the regulations set forth in this Ordinance.
7. Each application for an amendment, except those initiated by the Planning and Zoning Commission, shall be accompanied by a check payable to the Treasurer of Clarke County or a cash payment in accord with the Schedule of Fees: Clarke County Zoning Ordinance, which is on file in the office of the Zoning Administrator. Under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.
8. Whenever any petition for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have been denied by the Board of Supervisors, then no new petition covering the same property and/or additional property shall be filed with or considered by the Board of Supervisors until one (1) year shall have elapsed from the date of the filing of the first petition.

## **SECTION 29. ADMINISTRATOR**

There is hereby established the position of Zoning Administrator who shall be appointed by the Board of Supervisors. The Zoning Administrator shall administer and enforce the provisions of this Ordinance and shall have the following powers and duties, in connection therewith:

- A. He/She shall issue all permits and certificates required by this ordinance.
- B. If He/She shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures, or of additions, alterations, or structural changes

thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance and the Board of Supervisors to insure compliance with or to prevent violation of its provisions.

All departments, officials and public employees of Clarke County who are vested with the duty or authority to issue permits shall insure conformance to the provisions of this Ordinance and shall issue no permit for any use, building or purpose if the same would be in conflict with the provisions of this Ordinance.

The Board of Supervisors, may, by resolution, delegate the powers and duties of the Office of the Zoning Administrator to any other officer or employee of the County, or of any city, town or governmental subdivision within the County, or may combine the powers and duties of this office with any other office or position.

**SECTION 30. SCHEDULE OF FEES**

Fees pertaining to permits and actions required by this Ordinance shall be in accord with the Schedule of Fees, as adopted and amended by the County Board of Supervisors. A copy of the schedule of fees shall be on file in the office of the Zoning Administrator.

**SECTION 31. VIOLATIONS AND PENALTIES**

- A. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation in or any provisions of this Ordinance or any amendment or supplement thereto adopted by the Board of Supervisors of Clarke County. Any person, firm or corporation violating any regulation in or any provision of this Ordinance or of any amendment or supplement thereto, shall be deemed guilty of a simple misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment of not more than thirty (30) days (Iowa Code, Chapter 903.1.1.a). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.
- B. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, said Board of Supervisors, the County Attorney of Clarke County, Zoning Administrator, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

**SECTION 32. SEVERABILITY**

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

**SECTION 33. REPEALER**

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 34. EFFECTIVE DATE**

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

**Passed, Adopted and Approved by the Board of Supervisors, Clarke County, Iowa, this 6 day of April, 1998.**

**Terry Robins**  
**Chairperson of the Board of Supervisors**

Attest: **Anita Chandler**  
**Clarke County Auditor**

**Recommended by the Clarke County Planning and Zoning Commission**

**Date February 2, 1998 Chairperson Randy Brown**

**Officially published May 7, 1998.**

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*Glossary of Common Planning and Zoning Terms*, Iowa State University Extension, Pm-1353, February, 1989.

*The Illustrated Book of Development Definitions*, Moskowitz and Lindbloom, Rutgers University, Piscataway, New Jersey, 1981.

*Iowa's New Subdivision Law Explained*, Iowa State University Extension, CRD 113, December, 1990.

*A Planned Community Zoning District for Colorado Springs, Colorado*, Jerry Knox, Community Development Associates, Colorado Springs, Colorado, July, 1983.

*New Zoning Landmarks in Planned Unit Developments*, Wolfe, Technical Bulletin 62, The Urban Land Institute, Washington, D.C., 1968.

*The Citizen's Guide to Zoning*, Herbert H. Smith. Chicago: APA, 1983.

Zoning Ordinances from the following jurisdictions:

- City of Albuquerque, New Mexico
- City of Atlantic, Iowa
- City of Colorado Springs, Colorado
- City of Corvallis, Oregon
- City of Dubuque, Iowa
- City of Gaithersburg, Maryland
- City of Grinnell, Iowa
- City of Irvine, California
- City of Lake Wales, Florida
- City of Lubbock, Texas
- City of Placencia, California
- City of Santa Barbara, California
- City of West Des Moines, Iowa
- Arapaho County, Colorado
- Carroll County, Maryland
- Cerro Gordo County, Iowa
- Dallas County, Iowa
- Hardin County, Iowa
- Henry County, Iowa
- Iowa DOT Standards and Specifications
- Jefferson County, Colorado
- Palm Beach County, Florida
- Polk County, Iowa
- Pottawatomie County, Iowa
- Poweshiek County, Iowa
- Story County, Iowa
- Student Study—*Department of Community and Regional Planning*, Iowa State University