Zoning Ordinance – Number 31

Table of Contents

Section 1: Basis of Land Use Regulations and Definitions 1
Section 2: Establishment of Districts and District Boundaries 24
Section 3: General Regulations and Provisions 26
Section 4: Non-Conforming Uses of Land, Non-Conforming Structures, and Non-Conforming Use of Structures 32
Section 5: A-1 (Agriculture) District Regulations 34
Section 6: R-1 (Rural Residential) District Regulations 36
Section 7: R-2 (Manufactured Home Community) District Regulations 38
Section 8: C-1 (Rural Commercial) District Regulations 40
Section 9: I-1 (Rural Industrial) District Regulations 43
Section 10: PD (Planned Development) District Regulations 46
Section 11: FP (Floodplain) Overlay District Regulations 50
Section 12: AP (Airport) Overlay District Regulations 50
Section 13: Process for Approval of Conditional Uses 50
Section 14: Buffer Landscape Requirements 51
Section 15: Off-Street Parking and Loading Space Requirements 52
Section 16: Sign Requirements 53
Section 17: Zoning Administrator 55
Section 18: Board of Adjustment 56
Section 19: Certificate of Zoning Compliance/Building Permit 58
Section 20: Floodplain Management Regulations 59
Section 21: Osceola Municipal Airport Land Use and Height Regulations 59
Section 22: Telecommunications Tower and Antenna Regulations 71
Section 23: Wind Energy Conservation Systems Regulations 78
Section 24: Subdivision Regulations 84
Section 25: Amendments 96
Section 26: Schedule of Fees 97
Section 27: Violations and Penalties 98
Section 28: Severability, Repealer, and Effective Date 99

Exhibit A: Official Zoning Districts Map
Exhibit B: Official Osceola Municipal Airport Land Use & Height Overlay Zoning Map

NOTICE
The Ordinance text and the zoning maps are subject to occasional change through amendments to the Ordinance. Information to any specific property may be obtained from the Planning and Zoning Office.

Section 1 – Basis of Land Use Regulations and Definitions

1.1 TITLE AND PURPOSE

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

This ordinance is intended and designed to meet the specific objectives of Chapter 335 of the *Code of Iowa,* as amended, and the current adopted Clarke County comprehensive plan, 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 traffic congestion; 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 and wind energy; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public improvements.

1.2 INTERPRETATION OF STANDARDS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be literally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes. 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.

1.3 AGRICULTURAL EXEMPTION

In accordance with the provisions of Chapter 335 of the *Code of Iowa,* as amended, 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. It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes. It shall be the policy to seek voluntary compliance of the provisions of this Ordinance for agricultural uses, specifically, the minimum yard requirements of the applicable zoning district.

1.4 IOWA OPEN MEETING LAW

The Clarke County Zoning Commission and Board of Adjustment, both public bodies, are subject to the terms, regulations and restrictions of the Iowa Open Meetings Law, Chapter 21 of the *Code of Iowa* as amended. Wherever in these Ordinances a conflict appears between the Ordinance and the Open Meetings Law, the Open Meeting Law shall control.

1.5 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 work "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.

Unless specified otherwise, all references to “Board” shall refer to the Clarke County Board of Supervisors.

Abutting: Having a common border or being separated from such common border by an alley or easement other than publicly dedicated and approved easements and roads.

Access: A means of vehicular approach or entry to, or exit from, property.

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.

Adult Amusement or Entertainment: An amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", is defined herein, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.

Adult Book Store or Adult Gift Shop: An establishment having as a substantial and significant portion of its stock in trade books, magazines and other periodicals or goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined herein.

Adult Hotel or Motel: A building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined herein, for observation by the individuals therein.

Adult Massage Parlor: Any building, room, place or establishment, where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on "Specified Sexual Activities" or " Specified Anatomical Areas", as defined herein, by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse and practical nurse operating under a physician's direction, physical therapist, chiropodist, registered speech pathologist and physical or occupational therapist who treat only patients recommended by a licensed physician and operate only under such physician's direction, whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bath houses. The term shall not include a regular licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.

Adult Photo Studio: An establishment that, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing " Specified Anatomical Areas" or " Specified Sexual Activities", as defined herein.

Adult Theater: A theater wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on acts or material depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined herein, for observation by patrons herein.

Adult Uses: Adult uses include Adult Amusement or Entertainment, Adult Book Store or Adult Gift Shop, Adult Hotel or Motel, Adult Photo Studio, Adult Theater and Adult Massage Parlor.

Agriculture: The use 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. The raising of animals and plants primarily for the purpose of the personal use and enjoyment of the owners or occupants of the subject property, and not for the purpose of selling such animals, plants or products therefrom for a profit in the marketplace, shall not constitute agricultural use. "Agriculture" shall not include any auction sales yards, recreational facilities, rural or urban areas used primarily for residential or recreational purposes, commercially operated stockyards or feedlots, and areas used for the production of timber, forest products, nursery products or sod. "Agriculture" shall not include a contract where a processor or distributor of farm products or supplies provides spraying, harvesting or other farm products.

Airport: A facility where aircraft operate, consisting of at least one hard surfaced runway in excess of 4,000 feet in length and associated buildings for the purpose of storage and maintenance of aircraft and aircraft warehouse facilities. Airports are primarily used for commercial and general aviation purposes.

Alley: A public right-of-way that affords a means of access to garages, parking areas, and garbage bins along the rear edge of abutting lots, not intended for general traffic circulation.

Antenna: Any structure or device used to collect or radiate telecommunications signals.

Apartment: A dwelling unit contained in a building comprised of three (3) or more dwelling units, each of which has an entrance to a hallway or balcony in common with at least one (1) other dwelling unit.

Automobile Salvage Yard: See "Junk and Salvage Yard".

Base Flood: The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

Basement: Any enclosed area of a building that has its lowest level below ground level (subgrade) on all sides. Also see "lowest floor." For purpose of height and bulk regulations, it is a story having a part but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purpose of height regulations.

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.

Billboard: Any structure, regardless of the material used in the construction of the same, that is erected, maintained, or used for public display of posters, painted signs, wall signs, (whether the structure be placed on the wall or painted on the wall itself), pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

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.

Board of Adjustment: A quasi-judicial board that considers and approves or denies certain zoning questions, also known as the Board of Adjustment of Clarke County, Iowa.

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.

Building Line**:** A line perpendicular to lot depth, which establishes the horizontal distance between the structure and the front property line. (See also lot width)

Building Permit**:** Written authorization by the Zoning Administrator to build a structure in accordance with the codes adopted by the County. See also "Zoning Certificate."

Bulk Stations: Distributing stations commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids, or liquefied petroleum products where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

Burial Site: As defined by the *Code of Iowa*, Chapter 523I, in section 523I.102(2), as amended, to mean "any area, except a cemetery, that is used to inter or scatter remains."

Cabin: See "Vacation or Recreational Cabin."

Campground: Any land or portion thereof which is planned for and used exclusively by occupants of tents, trailers, mobile homes or other mobile living facilities, for a period not exceeding four (4) weeks duration.

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.

Caretaker: An employee who must be on the property for a substantial portion of each day for security purposes for vital care of people, plants, animals, equipment, or other conditions of the site, and who does not have an ownership in the property.

Catering Service**:** A service providing meals or refreshments for public or private entertainment for a fee at an off site event.

Cellar: Any enclosed area of a building that has its lowest level below ground level (subgrade) on all sides. Also see "lowest floor." For purpose of height and bulk regulations, it is the 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.

Cemetery: As defined by the Code of Iowa, Chapter 523I, it means "any area that is or was open to use by the public in general or any segment thereof and is used or is intended to be used to inter or scatter remains."

Certificate of Occupancy: A written certificate that a structure, use, or parcel of land is in compliance with the requirements of this Ordinance.

Change in Use: Any use that substantially differs from the previous use of a building or land in which the new use requires, but is not limited to, additional parking, landscaping, screening, buffering, storm water management, signage or any other changes to the site.

Child Care Facility: A childcare center, preschool, or a registered child development home as defined in Chapter 237A of the *Code of Iowa*, as amended.

Church: A building or structure, or groups of buildings or structures that, by design and construction, are primarily intended for conducting organized religious services and associated accessory uses.

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.

Commercial WECS: A WECS of equal to or greater than one hundred (100) kilowatts in total nameplate generating capacity.

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

Common Open Space: Undeveloped land within a subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historic structures and archaeological sites, and/or such recreational facilities for residents as indicated on the approved development plan.

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

Communication Tower/Facility: A tower or antenna, whether guyed or of monopole or lattice-type design, or equipment and associated facilities either as a free-standing structure or in association with a building constructed to transmit or receive signals for the purpose of providing communication services for commercial use. This definition includes, but is not limited to, radio, television, cellular, PCS, telephone and microwave towers.

Comprehensive Plan: The Clarke County Comprehensive Plan, including text and all accompanying maps, charts, and explanatory material adopted by the County and all amendments thereto.

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.

Conditional Use Permit**:** A permit issued for a use specified in these regulations identifying specific conditions, limitations or restrictions, and which is subject to review for approval or denial by the Board of Adjustment.

Conservation Easement: A transfer of usage rights, which creates a legally enforceable land preservation agreement between a landowner and a government entity or a qualified land protection organization (often called a "land trust"), for the purposes of conservation by retaining or protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining quality of air, land and water and preserving archaeological, architectural, historical and cultural aspects of real property. It restricts real estate development, commercial and industrial uses, and certain other activities on a property to a mutually agreed upon level.

Construction, Actual: The placing of construction materials in a permanent manner, inclusive of demolition and other pre-development activities of a permanent nature.

Construction, Start of: The initiation of grading, filling, excavation, or construction of a site as part of development (now or in the future). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Contiguous: Having a common border or being separated from such common border by an alley, easement, or other publicly dedicated and approved easement and/or roads.

Convenience Store: A retail store generally containing less than 2,500 square feet of gross floor area designed and stocked to sell primarily food, beverages, and other household supplies to customers. It is designed to attract a large volume of stop-and-go traffic.

Conveyance: An instrument filed with the County Recorder as evidence of the transfer of title to land, including any form of deed or contract.

Corn Suitability Rating (CSR): An index, created by the U.S. Department of Agriculture (USDA) and included as part of the Clarke County Soil Survey, that ranks the productivity of soils and their suitability for row-crop production.

Court: An open, unobstructed, and unoccupied space other than a yard which is bounded on two (2) or more sides by a building on the same lot.

Cumulative Sign Area: The sum of the area of all signs of a given type on any one lot, parcel, or tract of land.

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.

Deck: An exterior floor supported on at least two opposing sides by an adjacent structure, and/or posts, piers or other independent supports.

Deck, Freestanding: A deck supported entirely by its own structure.

Dedication: The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.

District: A geographic section or sections of the county within which the use and occupancy are controlled by this Ordinance.

Driveway: A public access to a private or public street, road, alley, highway, or freeway.

Dwelling: Any building or portion thereof which is designed, or used exclusively, for residential purposes including modular homes which meet the requirements of the Iowa State Building Code and manufactured homes which were built after June 15, 1976, that meet the requirements of the Iowa State Building Code but not including a tent, cabin, trailer, or mobile home (except when a mobile home has been converted to real estate by destruction of the vehicular frame; attaching the mobile home to a permanent foundation; and notifying the Clarke County Assessor, who shall inspect for compliance and collect mobile home vehicle title from the owner and enter the property upon the tax roll).

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, of the *Code of Iowa*, as amended.

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 "townhouse".

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

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. Also referred to as a "duplex".

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

Earth Home: An earth home is a structure that is below the ground on two (2) or more sides and is constructed with passive solar energy generation in mind. An earth home is to be considered a single-family dwelling for the purposes of this Ordinance. This definition is not to be construed or confused with the definition of a basement or cellar.

Easement: A legal interest in land, as defined in a document recorded in the office of the Clarke County Recorder, granted by the owner to another person or entity, which allows that person or entity the use of all or a portion of the owner's land, generally for a stated purpose, including, but not limited to, access or placement of utilities.

Existing Construction: Any structure for which the "start of construction" has commenced before the effective date of this ordinance, and before the effective date of the floodplain management regulations.

Exterior Storage: Outdoor storage of fuel, raw materials, products, and equipment.

External Sign: Any sign primarily designed, scaled, and/or positioned to convey commercial or non-commercial information or messages beyond the bounds of the property on which the sign is located.

FAA: Federal Aviation Administration.

Factory-Built Structure (Home): Any structure (designed for residential use) that is, wholly or in substantial part, made fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance, factory-built homes include mobile homes, manufactured homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

Fall Zone: means the area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

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.

Family Home: A home for the physically disabled which is intended to serve two (2) to five (5) residents who are members of a nonprofit corporation formed in accordance with Section 504C.1, of the *Code of Iowa,* as amended, or a community-based residential home which is licensed as a residential care facility under Chapter 135C, of the *Code of Iowa,* as amended, or as a foster care facility under Chapter 237.1, of the *Code of Iowa,* as amended, to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a development disability or brain injury and any necessary support personnel; provided that the term "family home" does not mean an individual foster care family home licensed under Chapter 237.1, of the *Code of Iowa,* as amended. See also definitions in *Code of Iowa* Sections 335.32 and 33, as amended.

Farm: An area comprising ten (10) 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 public road does not render property non-contiguous.

Farm, Retail or Novelty: A farm that, in addition to crop and/or livestock production, offers services or products, whether seasonal or not, for sale to the public on-site which are uniquely tied to the heritage or current practice of agriculture in Iowa, including but not limited to: tours, demonstrations, petting zoos and the like, and retail sales of fruits, vegetables, pumpkins and melons, berries, trees, or other agricultural crops. This definition is not applicable to those structures or uses determined to be agriculturally exempt from County zoning authority according to Chapter 335 of the *Code of Iowa*, as amended.

Farmland. A parcel of land used for agricultural activities. Also defined in the *Code of Iowa*, Chapter 352 (County Land Preservation and Use Commissions) as those parcels of land suitable for the production of farm products.

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

Farm Operation: A condition or activity which occurs on a farm in connection with the production of farm products and includes, but is not limited to, the marketing of products at roadside stands or farm markets, the creation of noise, odor, dust, fumes, the operation of machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides, and the employment and use of labor.

Farm Products: Those plants and animals and their products which are useful to people and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey, and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur.

FCC: The Federal Communications Commission.

Feedlot or Confinement Operation: 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.

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Fill: The placing, storing, or dumping of any material such as earth, clay, sand, rubble, or concrete upon the surface of the ground which results in increasing the surface elevation.

Firearms Operations. Any uses that include the firing, shooting or any other discharge of firearms, explosives and all weapons, on a regular basis or as the main intended use of the property. Firing ranges, shooting ranges, and weapons ranges, either inside of a building or outside, are examples of firearms operations. Occasional shooting of firearms, such as during hunting or athletic events, does not constitute a firearms operation.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

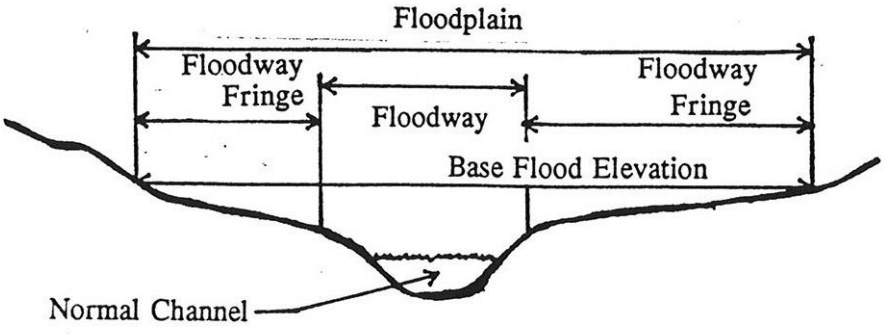
Flood Elevation: The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of floodwaters related to the occurrence of the 100-year flood.

Flood Insurance Rate Map (FIRM): The official map prepared as part of (but published separately from) the Flood Insurance Study, which delineates both the flood hazard areas and the risk premium zones applicable to the community.

Floodplain: Any land area susceptible to being inundated by water as a result of a flood. As applicable to sections of this ordinance, it is as defined by the Federal Emergency Management Agency, Flood Insurance Rate Maps (FIRM) as Zone "A" or as determined by appropriate engineering calculations on a

wet stream. These areas are identified as Special Flood Hazard Areas (SFHAs) on adopted FIRMs (see Figure 1).

Figure 1: Floodplain Definitions Illustration



Floodplain Development Permit: Written authorization by the Jurisdiction, as defined below, to develop in a floodplain in accordance with process adopted by Clarke County. The Jurisdiction in a "non-delegated" community is the Iowa Department of Natural Resources. In a "delegated" community, the Clarke County Zoning Office shall be the Jurisdiction. An agreement between Clarke County and the Iowa Department of Natural Resources shall establish the Jurisdiction.

Floodway: The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities (see Figure 1).

Floodplain Management: An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

Floodway: The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot (see Figure 1).

Floodway Fringe: Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities (see Figure 1).

Floor Area: The sum of gross horizontal areas of all floors of a building.

Floor Area Ratio: The gross floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.

Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the curb line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

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

Garage, Public: Any building or premises except those used as private or storage garages, used for equipping, refueling, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

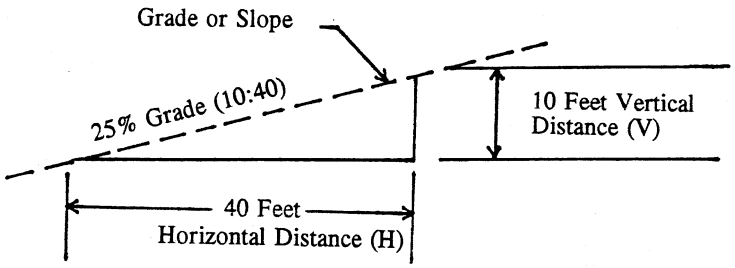
Garage, Storage: Any building or premises used for housing only of motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired, or sold.

Gasoline Filling Station or Convenience Store: An establishment providing gas sales, convenience store sales, and related activities, such as minor auto repairs. This use does not include auto body repair or paint spraying.

Governing Body (Jurisdiction): The Clarke County Board of Supervisors, within whose jurisdiction the land is located, except within two miles of a municipality, in which case the governing body can also be the city council of the said municipality.

Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building (see Figure 2).

Figure 2: Grade or Slope



SLOPE CALCULATION = V / H

Grain Elevator: A structure or group of related structures whose primary purpose includes, but not limited to, the receiving, selling, processing, storage, drying and transporting of bulk grain.

Greenhouse: An enclosed building, permanent or portable, which is used for the growth of plants.

Gross Density (GD): The quotient of the total number of dwelling units divided by the base site area of a site.

Gross Floor Area: The sum of the gross horizontal area of floors of a building, including interior balconies and mezzanines. All horizontal dimensions are to be between the exterior faces of walls.

Ground Clearance: The distance between the ground and the lowest point or a blade tip of a wind turbine.

Group Home: A community-based residential home which is licensed as a residential care facility under Chapter 135C or as a child foster care facility under Chapter 237 in the *Code of Iowa* to provide room and board, personal care, habitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However a group home or family home does not mean an individual foster family home licensed under Chapter 237 of the *Code of Iowa,* as amended.

Guyed Tower: A communications tower that is supported, in whole or in part, by guy wires and ground anchors.

Historic Structure: Any structure that is:

a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;
b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

Hazardous Waste: A hazardous waste as defined in Chapter 455B.411, of the *Code of Iowa,* as amended or designated as such by the Federal Environmental Protection Agency.

Height: The vertical distance measured from the average ground elevation to the highest point on such structure, excluding chimneys, communication towers, ornamental towers and spires, and necessary mechanical appurtenances, which do not exceed 30 feet in height above the highest point of the structure. For a tower, it is the distance measured from the finished grade to the highest point on the tower or other structure, including the base pad and any antenna, in reference to a tower or other structure.

Home Business: Any business carried on by a family member on a lot or parcel of at least ten (10) contiguous acres and not employing more than ten (10) people unrelated to a property owner. 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 base zoning district due to the exterior appearance, emission of odor, gas, dust, smoke, noise, or in any other way. Examples of home businesses include but are not limited to the restoration and sales of used vehicles, small retail stores, bed and breakfast inns, auto repair, machine shops, wedding venues, boarding houses, storage facilities, pest control businesses, landscaping businesses, and recycling facilities. Home Business Permits shall be required.

Home Occupation: Any occupation, profession, activity or use carried out by a resident with the intention for economic gain in the resident's own dwelling unit and/or accessory structure located on the same property. The home occupation must be clearly subordinate to the residential or agricultural use of the property; 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. Examples of home occupations include tax preparation offices, salons and beauty shops,

minor retail sales of primarily home-made crafts, computer repair shops, tea rooms, internet sales, ice cream and baked goods sales, small massage parlors, jewelry making and repair shops, custom gun repair and sales, and professional offices of a property owner. Home Occupation Permits shall be required.

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.

Improvements: Addition of any facility or construction on land necessary to prepare land for building sites including road paving, drainage ways, sewers, water mains, wells, and other works and appurtenances.

Internal Sign: Any sign primarily designed, scaled, and/or positioned to convey commercial or noncommercial information or messages within the bounds of the property on which the sign is located. Any sign 16 square feet or greater in area, or eight feet or greater in height, is not an internal sign.

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.

Junked Vehicle: A motorized vehicle, including automobiles, motorcycles, trucks, truck tractors, commercial vehicles, trailers, etc., which does not have a current Iowa Department of Transportation registration or its equivalent and/or has either had parts removed for reuse, salvage, or sale or the vehicle has been incapable of operating under its own power for more than 90 days.

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 in aggregate three (3) or more dogs, cats, or other household pets of the mammal group over the age of six months.

Landing Field: A facility where aircraft operate consisting of a non-hard surfaced (dirt, turf, or granular) runway less than 4,000 feet in length and associated buildings for the purpose of storage and maintenance of aircraft. Landing fields are primarily for agricultural uses, such as crop dusting/spraying, and for recreational use.

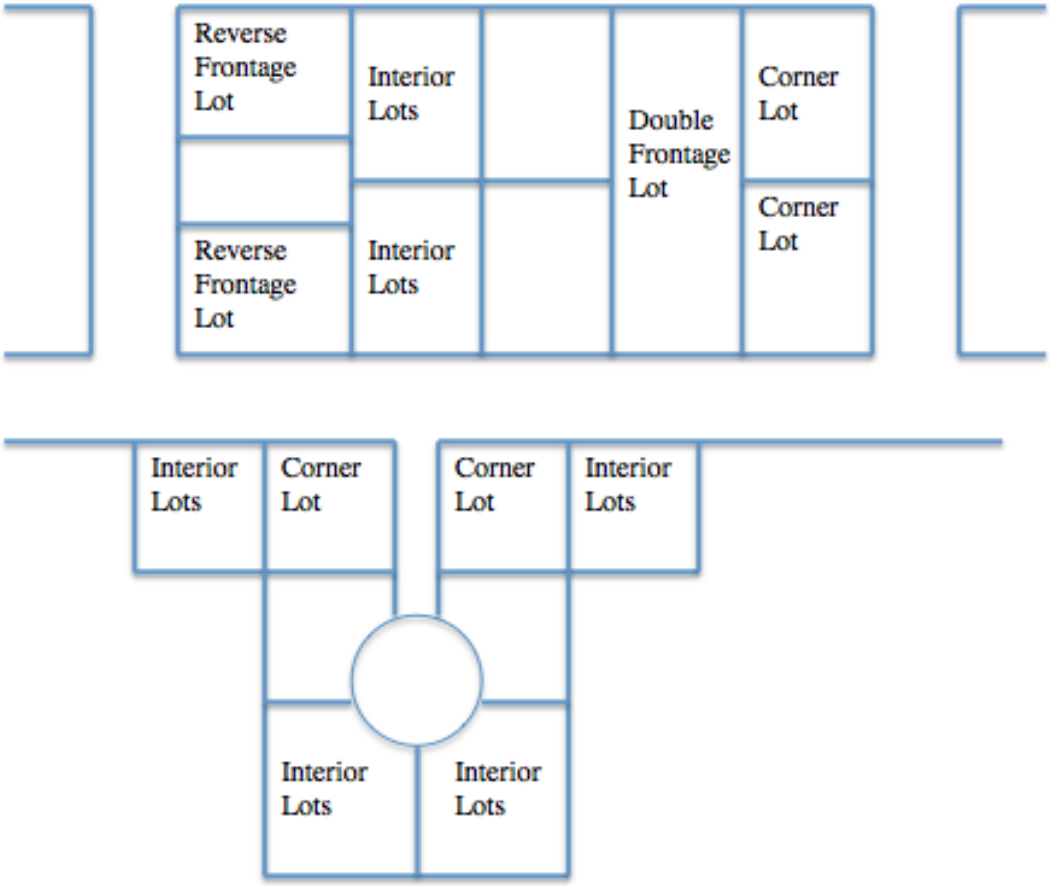
Lattice Tower: A self-supporting tower with three or four sides and an open, steel frame structure used to support communications equipment.

Loading Space: Any off-street space or berth on the same lot, parcel, or tract with a building or contiguous to a group of buildings for the temporary parking (less than 24 hours) of a commercial vehicle while loading or unloading merchandise or materials.

Lodging House: A building where lodging only is provided for compensation for four or more persons.

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; or (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 (see Figure 3).

Figure 3: Examples of Lot Definitions



Lot Area: The area contained within the boundary lines of a lot excluding easements for publicly dedicated or accepted rights-of-way.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection (see Figure 3).

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 (see Figure 3).

Lot Frontage: Lot width measured at the street lot line. When a lot has more than one (1) street lot line, lot width shall be measured, and the minimum lot width required by this Ordinance shall be provided, at each such line.

Lot, Interior: A lot other than a corner lot (see Figure 3).

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

Lot Line, Front: The line separating the lot from the street on which it fronts.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot of Record: A lot that 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.

Lowest Floor (Flood Management Regulations): The floor of the lowest enclosed area in a building including a basement or cellar except when all the following criteria are met:

a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 11 of this Ordinance; and
b. The enclosed area is unfinished (not carpeted, dry walled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level; and
d. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

Lumber Yard: A premises on which primarily new lumber and related building materials are sold.

Manufactured (Factory-Built) Home: A factory-built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, National Manufactured Home Construction and Safety Standards Act of 1974, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purpose of these regulations, a manufactured home built after June 15, 1976, shall bear the seal certifying that it is in compliance with the National Manufactured Home Construction and Safety Standards Act of 1974. For the purpose of these regulations, manufactured home shall be subject to the same standards as site-built dwellings.

Manufactured (Factory-Built) Home Community, Park, or Subdivision: A tract of land that has been planned and improved for placement of manufactured housing on leased spaces. Also, any lot, or portion of a lot, upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

Massage: Any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument for any form of consideration or gratuity.

Massage Establishment: Any establishment having a fixed place of business where massages are administered for any form of consideration or gratuity, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include: (1) persons licensed by the State of Iowa under the provisions of Chapters 148, 148A, 148B, 150, 150A, 151, 152, 157, or 158 of the Iowa Code, when performing massage therapy or massage services as part of the profession or trade for which licensed; (2) persons performing massage therapy or massage services under the direction of a person licensed as described in (1) herein above; (3) persons performing massage therapy or massage services upon a person pursuant to the written instructions of a licensed physician; (4) nurse's aides, technicians and attendants at any hospital or health care facility licensed pursuant of Chapter 135B, 135C, or 145A of the Iowa Code, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in (1) herein above; (5) an athletic coach or trainer (i.) in any accredited public or private secondary school, junior college, college or university, or (ii.) employed by professional or semi-professional athletic team or organization, in the course of their employment as such coach or trainer. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad or a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities, and facilities for the welfare of the residents of the area.

Minimum Floor Elevation: The lowest elevation permissible for the construction, erection, or other placement of any floor, including basement floor(s) and cellar floor(s).

Minor Projects: Small development activities (except for filling, grading and excavating) valued at less than $500.

Minimum Lot Area: The minimum required lot, parcel, or tract net area.

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 structure used for living, sleeping, business, or storage purposes having no foundation other than wheels, blocks, skids, jacks, horses or skirting, or which is, has been, or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. Nothing in this Ordinance shall be construed as permitting a mobile home in other than an approved location, as specified in this Ordinance. A Mobile home becomes a manufactured home once 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* 335.30, as amended.

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.

Monopole Tower: A self-supported communication tower consisting of a single pole constructed without guy wires or ground anchors.

Motel or Tourist Home: A permanent building, or group of buildings, designed or arranged primarily for temporary occupancy as a dwelling for transient guests and arranged to provide space for parking vehicles used by the traveling public. Such building, or group of buildings, may include quarters for the use of operating personnel.

New Construction: Those structures or development for which the start of construction commenced on or after the effective date of this Ordinance.

Non-commercial Solar Energy System (SES): A solar collection system consisting of one or more roof- and/or ground-mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered a non-commercial solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

Non-Commercial WECS: A WECS of less than one hundred (100) kilowatts in total nameplate generating capacity and which is intended to primarily reduce on-site consumption of utility power.

Nonconforming Sign: Any sign or signs that do not conform to all the provisions of these regulations.

Nonconforming Structure: Any building or structure, legally established prior to the effective date of this Ordinance or subsequent amendment to it, which does not fully comply with the standards imposed by the individual sections of this Ordinance.

Nonconforming Use: Any activity using land, buildings, signs, and/or structures which were legally established prior to the effective date of this Ordinance or subsequent amendment to it and which would not be permitted to be established as a new use in a zone in which it is located by the regulations of this Ordinance.

Nursery: Land or greenhouses used for the limited sale of flowers, plants, shrubs, trees and vegetables, and may also include yard waste collection wherein yard waste is defined as plant material that comes from lawn maintenance and other gardening and landscaping activities, including grass, leaves, pruning, brush, shrubs, tree limbs and garden materials. This definition does not include a yard waste composting facility as defined herein.

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.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, junk, solid waste, refuse, fill, or other analogous structure or matter in, along, across, or projecting into any floodplain which may

impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.

Occupancy Permit: A certificate issued by the County Zoning Department, stating that the building and use comply with the provisions of this Ordinance and other applicable ordinances and codes adopted by Clarke County.

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.

Official Plat: Either an Auditor's plat or a major or minor subdivision plat that meets the requirements of the Code of Iowa and has been filed for record in the offices of the County Recorder, County Auditor, and County Assessor.

One Hundred (100) Year Flood: A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

Open Space: All lands not occupied by buildings or paving. Open space represents many different elements in the landscape, including lawns, pathways/walkways, wooded areas, fields, and natural areas.

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.

Outlot: A remnant of a lot, parcel, or tract of land leftover after platting, which is intended to be used as open space or for a future subdivision, for which no zoning permit shall be issued.

Owner: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Parcel: A part of a tract of land.

Parcel of Record: A parcel for which the contract or deed has been recorded in the office of the County Recorder prior to the effective date of the Ordinance.

Parking Lot: A parcel of land devoted to unenclosed parking spaces.

Parking Space: A permanently surfaced area of not less than one hundred eighty (180) 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.

Patio: A floor usually made of concrete, brick, or other masonry material, which has an average elevation of not more than 30 inches, and which contains a roof and/or walls, and which is open on one or more sides.

Pennant Sign: Any lightweight material suspended from a rope, wire, or string and displayed in a series with or without a message, designed to move in the wind.

Permanent Foundation: A foundation of at least forty-two (42) inches deep, said foundation being constructed out of concrete block with mortar, or a poured concrete foundation. Permanent foundation may be a pier foundation system extending from the ground level to below normal frost level designed and constructed to be compatible with the structure and the conditions of the site.

Permit: Written permission issued by the Director, or designee, empowering the applicant to begin an activity not forbidden by law but not allowed without such authorization.

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.

Pool: An artificial basin and its appurtenances, either constructed or operated for swimming, wading, or diving, and including a swimming pool, wading pool, waterslide, or associated bathhouse. "Swimming pool" does not include a decorative fountain that does not serve primarily as a wading or swimming pool and the drain of which fountain is not connected to any type of suction device for removing or recirculating the water.

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.

Portable Sign: Any sign not permanently attached to a structure or the ground, or sign designed to be transported by wheels and also includes signs painted on vehicles unless the vehicle is used for everyday business. Depending on how a portable sign is designed, scaled, and/or positioned, a portable sign may be an external or internal sign.

Principal Building: A building in which is conducted the principal use of the lot, parcel, or tract on which it is located.

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

Recreational Vehicle - A vehicle that is:

a. Built on a single chassis;
b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
c. Designed to be self-propelled or permanently towable by a light duty truck; and
d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Right-of-Way: A right belonging to a party to pass over land of another, usually with regards to a public or private roadway.

Road: All property intended for use by vehicular traffic, dedicated or intended for public or private road, street, alley, highway, freeway or roadway purposes or to public easements therefore.

Rooming House: See "Boardinghouse."

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

Setback Line: That line that is the required minimum distance from the nearest lot, parcel, or tract line and that establishes the area within which the structure must be erected or placed.

Shared Driveway: A single driveway serving two or more adjoining lots, parcels, or tracts.

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.

Sign: Any object, device, display, structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, religious group, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or score boards located on athletic fields.

Sign Area: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area, except where such frames and structural members are used as an integral primary or subsidiary portion of the graphic, literal, or numerical display, such as forming a picture frame to facilitate continuity or providing contrasts to emphasize the intended purpose of the sign.

Sign, Directional: An off-site sign providing directions to governmental facilities, hospitals, colleges, schools, churches, and permitted commercial uses.

Sign, Electronic Message: A sign, or portion thereof, that displays electronic, static images, static graphics or static pictures, with or without textual information. Such a sign can be changed or altered by electronic means on a fixed display screen composed of a series of lights including light emitting diodes (LED's), fiber optics, lights bulbs, or other illumination devices within the display area where the message is displayed.

Sign, Exterior: A sign which directs attention to a business, profession, service, product or activity sold or offered upon the premises where such sign is located. An exterior sign is a sign attached flat against a building or structure, or projecting out from a building or structure or erected upon the roof of a building or structure.

Sign, Freestanding: A self-supporting sign located on or supported by poles or base on the ground.

Sign, Illuminated: A sign designed to give forth artificial light or through transparent or translucent material from a source of light within such sign, including but not limited to neon and exposed lamp signs.

Sign, Marquee: Non-electronic changeable copy signs used to announce special events or information.

Sign, Off-site: A billboard identifying or directing attention to a profession, business, service, activity, product, campaign or attraction manufactured, sold, offered or conducted at a location other than upon the premises

where such sign is located, and/or the ideological or noncommercial views of a party who is not an occupant of the premises.

Sign, On-Site: A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services, or activities on the premises.

Sign, Temporary: Any sign not permanently attached to the ground, wall or building, and intended to be displayed for a short and limited period of time.

Special Flood Hazard Area: The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.

Specified Anatomical Areas: Less than completely and opaquely covered human genital, pubic region, buttocks; and a female breast below a point above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Patently offensive acts, exhibitions, representations, depictions or descriptions of:

a. Human genitals in a state of sexual stimulation or arousal;
b. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast;
c. Intrusion, however slight, actual or stimulated, by any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body;
d. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated;
e. Flagellation, mutilation or torture, actual or simulated, in a sexual context.

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.

Storm Water Drainage System**:** All manmade facilities and structures and all natural watercourses that are owned by the County, or that are within a drainage easement owned by the County, and that are used for collection, storage, treatment, and conveyance of storm water from any area, through any area. This includes without limitation all storm water facilities, canals, creeks, curb and gutter, dams, ditches, floodwalls, flumes, gulches, gullies, levees, ravines, siphons, streams, streets, and swales. For the purpose of illicit discharge regulation, any discharge to an area tributary to the storm water drainage system shall be treated as a discharge to the storm water drainage system.

Story: That portion of a building included between the surface of any floor and the 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: A right-of-way, dedicated as public property for public use serving more than one ownership, which provides principal vehicular and pedestrian access to adjacent properties. The term street may be used synonymously with road or roadway.

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

Street, Public: Any thoroughfare or public way that 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.

Substation: Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 volts (35KV) for interconnection with high voltage transmission lines located outside of the road right-of-way.

Substantial Damage (Flood Management Regulations): Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement (Flood Management Regulations): Any improvement to a structure that satisfies either of the following criteria:

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure."
2. Any addition that increases the original floor area of a building by 25 percent or more. All additions constructed on or after the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

Total height (WECS): The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

Tourist Home: A residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for automobile travelers.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers.

Tower (WECS): Vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

Tower height (WECS): The total height of the WECS exclusive of the rotor blades.

Tract: An aliquot part of a section, a lot within an official plat, or a government lot.

Travel Trailer: A vehicle customarily used for vacation or recreational purposes defined and licensed in accordance with Section 321.1 (36C)(b), of the *Code of Iowa,* as amended.

Unincorporated Area: The entire area of Clarke County, Iowa, except that portion included within the corporate limits of any city or town located in said County.

Use: The purpose or purposes for which land or a structure is designed, arranged, or intended, or to which purpose land or a structure is occupied, maintained, leased, or operated.

Use, Accessory: A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

Use, Conditional: A use which, because of special problems of control the use presents, requires reasonable, but special, unusual, or extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the municipal land-use plan.

Use, Existing: A land use that, prior to the effective date of this ordinance, is completed, under construction, or permitted by Clarke County.

Use, Principal: The specific primary purpose for which land or structure is designed, arranged, or intended, or to which purpose land or structure is occupied, maintained, leased, or operated.

Use, Temporary: Those land uses and structures that are needed or are in place for only short periods of time.

Vacation or Recreational Cabin: A structure consisting of not more than four (4) sleeping rooms, kitchen and living area used as a temporary residence, not to exceed six (6) months at a time, for recreational purposes.

Variance: Permission granted by the Board of Adjustment to vary the literal requirements of the Ordinance. A variance is granted when the literal interpretation causes undo hardship and when it is not contrary to the public interest.

Violation: The failure of a structure or other development to be fully compliant with this Ordinance.

Wind Energy Conversion System (WECS): An electrical generating facility comprised of one or more wind turbines and accessory facilities, including (but not limited to) power lines, transformers, substations and metrological towers that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.

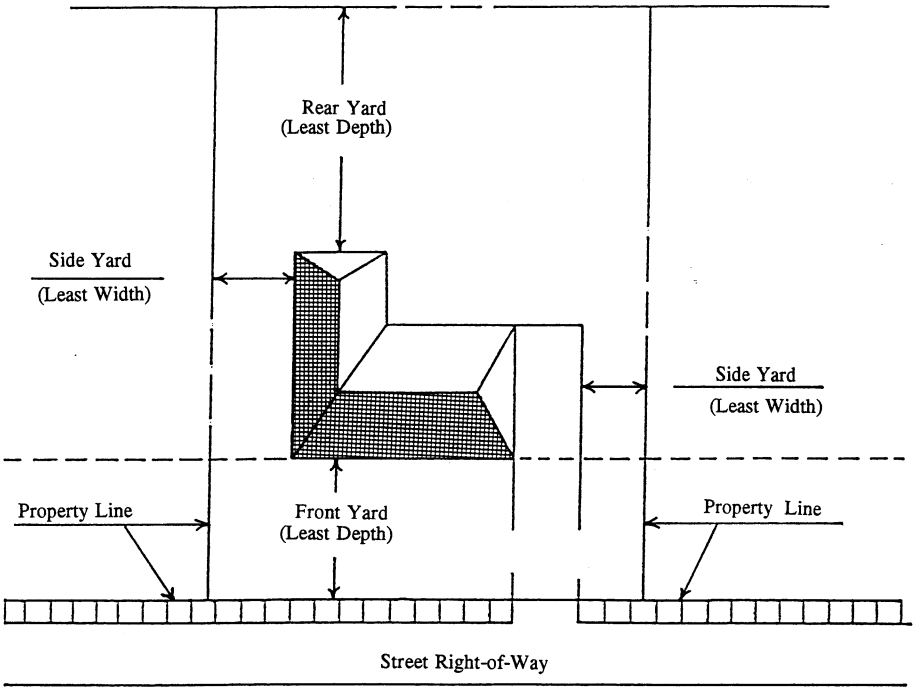
Yard: An open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this ordinance. In the instance of an irregular lot or building site, yard designation shall be as determined by Zoning Administrator (see Figure 4).

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. For the purposes of this Ordinance, "front" is determined by the street where the address is derived (see Figure 4).

Yard, Rear: A yard extending the full width of the lot between a main building and the rear lot line. On both corner lots and interior lots the opposite end of lot from the front yard (see Figure 4).

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 (see Figure 4).

Figure 4: Yard Definitions



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

Zoning Certificate or Building Permit: Written authorization, issued by the Zoning Administrator, that indicates a proposed project conforms to this Ordinance.

Zoning Map: The map showing the location and boundaries of the zoning districts established by this Ordinance. The map is entitled, "Official Zoning Map, Clarke County, Iowa."

Section 2 – Establishment of Districts and District Boundaries

2.1 ESTABLISHMENT OF DISTRICTS

In order to classify, regulate or restrict the location of trades and industries, and the location of buildings designed for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas and to regulate and determine the area of yards, courts,

and other open spaces within and surrounding such building, the unincorporated area of Clarke County, Iowa, is hereby divided into eight (8) zoning district classifications as follows:

A-1	Agricultural District
R-1	Rural Residential District
R-2	Manufactured Home Community District
P-1	Planned Development District
C-1	General Commercial District
I-1	Industrial District
FP	Floodplain Overlay District
AP	Airport Overlay District

2.2 DISTRICT BOUNDARIES AND OFFICIAL ZONING MAP

The boundaries of these districts are indicated upon the Official Zoning Map of Clarke County, Iowa, which 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.

If, in accordance with the provisions of this ordinance, changes are made in the district boundaries or other matters 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.

2.3 INTERPRETATION OF DISTRICT BOUNDARIES

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 rights-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 rivers, 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.

8. Publication of the legal description of the property or properties zoned or rezoned shall constitute an official amendment to the Official Zoning Map; and, as such, said maps or portions of said maps need not be published.
9. As a last resort, the Board of Adjustment may, per Section 18, interpret district boundaries.

2.4 APPLICATION OF DISTRICT REGULATIONS

The regulations set by the Zoning Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations specified in the Zoning Ordinance for the district in which it is located.
2. No building or other structure shall hereafter be erected, or altered:
   A. To exceed the height;
   B. To accommodate or house a greater number of families;
   C. To occupy a greater percentage of lot area; or
   D. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required or in any other manner contrary to the provisions of the Zoning Ordinance.
3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with the Zoning Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing at the time of passage of the ordinance codified herein shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the Zoning Ordinance shall meet at least the minimum requirements established by the Zoning Ordinance.

Section 3 – General Regulations and Provisions

3.1 DISINCORPORATION AND SEVERANCE

Any addition to the unincorporated area of the county resulting from disconnections by municipalities or otherwise shall be automatically classified as in the "A-1" Agricultural District until otherwise classified by amendment.

3.2 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.

3.3 STREET FRONTAGE REQUIRED

Except as permitted in Section 15 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.

3.4 ACCESSORY BUILDINGS

Accessory buildings can be erected in any yard in any district, provided the lots in the district are large enough to accommodate them, per the following minimum setbacks. Accessory buildings in rear yards shall be at least five (5) feet from alley lines or rear lot lines. Accessory buildings in side yards shall be at least five (5) feet from any side lot line, no matter the zoning classification of the neighboring lot. Accessory buildings in front yards shall be at least seventy-five (75) feet from the front lot line and shall not block the principal structure visually by more than fifty (50) percent when seen from the main entrance to the property. On a corner lot, both yards facing the street shall be considered front yards for the measurement of setbacks. An accessory building, unless it is an exempt agricultural structure, that is not a part of the main building shall not occupy more than thirty (30) percent of the yard in which it is located and shall not exceed eighteen (18) feet in height. 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. Any accessory building may be constructed upon a lot before the construction of the main building has actually commenced. In the A-1 district, one accessory building per four (4) acres is permitted without a main building.

3.5 CORNER LOTS

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. Side and rear yard requirements are determined by direction of front of principal building. The 'front' of a building shall be considered that portion of the building fronting on the street from which the building's address is derived.

3.6 FRONT YARD

In all districts there shall be a minimum front yard required as stated in the setbacks requirements from that particular district. However, in the event that a vacant lot is proposed for development, and there are existing structures on adjacent lots within the same zoning district within two-hundred (200) feet of the side lot lines of the proposed development lot that are not compliant with the front yard requirement, the average of those front yard depths shall be calculated and then averaged with the required front yard for the district in which it is located to determine the minimum front yard.

3.7 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.

3.8 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.

3.9 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.

3.10 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 24 (Subdivision Regulations) of this Ordinance specifically apply to said construction.

3.11 ONE MAIN DWELLING 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 dwelling on one residential lot unless otherwise provided in this Ordinance. In certain situations to care for the needs of a member of the family or to provide housing for farm laborers, with a concept plan showing all setback requires are met, subject to County approval, an additional or second home can be placed on a single-family lot in an R-1 or A-1 district if that home is connected by a breezeway or other means of egress and it can be designed to fit within the minimum lot size and yard setback limitations for the district in which it is located. The only exception to the egress and permanent foundation requirement is when a second home is provided through a recognized agency specifically designed to assist the elderly or handicapped, the home remains in ownership of the agency, and an agreement is filed with the county zoning office specifying that, upon death or permanent relocation of the resident for any reason, the home will to removed immediately.

Where public sewer is not available, each main dwelling shall be served by an on-site septic system inspected by Clarke County. In certain situations where a second dwelling is allowed, as identified in this paragraph, the single on-site septic system must have the capacity for both dwellings or a separate system is required.

3.12 CONCEPT PLAN REQUIRED

A concept plan is required for all development within any planned zoning districts or within any floodplain district. 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. The Board of Adjustment may require the same submittal as a condition of record in conjunction with any conditional use permit or variance request where not normally required.

3.13 CONFORMANCE WITH BUILDING CODE

All construction shall conform to the Building Code of the State of Iowa.

3.14 VACATED STREETS

Whenever any street, road, alley or other public way is vacated by official action as provided by law, the Zoning Districts adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way of the public way thus vacated, which shall thenceforth be subject to all regulations of the extended district of districts.

3.15 VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS

On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of the intersection.

3.16 PROHIBITED STORAGE OF MOTOR VEHICLES

Outdoor storage of not more than three motor vehicles with storage licenses or not currently licensed shall be prohibited in all zoning districts, except motor vehicles held for sale by a licensed motor vehicle dealer at his place of business in a zoning district where motor vehicle sales are permitted.

3.17 REQUESTS FOR REZONING

All petitions for rezoning, special permits, variances, etc., must be in writing stating the exact legal description of land involved, the purpose for which the land is to be used, the disruption expected to be incurred on the area's natural setting, and the methods to be implemented to lessen the severity of disruption on the area. Said petitions must be received by the Zoning Administrator twenty (20) working days prior to a stated or special meeting of the Zoning Commission. A preliminary plat plan shall be submitted with a petition for rezoning for subdivisions.

3.18 WATER SUPPLY AND WASTE DISPOSAL

Every residence, business, trade, or industry hereafter established, which requires water supply and sewage disposal facilities, shall provide facilities which conform with the regulations of the County Department of Health and all other applicable regulations as a condition of obtaining a building permit.

3.19 LOT AREA COMPUTATION

In all districts, lot area requirements shall be computed exclusive of street, road, alley, waterway, or highway right-of-way.

3.20 GASOLINE FILLING STATIONS OR CONVENIENCE STORES

No gasoline filling station, convenience store, or a commercial customer or employee parking lot for twenty-five (25) or more motor vehicles, or a parking garage or automobile repair shop, shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street, of any school, public playground, church, hospital, public library, or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

No gasoline filling station, convenience store, or public garage shall be permitted where any fuel-filling appliance is located within twelve (12) feet of any street line or within twenty-five (25) feet from any "R" district except where such appliance is within a building.

No oil draining pit or appliance for such purpose shall be located within twenty-five (25) feet of any “R” district boundary or street right-of-way line.

On all corner lots, all vehicular entrances to, or exits from, and curb openings shall be set back a minimum of fifty (50) feet from the projecting intersection of curb lines and such openings shall not exceed thirty-five (35) feet in width at the curb line. There shall be a minimum of twenty (20) feet measured along the curb line between any series of driveways.

3.21 DWELLING STANDARDS

The following standards shall apply to all new dwellings:

1. The dwelling shall be affixed to a permanent foundation system, in accordance with the Uniform Building Code standards;
2. The minimum average dimension of the width and of the length of the main body of the dwelling unit shall not be less than twenty (20) feet.

3.22 HOME OCCUPATION STANDARDS

The following standards and criteria shall apply to home occupations:

1. Clearly incidental and secondary to the use of the dwelling unit as a residence;
2. Conducted entirely within an existing dwelling unit;

3. Conducted by a member(s) of the family residing within the dwelling unit and no more than two (2) non-resident employees;
4. There shall be no evidence of such occupation being conducted within the dwelling unit, which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation;
5. Water, sewer, and waste disposal systems shall be subject to approval of the County Health Department;
6. Customer parking shall be provided and be as inconspicuous as possible on the premises;
7. Only two (2) identification signs may be displayed, one of which may be an off-premise sign, subject to the following requirements;
    a. Contains only the name of the occupant and the nature of the occupation.
    b. Shall not contain more than sixteen (16) square feet and shall be no more than six (6) feet high or no more than six (6) feet in width.
    c. Shall not be illuminated.
    d. If located along a state or federal highway, an Iowa Department of Transportation permit must be obtained.
8. Shall obtain and possess a valid home occupation permit;
    a. An initial permit may be issued by the Zoning Administrator, after consideration. The Applicant may appeal the Zoning Administrator's denial to the Board of Adjustment.
    b. Thereafter, a home occupation permit must be renewed annually. The Zoning Administrator shall be authorized to renew said permits.
    c. A home occupation permit may be revoked by the Zoning Administrator for any of the following reasons: complaints against the use arise during the course of the year; the permit-holder violates this Ordinance; the permit-holder violates any Clarke County ordinance or state or federal statute; or the permit-holder violates any of the conditions of the home occupation permit. The Applicant may appeal a revocation to the Board of Adjustment.

3.23 BULK REGULATIONS

All new buildings shall conform to the building regulations established herein for the district in which each building shall be located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict or further conflict with the bulk regulations of this Ordinance for the district in which such buildings shall be located.

3.24 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 the Zoning Ordinance irrespective of its area or width; provided, however:

1. The sum of the side yard widths of the lot or plot shall not be less than thirty percent (30%) of the width of the lot, but in no case less than ten percent (10%) 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 percent (20%) of the depth of the lot, but in no case less than twenty (20) feet.

3.25 STRUCTURE PERMITTED ABOVE HEIGHT LIMITS

The building height limitations of the Zoning Ordinance shall be modified as follows:

1. Chimneys, cooling towers, elevators, bulkheads, 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.

2. Public, semi-public or public service buildings, hospitals, sanitariums, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples, when permitted in a district, may be erect to a height not exceeding seventy-five (75) feet, if the building is set back from each property line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.

3.26 AREA REQUIREMENTS FOR LOTS WITH NO PUBLIC WATER AND SEWER

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 the greater of the minimum required for the particular district and a minimum lot size of two (2) acres with a lot width at building line of two hundred (200) feet.

3.27 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.

3.28 OUTDOOR ADVERTISING SIGNS AND BILLBOARDS

1. In all districts where permitted, billboards shall be set back from the proposed right-of-way line of any State or Federal Highway, any major County thoroughfare so designated by the County Engineer, and from the right-of-way line of any other street or road, at least as far as the required front yard depth for a principal building in such district, except that at the intersection on any State or Federal Highway, the setback of any outdoor advertising sign or billboard (not including, however, business identification and directional and other incidental signs otherwise permitted under the provisions of the Zoning Ordinance) shall be not less than one hundred (100) feet from the established right-of-way line of each such highway or street. No such sign or billboard shall be permitted which faces the front or side lot line of any lot in any "R" district used for residential purposes within one hundred (100) feet of such lot lines, or which faces any public parkway, public square, or entrance to any public park, public or parochial school, church, cemetery, or similar institution, within three hundred (300) feet thereof.
2. Advertising signs are prohibited adjacent to Interstate Highways, Expressways, Freeways, and Parkways, except in areas zoned for Commercial "C" or Industrial "M" use. However, if any such sign, because of its location, size, nature, or type constitutes or tends to constitute a traffic hazard to safe and efficient operation of vehicles upon County Highways or creates a condition which endangers the safety of persons or property, the Board of Supervisors may order its removal based upon a complete report as to traffic or safety problems created by any such sign. The Board shall notify the sign company and property owner of any existing problem and within thirty (30) days set a hearing to discuss the removal of said sign.
3. If said sign is not removed within thirty (30) days after due notice to the property owner by the Board, the County Road Department shall remove said sign and bill the property owner where the sign is located for the full cost.

3.29 WIND ENERGY CONVERSION (WEC) SYSTEMS REGULATIONS

For commercial and non-commercial wind generators (WECS), as defined in this Ordinance and as permitted and constructed according to the procedures of the wind energy systems regulations in Section 23, shall meet the height and size limits outlined in the zoning district in which it is located and the height limits in the Osceola Municipal Airport Land Use and Height Overlay Zoning Ordinance (Section 21) if located within the area to which that ordinance pertains.

Section 4 – Non-Conforming Uses of Land, Non-Conforming Structures, and Non-Conforming Uses of Structures

4.1 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 or expanded. Upon transfer of property, continuation of the use in the same size and footprint shall be allowed only if authorized by the board of adjustment as a conditional use.

4.2 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, increased, or 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 that 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 to an extent 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 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.

4.3 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 4.2.1 shall also apply to this Subsection.
2. Non-Conforming Use of Structures. The regulations described in Sections 4.2.2 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 4.2.3 shall also apply to this Subsection.

4.4 REQUIRED REPAIRS

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.

4.5 CERTIFICATION OF NON-CONFORMING USES

All nonconforming uses and structures shall be recorded, identified, and maintained by the Zoning Administrator. The file shall include, but not be limited to, the property location and identification and the current use of the structure or land. Nonconforming uses not included may be subsequently added to the file when accompanied by an affidavit of proof that such nonconforming use was legally established prior to the effective date of this Ordinance.

4.6 MORATORIUM ON APPLIED REGULATIONS

All principal permitted and accessory uses which would be deemed nonconforming under the provisions of this Ordinance, but would have been permitted under the previous zoning district, as indicated upon the Official Clarke County Zoning Map, as amended, shall be permitted to be developed for a period of one (1) year from the adoption date of this Ordinance. This provision shall not be construed to allow a lessening of standards, rules, regulations or restrictions contained herein.

Section 5 – A-1 (Agricultural) District Regulations

5.1 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.

5.2 PRINCIPAL PERMITTED USES

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, including manufactured and modular homes, 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 and colleges and universities.
5. Publicly owned parks, playgrounds, golf courses, recreation areas, forests, and wildlife preserves.
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, limited to a maximum of fifty (50) animals, and 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. Vineyards and wineries with customary uses encouraging tourism.
11. Corn mazes with customary uses encouraging tourism.
12. WECS, as regulated in Subsection 23.4.1 for the A-1 district.
13. Any other use that 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.
14. One additional home on the same property to care for the needs of family members or for living quarters for persons employed on a farm, subject to the provisions of Section 3.11 of this Ordinance.

5.3 PERMITTED ACCESSORY USES

1. Single-family dwellings, including manufactured and modular homes, provided they are developed in accordance with the regulations of this zone.
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 roomers does not exceed three (3) per building.
7. Swimming pools with a six (6) foot privacy perimeter fence with a self-closing, self-latching gate.
8. Temporary building for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
9. Roadside stands for the sale of products grown on the premises.
10. Solar collectors mounted on the ground in the rear yard or attached to the principal building facing the front, side or rear yard at a height no greater than the peak of the roof of the principal structure. If required, solar access easements may be obtained from adjoining property owners in accordance with State statutes.
11. WECS, as regulated in Subsection 23.4.1 for the A-1 district.
12. Signs, not exceeding 10 square feet in area, identifying the premises or indicating the product grown or material and equipment used on the premises.
13. Other signs, as provided and regulated in Section 16.

5.4 CONDITIONAL USES

The Board of Adjustment may, after public hearing, subject to the process outlined in Section 18, grant a conditional use permit for the following uses subject to the provisions herein:

1. Mink and chinchilla farms and ranches.
2. Airports and landing fields.
3. Mining and extraction of minerals and raw materials, including sand and gravel pits; subject to approval of the Iowa Department of Natural Resources 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 reasonably insure compliance with the objectives of this Ordinance.
4. Public or private sanitary landfills and solid waste disposal facilities.
5. Commercial feedlots.
6. Private gun clubs, skeet-shooting ranges, commercial swimming pools and similar uses.
7. Private campgrounds and travel trailer parks.
8. Automobile racetracks and/or drag strips and snowmobile tracks.
9. Public water supply and sewage treatment facilities.
10. Electrical and natural gas transmission, regulating and storage facilities, provided that the fence surrounding the substation equipment shall be built no closer than 200 feet from any then existing residential dwelling house with 100 feet of the required separation being on the utility property.
11. Any public building erected and used by any department of the City, Township, County, State or Federal Government, not previously allowed as a principal permitted use.
12. Establishments or enterprises involving large assemblages of people or automobiles including, but not limited to:
    a. Amusement parks;
    b. Carnivals, circuses and fairgrounds, except as hereinafter provided;
    c. Commercial sports or recreational enterprises, including amphitheaters, convention halls and auditoriums;
    d. Rodeo grounds, show rings, music festivals and sports festivals.
13. Stills and accessory buildings for the production of alcohol if licensed or approved by the appropriate state or federal regulatory agencies.
14. Telecommunications towers, provided all requirements in Section 22 are met.
15. Public or private temporary use asphalt or concrete plants with reclamation piles of asphalt or concrete and new material piles associated with paving projects.

16. Uses allowed in other districts that are appropriate in the particular location, as determined by the Zoning Administrator.

5.5 BULK REGULATIONS

The following minimum requirements shall be observed, subject to the modifications contained in Section 3.

1. Dwelling Unit, not counting garage space: Mean width of at least twenty (20) feet and total minimum first floor area of five hundred (500) square feet.
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). Single family dwellings: Two (2) acres.
3. Lot Width: 150 feet
4. Front Yard: 50 feet
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 nonagricultural buildings, which must have a fifteen (15) foot setback.
6. Rear Yard: 50 feet, except for accessory nonagricultural buildings, which must have a fifteen (15) foot setback.
7. Maximum Height: 35 feet for all non-agricultural structures, except towers as specified in this Section.
8. Density: No more than four (4) dwellings are permitted in any quarter-quarter section.

5.6 OFF-STREET PARKING AND LOADING

Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 15.

Section 6 – R-1 (Rural Residential) District Regulations

6.1 STATEMENT OF INTENT

The R-1 District is intended and designed to provide for relatively low-density single family development consistent with an agricultural setting yet providing economical use of land so as to preserve farmland.

6.2 PRINCIPAL PERMITTED USES

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

1. Agricultural uses, including nurseries and truck gardens, but not including the feeding or raising of livestock or poultry, provided that no offensive odors or dust are created, and provided further, that no retail sales shall be permitted on the premises.
2. Single-family dwellings, including manufactured and modular homes, 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. Family homes as permitted by and as limited by Section 335.25, *Code of Iowa*, as amended.
9. Elder family homes.

10. Kennels for the raising, breeding, and boarding of dogs, cats, or other household pets, limited to a maximum of six (6) animals of any species and ten (10) in aggregate, and providing that all buildings, including exercise runways, be at least two hundred (200) feet from all property lines.
11. 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.
12. Any other use that 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.

6.3 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 occupations.
4. 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.
5. Summer homes and other customary incidental structures.
6. Swimming pools with a six (6) foot privacy perimeter fence with a self-closing, self-latching gate.
7. Solar collectors mounted on the ground in the rear yard or attached to the principal building facing the front, side or rear yard at a height no greater than the peak of the roof of the principal structure. If required, solar access easements may be obtained from adjoining property owners in accordance with State statutes.
8. Temporary building for uses incidental to construction work, such buildings shall be removed upon the completion or abandonment of the construction work.
9. One board or sign not to exceed fifty (50) square feet in area referring to the construction, lease, hire or sale of a building, premises, or subdivision lots, which sign shall refer to property on which the sign is located, and shall be removed as soon as the premises are sold or leased or construction completed.
10. Institutional Bulletin Board Signs.
11. Other signs, as provided and regulated in Section 16.

6.4 CONDITIONAL USES

The Board of Adjustment may, after public hearing, subject to the process outlined in Section 18, grant a conditional use permit for the following uses subject to the provisions herein:

1. Private campgrounds and travel trailer parks.
2. Public water supply and sewage treatment facilities.
3. Electrical and natural gas transmission, regulating and storage facilities, provided that the fence surrounding the substation equipment shall be built no closer than 200 feet from any then existing residential dwelling house with 100 feet of the required separation being on the utility property.
4. Any public building erected and used by any department of the City, Township, County, State or Federal Government, not previously allowed as a principal permitted use.
5. WECS, as permitted and regulated in Subsection 23.4.
6. Telecommunications towers and their associated equipment, provided all requirements in Section 22 are met.
7. One additional home on the same property to care for the needs of family members or for living quarters for persons employed on a farm, subject to the provisions of Section 3.11 of this Ordinance.

8. Uses allowed in other districts that are appropriate in the particular location, as determined by the Zoning Administrator.

6.5 BULK REGULATIONS

The following minimum requirements shall be observed, subject to the modifications contained in Section 3.

1. Dwelling Unit, not counting garage space: Mean width of at least twenty (20) feet and total minimum first floor area of nine hundred (900) square feet.
2. Lot Area—all uses: 40,000 square feet.
3. Lot Width: 100 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: principal building: 35 feet. Accessory building: 12 feet
8. Maximum number of stories: principal building: 3 stories. Accessory building: 1 story.

6.6 OFF-STREET PARKING AND LOADING

Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 15.

Section 7 – R-2 (Manufactured Home Community) District Regulations

7.1 STATEMENT OF INTENT

The purpose of the R-2 - Manufactured Home Community is to provide for the location of mobile homes, modular homes, manufactured housing and the development of manufactured housing developments. It is further intended to provide for the placement of such residences on individual subdivided lots. These districts will be permitted only where publicly owned water supply and Iowa Department of Natural Resource approved and regulated sewage treatment works are available. No mobile homes, as defined in this ordinance, shall be placed in the county except in an R-2 zone.

7.2 PRINCIPAL PERMITTED USES

Only the use of structures or land listed in this section shall be permitted in the R-2 District.

1. Single-family manufactured, modular, and mobile home structures.
2. Manufactured housing communities.
3. Manufactured housing sales and service.
4. Any other use that 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.

7.3 PERMITTED ACCESSORY USES

1. Management Office.
2. Storage Buildings.
3. Laundry Facilities.
4. Recreation Facilities.
5. Home Occupation.

6. Private garage, carport or storage shed or a community garage, carport, parking area, or storage facility for all residents of the community.
7. One permanent identification sign shall be permitted at any main entrance to a mobile home park. Such sign shall be of ornamental metal, stone, masonry, wood, or other permanent material and shall indicate only the name of such mobile home park. Such sign shall not exceed twenty (20) square feet in surface area.

7.4 SPECIAL PROVISIONS

1. In no instance shall an area less than ten (10) acres be zoned R-2.
2. In no instance shall an area not having direct access to a paved Secondary Road or Primary Highway be zoned R-2.
3. Manufactured home communities shall comply with all applicable requirements of the Iowa Department of Public Health and Clarke County public health ordinances.
4. Each petition for a change to the R-2 zoning classification submitted to the Board of Supervisors shall be accompanied by a mobile home park plan. Said plan shall show each mobile home space, the water, electrical and sewer lines serving each mobile home space, the location of garbage cans, water hydrants, service buildings, driveways, walkways, recreation areas, required yards, parking facilities, lighting and landscaping.
5. A storm shelter, open and available to park residents and visitors, shall be constructed in a central location and shall meet the requirements of all Clarke County Ordinances and Section 331.301(15)(a) of the *Code of Iowa*, as amended.
6. Green or open space shall be provided throughout the development to provide for recreation and storm water management according to the Clarke County Subdivision Ordinance.
7. Skirting of a permanent type of material and construction shall be installed on the structure within ninety (90) days of installation of the structure on the property. The skirting shall fully enclose the open space between the bottom of the structure's floor and the grade level of the mobile home stand. The skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home.
8. The entrance road connecting the park streets with a public street shall have a minimum road pavement width of thirty (30) feet, measured back to back of curbs. All interior streets shall not be less than twenty-four (24) feet in width, measured back to back of curbs. All streets shall be constructed with either hot mix asphaltic or Portland cement concrete with an approved curb to provide for drainage.
9. Sewer and water facilities shall be provided for each mobile home park space in accordance with the requirements of the Iowa Department of Natural Resources. Any lagoons, or other treatment facilities, constructed in conjunction with the development, shall be located not less than seventy-five (75) feet from any public road or street or lot line (in the case of a lagoon, this distance shall be measured from the outside toe of the levee slope). The developer shall provide within the development a sanitary sewage disposal system that shall be of sufficient size and design to collect and dispose of all sewage from all present and probable structures in the planned development.
10. The developer shall provide within the planned development a potable water system that 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.
11. The developer shall provide within the planned development a storm drainage system that 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.
12. All public streets, water mains, sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of the County Board of Health, the Iowa Department of

Natural Resources and the County Engineer.

13. No part of any mobile home space shall be closer to any public street upon which the park adjoins than seventy-five (75) feet; however, interior park streets may be located within the setback area.

7.5 CONDITIONAL USES

The Board of Adjustment may, after public hearing, subject to the process outlined in Section 18, grant a conditional use permit for the following uses subject to the provisions herein:

1. Public water supply and sewage treatment facilities.
2. Electrical and natural gas transmission, regulating and storage facilities, provided that the fence surrounding the substation equipment shall be built no closer than 200 feet from any then existing residential dwelling house with 100 feet of the required separation being on the utility property.
3. WECS, as permitted and regulated in Subsection 23.4.
4. Swimming pools with a six (6) foot privacy perimeter fence with a self-closing, self-latching gate.
5. Solar collectors mounted on the ground on a green space lot. Only one solar collector system shall be allowed per development for the purpose of providing power to the park or community.
6. Towers, as regulated in Section 22.

7.6 BULK REGULATIONS

The following minimum requirements shall be observed, subject to the modifications contained in Section 3.

1. Dwelling Unit, not counting garage space: Mean width of at least fourteen (14) feet and total minimum first floor area of seven hundred fifty (750) square feet.
2. Lot Area—75 feet by 150 feet
3. Front Yard: 25 feet.
4. Side Yards: Dwellings: 20 feet; other permitted uses: 10 feet.
5. Rear Yard: 20 feet.
6. Maximum Height: principal building: 35 feet. Accessory building: 12 feet
7. Unit Age: Maximum of twelve (12) years when the building is placed.
8. Accessory structure: Maximum of two (2) accessory structures per lot.
9. Streets: All streets shall meet the same requirements of subdivision regulations.
10. Parking: Each lot shall have off-street parking for a minimum of two (2) vehicles.

Section 8 – C-1 (Rural Commercial) District Regulations

8.1 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 a planned district is not appropriate.

8.2 PRINCIPAL PERMITTED USES

Only the use of structures or land listed in this section shall be allowed in the C-1 District.

5. Agricultural uses.
6. 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 and coin-operated dry cleaning establishments.
g. Restaurants.
h. Taverns.
i. Dance academies, fitness clubs, health clubs, exercise clubs, and the like.
j. Animal hospitals and 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. Car washes.
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 other use that 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.

7. General offices, such as dental or other medical services, financial counseling, etc.
8. Corporate headquarters.
9. Laboratories and research facilities.
10. Professional facilities.
11. Private health clubs.
12. 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.
13. Retail sales and services, especially smaller shops catering to the office users, such as restaurants and gift shops.
14. Banks, real estate sales, insurance and similar financial institutions.
15. Barber and beauty shops.
16. Veterinary clinics.
17. Residences located above the ground floor.
18. Health clinics and similar health facilities.
19. Rental storage units and buildings, including outside storage.
20. Electrical and natural gas transmission, regulating and storage facilities, provided that the fence surrounding the substation equipment shall be built no closer than 200 feet from any then existing residential dwelling house with 100 feet of the required separation being on the utility property.
21. Non-commercial and commercial wind energy generation systems, as regulated in Section 23 for the C-1 district.

22. Telecommunications towers and their associated equipment, provided all requirements in Section 22 are met.

8.3 PERMITTED ACCESSORY USES

1. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.
2. Interior storage of merchandise incidental to the principal use.
3. Residences, provided they are clearly subordinate to the primary use allowed by right.
4. Private garage or carport.
5. Solar collectors mounted on the ground in the rear yard or attached to the principal building facing the front, side or rear yard at a height no greater than the peak of the roof of the principal structure. If required, solar access easements may be obtained from adjoining property owners in accordance with State statutes.
6. Temporary building for uses incidental to construction work, such buildings shall be removed upon the completion or abandonment of the construction work.
7. Any exterior sign shall pertain only to a use conducted within the building and be integral or attached thereto. No sign may project over any street line or extend more than six (6) feet over any building line whether fixed to the building or any other structure. In no case shall any sign project more than four (4) feet above the roofline or a parapet wall, and the total area of all signs pertaining to the business conducted in any building shall not exceed two (2) square feet in area for every foot occupied by the front of the building displaying such sign. Where the lot adjoins an "R" district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" district; however this does not apply to the side of the building which is opposite that side adjoining the "R" district.
8. One post sign on each street on which a business abuts, provided, however, that said post sign shall not have a surface area greater than fifty (50) square feet on any one side thereof and not more than two (2) sides of said post sign shall be used for advertising purposes. The bottom of said post sign or surface area thereof shall be not less than twelve (12) feet above the sidewalk or above the surface of the ground upon which it is erected, and the total vertical or horizontal dimension of said sign shall not be greater than nine (9) feet. The term post sign as herein defined shall not be deemed to include any sign advertising the trade name, merchandise, or service of any person, firm, or corporation who pays a consideration for the privilege of placing, maintaining, or using any portion of said sign to the owner or occupant of the premises upon which said sign is erected or placed. Said post sign shall not extend over street right-of-way lines nor otherwise obstruct or impair the safety of pedestrians or motorists.
9. Other Signs, as provided and regulated in Section 16.

8.4 CONDITIONAL USES

The Board of Adjustment may, after public hearing, subject to the process outlined in Section 18, grant a conditional use permit for the following uses subject to the provisions herein:

1. Amusement parks.
2. WECS, as permitted and regulated in Subsection 23.4.
3. Any public building erected and used by any department of the City, Township, County, State or Federal Government, not previously allowed as a principal permitted use.
4. Adult uses, subject to the provisions in Subsection 8.7.
5. Uses allowed in other districts that are appropriate in the particular location, as determined by the Zoning Administrator.

8.5 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
7. Maximum number of stories: principal building: 3 stories. Accessory building: 1 story.

8.6 OFF-STREET PARKING AND LOADING

Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 15.

8.7 SPECIAL RESTRICTIONS FOR ADULT USES

In addition to receiving a conditional use permit from the board of adjustment, any adult use must be located in a C-1 District and also meet the following requirements:

1. An adult use shall not be located within one thousand five hundred (1,500) feet of another adult use, nor shall they be located within one thousand five hundred, (1,500) feet of any public school or parochial school, day care center, church, public park, residential district, or any existing residential dwelling.
2. The one thousand five hundred (1,500) foot restrictions shall be computed by measurement from the residential zone or from the nearest property line of the land used for another adult use or any public or parochial school, licensed day care facility, church, public park, residential district, or any existing dwelling to the nearest entrance of the building in which adult uses are to occur, using a route of direct measured horizontal distance.
3. All building openings, entries, windows, etc., shall be covered or screened in such a manner as to prevent a view into the interior from any public or semi-public area. Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks, walkways, or from other public, or semi-public areas. Signage for the adult use will be restricted to printed word form that shall include only the name of the business, type of operations, and hours of operation. No visually explicit or derogatory signs will be allowed on any sign or on the façade of the building.
4. No more than one adult business will be allowed per building and property.
5. Due to their adverse effect, the adult use property shall be screened from the road and from other adjacent uses by either use of landscaping or screened fence. A site plan meeting the requirements in Section 14 shall be submitted to the director and Board of Adjustment for their review at the time of application.

Section 9 – I-1 (Rural Industrial) District Regulations

9.1 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.

9.2 PRINCIPAL PERMITTED USES

Only the use of structures or land listed in this section shall be permitted in the I-1 District.

1. Agricultural uses.
2. Any use permitted in and as regulated by the C-1 District regulations, except for any dwelling, school, hospital, clinic, or other institution of human care.
3. Abattoirs, slaughterhouses, meatpacking and processing plants, and stockyards.
4. Anhydrous ammonia storage and/or pumping facilities.
5. Automobile assembly and major repair.
6. Biodiesel and ethanol plants.
7. Carpet and rug cleaning, provided that necessary equipment is installed and operated for the effective precipitation or recovery of dust.
8. Blacksmith, welding, or other metal working shops, excluding drop hammers and the like.
9. Carting, express, hauling, truck terminal, and storage yards.
10. Composting facilities.
11. Concrete mixing and concrete products manufacture.
12. Contractor's equipment storage yard, rental of equipment to contractors, storage yard for delivery vehicles.
13. Creamery, bottling works, ice cream manufacturing (wholesale), ice manufacturing, and cold storage.
14. Bakeries, other than those whose products are sold at retail only on the premises.
15. Enameling, lacquering, and japanning.
16. Fat rendering; fertilizer, gas, or glue manufacture.
17. Foundry, casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.
18. Laboratories – experimental, film, or testing
19. Manufacture or assembly of electrical appliances, instruments, and devices
20. Manufacture of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
21. Manufacture and repair of electrical signs, advertising structures, light sheet metal products, including heating and ventilating equipment.
22. Machine shops
23. 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.
24. 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.
25. Milk distributing station other than a retail business conducted on the premises.
26. Rental storage units and buildings, including outside storage.
27. Repair, rental, and servicing of any article of which the sale, warehousing, fabrication, or assembly is permitted in this District.
28. Sawmill, planing mill, including manufacture of wood products not involving chemical treatment.
29. Printing and/or publishing houses.
30. Salvage yards, including auto wrecking and salvage, used parts sales and junk, iron or rags storage or baling. No portion of the front yard is to be used for the conduct of business in any manner whatsoever except for parking of customer or employee vehicles. Any premises on which such activities are carried on shall be wholly enclosed within a building or by a wooden or masonry fence or wall not less than six (6) feet in height and in which any openings or cracks are less than fifteen percent (15%) of the total area.

31. Storage and wholesale distribution of grains.
32. Truck terminal or yard, including repair.
33. Distribution terminal with warehousing, test facilities/proving grounds.
34. Woodworking, sheet metal, plumbing, and sign painting shops.
35. Wholesale storage and warehouses establishments.
36. Electrical and natural gas transmission, regulating and storage facilities, provided that the fence surrounding the substation equipment shall be built no closer than 200 feet from any then existing residential dwelling house with 100 feet of the required separation being on the utility property.
37. Telecommunications towers and their associated equipment, provided all requirements in Section 22 are met.
38. Any other use that 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.

9.3 PERMITTED ACCESSORY USES

1. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.
2. Solar collectors mounted on the ground in the rear yard or attached to the principal building facing the front, side or rear yard at a height no greater than the peak of the roof of the principal structure. If required, solar access easements may be obtained from adjoining property owners in accordance with State statutes.
3. Temporary building for uses incidental to construction work, such buildings shall be removed upon the completion or abandonment of the construction work.
4. Signs as permitted in and regulated by the C-1 District regulations; provided, however, that the surface area of post signs may be increased to two hundred (200) square feet.
5. Signs, as provided and regulated in Section 16.

9.4 REQUIRED CONDITIONS OF PERMITTED USES

1. All uses specified in Subsections 9.2 and 9.3 inclusive, shall be conducted wholly within a completely enclosed building except for parking, loading, and unloading facilities and those exceptions listed specifically in Subsection 9.2 as allowoable outside of an enclosed building.
2. 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, noxious 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 the regulations of the Iowa Department of Natural Resources.

9.5 CONDITIONAL USES

1. WECS, as permitted and regulated in Subsection 23.4.

9.6 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: Fifty (50) feet from right-of-way.
4. Side Yards: When adjacent to an "A" or "C" District – 75 feet. When adjacent to an "R" District – 100 feet. When adjacent to any other district – 50 feet.
5. Rear Yard: Fifty (50) feet. No rear yard required when the rear of the property adjoins a railroad right-of-way.

6. Maximum Height: None, except when located within areas regulated by the Osceola Municipal Airport Land Use and Height Overlay Zoning Ordinance (Ordinance #29).
7. Maximum number of stories: principal building: 3 stories. Accessory building: 1 story.

9.7 OFF-STREET PARKING AND LOADING

Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 15.

Section 10 – PD (Planned Development) District Regulations

10.1 STATEMENT OF INTENT

The Planned Development District is intended to provide a district in which a variety of housing and building types, unit densities, and land uses can occur in 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 building groupings for privacy, usable and attractive open spaces, safe circulation, and the general wellbeing of the inhabitants. This district shall be limited to areas where moderate density development is likely and where publicly owned water supply and publicly owned sewage treatment works are available. Semipublic sewage disposal systems will not be allowed.

10.2 PROCEDURE AND MINIMUM STANDARDS

1. Preliminary plan. The owner or owners of any tract of land comprising an area of not less than ten (10) acres may petition the Board of Supervisors for a change to the P-1 Zoning District Classification. The petition shall be accompanied by evidence that the proposed development is compatible with the surrounding area, evidence showing how the owner or owners propose to maintain any common ground included within the development, evidence of the feasibility of providing adequate storm and surface water drainage, water supply, water mains and sanitary sewerage facilities for the proposed development, and evidence that the developer is capable of successfully completing the proposed development. A preliminary plan of the proposed development shall be submitted in triplicate, showing in schematic form the location of all proposed (a) buildings and uses, the height and exterior design of typical dwellings and the number of dwelling units in each; (b) parking areas; (c) access drives; (d) streets abutting or within the proposed development; (e) walks; (f) site topographic features; (g) landscaping and planting areas; (h) required peripheral yards; (i) common land, recreation areas and parks; (j) existing utility or other easements; and (k) development stages and timing. The petition and all attachments shall be referred to the County Zoning Commission for study and report after public hearing. The Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan and with recognized principles of urban design, land use planning and landscaping architecture. After public hearing, the Commission may approve or disapprove the preliminary plan and request for rezoning as submitted, or require that the petitioner amend the plan to preserve the intent and purpose of the Zoning Ordinance to promote public health, safety and the general welfare. The petition and preliminary plan along with the Commission's recommendations on the request for rezoning shall then be referred to the Board of Supervisors.

   The Board, after public hearing, may approve or disapprove the preliminary plan and request for rezoning, as reported, or may require such changes as are necessary to preserve the intent and purpose of the Zoning Ordinance to promote public health, safety, and the general welfare. If the

Board approves the preliminary plan and request for rezoning, the applicant shall submit within 270 days, or such longer period as may be approved by the Board after recommendation by the Commission, to the Commission a final development plan, in triplicate, of not less than one stage of the proposed development showing in detail the location of all proposed: (a) buildings and uses, the height and exterior design of typical dwellings and the number of dwelling units in each; (b) parking areas; (c) access drives; (d) streets abutting or within the proposed development; (e) walks; (f) all proposed walls and fences; (g) landscaping and plant material; (h) required peripheral yards; (i) common land, recreation areas and parks; (j) existing and proposed utilities and public easements; (k) proposed signs and their area and dimensions; (l) storm and sanitary sewer lines; (m) water mains; and (n) development stages and timing. The final development plan shall be accompanied by the following required documents:

a. If the proposed development includes common land which will not be dedicated to the County, and the proposed development will not be held in single ownership, proposed bylaws of a homeowner's association fully defining the functions, responsibilities and operating procedures of the association. The proposed bylaws shall include but not be limited to provisions (1) automatically extending membership in the association to all owners of dwelling units within the development; (2) limiting the uses of the common property to those permitted by the final development plan; (3) granting to each owner of a dwelling unit within the development the right to use and enjoyment of the common property; (4) placing the responsibility for operation and maintenance of the common property in the association; (5) giving every owner of a dwelling unit voting rights in the association; and (6) if the development will combine rental and for sale dwelling units, stating the relationship between the renters and the homeowner's association and the rights renters shall have to the use of the common land.
b. Performance bond or bonds, in accordance with the requirements of Section 24 (the Subdivision Regulations) of this Ordinance, which bond or bonds shall insure to the County that the dedicated public streets and utilities, including sewers and water mains, located therein and other common development facilities shall be completed by the developer within the time specified on the final development plan.
c. Covenant to run with the land, in favor of the County, and all persons having a proprietary interest in any portion of the development premises, that the owner or owners of the land or their successors in interest will maintain all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the County, in compliance with this Code of Ordinances.
d. Any additional easements and/or agreements required by the Board of Supervisors at the time of preliminary plan approval.
e. A final plat shall be submitted with each stage of the final development plan. The plat shall show building lines, lots and/or blocks, common land, streets, easements and other applicable items required by the Subdivision Ordinance. Following approval of the final plat by the Commission and Board, the plat shall be recorded with the Clarke County Auditor and Recorder.

2. Final Plan. The final development plan and required documents shall be reviewed by the Commission, for compliance with the standards of this section and substantial compliance with the preliminary plan. The Commission's recommendations and report on the final development plan shall be referred to the Board. The Board shall review the final development plan and approve it if it complies with the standards of this section and is in substantial compliance with the preliminary development plan. No building permits or zoning certificates shall be issued until the final development plan and final plat have been approved by the Board of Supervisors.
3. Standards. Permitted principal and accessory land uses, lot area, yard and height requirements shall be as set out below, which shall prevail over conflicting requirements of this Ordinance.
   a. Buildings shall only be used as outlined in the following Subsections.

b. Minimum lot and yard requirements within the development shall not apply, except that minimum yards specified in the district or suitable screening or buffering shall be provided around the boundaries of the development. In the absence of an appropriate physical barrier, the Board may require open space or screenings be located along all or a portion of the development boundaries. The height requirements of the neighboring districts shall apply within 125 feet of the development or district boundary.
c. All public streets, water mains, sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of the County Board of Health, the Iowa Department of Natural Resources and the County Engineer.
d. "Common land" as used in this section refers to land retained in private ownership for the use of the residents of the development or to land dedicated to the general public.
e. Any land gained within the development because of the reduction in lot sizes, below minimum Zoning Ordinance requirements, shall be placed in common land to be dedicated to the County or retained in private ownership to be managed by a homeowner's association. The dedication of land to the County shall be referred to the Clarke County Conservation Board for recommendation and report.
f. The developer shall provide within the planned development a sanitary sewage disposal system that shall be of sufficient size and design to collect and dispose of all sewage from all present and probable structures in the planned development.
g. The developer shall provide within the planned development a storm drainage system that 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.
h. The developer shall provide within the planned development a potable water system that 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.
i. Every dwelling shall have access to a public street, court, walkway, or other area dedicated to public use.
j. 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. Completion. The Board may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time; provided, however, that in the determination of such period, the Board shall consider the scope and magnitude of the development project and any schedule of construction and improvements submitted by the developer. Failure to complete all construction and improvements within said period of time shall be deemed sufficient cause for the Board, in accordance with the provisions of Section 27 of this Ordinance, to rezone the unimproved property to the classification effective at the time of original submission of the development plan, unless an extension is recommended by the Commission and approved by the Board for due cause shown. Any proposed change in the development plan after approval by the Board shall be resubmitted and considered in the same manner as the original proposal. For the purpose of this section, the term "unimproved" property shall mean all property situated within a stage or stages of the final development plan upon which the installation of improvements has not been commenced.
5. Completion of Stages. In no event shall the installation of any improvements be commenced in the second or subsequent stages of the final development plan until such time as ninety (90%) of all construction and improvements have been completed in any prior stage of such plan.

10.3 PRINCIPAL PERMITTED USES

Only the use of structures or land listed in this section shall be allowed in the Planned Development District.

1. Single-family dwellings, two-family dwellings, apartments, condominiums, and townhomes.
2. 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 conditions detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.
3. Public and parochial schools, elementary and secondary, and colleges and universities.
4. Churches, chapels, temples, and similar places of worship.
5. Swimming pools with a six (6) foot privacy perimeter fence with a self-closing, self-latching gate.
6. Family homes as permitted by and as limited by Section 335.25, *Code of Iowa*, as amended.
7. Elder family homes.
8. Art gallery or professional office buildings.
9. Theater for stage productions or films, but not a drive-in theater.
10. Studio of artist, sculptor, musicians, or photographer, but no goods or objects shall be sold or publicly displayed on the premises.
11. Motel or hotel with customarily accessory retail, dining, and service facilities.
12. Restaurant.
13. Administrative and professional buildings, corporate headquarters, general offices, such as dental or other medical services, financial counseling, banks and similar financial institutions, insurance offices, etc.
14. Research facilities.
15. Private health clubs.
16. 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.
17. Barber and beauty shops.
18. Veterinary clinics.
19. Health clinics and similar health facilities.
20. Small retail shops limited to 5,000 square feet each.
21. Low-density industrial uses, subject to the following provisions:
    a. Limited to 10,000 total square feet in all buildings and other structures, including accessory buildings and tanks, with no manufacturing or storage activities occurring outside;
    b. Handle no chemicals or explosive materials outside of the structure;
    c. Create no noise beyond the boundary of the property;
    d. Generate minimum number of heavy truck traffic.
22. Any other use that is interpreted by the Zoning Administrator to be a use similar to one of the above-names uses and in conformance with the intent of this district.

10.4 PERMITTED ACCESSORY USES

1. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.
2. Solar collectors mounted on the ground in the rear yard or attached to the principal building facing the front, side or rear yard at a height no greater than the peak of the roof of the principal structure. If required, solar access easements may be obtained from adjoining property owners in accordance with State statutes.
3. Temporary building for uses incidental to construction work, such buildings shall be removed upon the completion or abandonment of the construction work.
4. Signs, as provided and regulated in Section 16.

10.5 CONDITIONAL USES

1. WECS, as permitted and regulated in Subsection 23.4.

10.6 OFF-STREET PARKING AND LOADING

Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 15.

Section 11 – FP (Floodplain) Overlay District

This ordinance section establishes an overlay district within the Zoning Ordinance and on the Official Zoning Map. As an overlay district, the regulations in the Section 20 shall be added to the zoning regulations in the district to which it applies. The more stringent standards shall apply.

Section 12 – AP (Airport) Overlay District

This ordinance section establishes of an overly district within the Zoning Ordinance and on the Official Zoning Map. As an overlay district, the regulations in the Section 21 shall be added to the zoning regulations in the district to which it applies. The more stringent standards shall apply.

Section 13 – Process for Approval of Conditional Uses

13.1 INTENT

Conditional uses are those that can be approved in a specific zoning district, subject to specific conditions that are applied through a public hearing and the approval of the Board of Adjustment. The purpose of this is to review and allow the affected public to comment upon potentially controversial uses of land and structures.

13.2 AUTHORIZATION

The Board of Adjustment may, after public hearing and payment of an application fee, grant a conditional use permit for the uses specified in each zoning district.

The Board of Adjustment shall grant no conditional use until the Board of Adjustment first finds that:

1. 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.
2. Infrastructure. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided and that such use shall not unduly increase congestion in the streets or public danger of fire and safety.
3. Intent of Ordinance. The conditional use is consistent with the intent and purpose of this Ordinance to promote public health, safety, and general welfare.
4. Nuisance Factors. 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.

5. Comprehensive Plan. The conditional use is in keeping with the comprehensive plan and policies of the County.

13.3 APPLICATION

An application for conditional use shall be filed 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. Before issuance of a conditional use permit for any of the above buildings or uses, the Board of Adjustment shall review the conformity of the proposal and site plan with the standards of the Comprehensive Plan, and with recognized principles of engineering design, land use planning and landscape architecture. The Board may approve or disapprove the special permit as submitted or, before approval, may require that the applicant modify, alter, or amend the proposal as the Board deems necessary to the end that it preserve the intent and purpose of the Zoning Ordinance to promote public health, safety, and the general welfare. In the event a conditional use permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

13.4 REVERSION

If an approved conditional use is not initiated within one (1) year of approval, the approval shall be rescinded.

Section 14 – Buffer Landscape Requirements

14.1 WHEN REQUIRED

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. This policy applies to R zones in Clarke County and R or similar zones within the boundaries of the corporate limits of municipalities of the County that have zoning or similar land use regulations. This section also applies to landscaping to screen adult uses in C-1 Districts.

14.2 REQUIREMENTS

1. The standard buffer landscaping shall be a landscaping strip at least five (5) feet wide, located along the residential/nonresidential boundary.
2. A plan shall be submitted in addition to a rezoning or development request in which buffer landscaping is required. The plan shall include: 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:
   a. Reduce adverse effects upon the subject property and adjacent or nearby property.
   b. Screen unsightly situations, undesirable views, and incompatible land uses.
   c. Buffer noise and other disturbing sounds.
   d. Provide for shade, protection from elements, and the comfort and convenience of people.
   e. 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.

3. The Zoning Administrator may approve an alternative landscaping plan which moves the buffer landscaping away from the residential/nonresidential boundary if he finds that:
   a. Noise and sight buffering of the residential zone can be accomplished at least as well with the alternate plan.
   b. The alternate landscaping plan allows materially better use and functioning of the nonresidential premises.
   c. 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
   d. 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.
4. The buffer landscaping shall consist primarily of trees or shrubs that 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.
5. Landscaping which dies shall be replaced by the person obligated to provide it as expeditiously as possible, but in not case longer than nine (9) months after notification.
6. 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 15 – Off-Street Parking and Loading Space Requirements

15.1 OFF-STREET LOADING SPACES

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.

15.2 OFF-STREET PARKING

1. 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.
   a. Automobile sales and service garages: one (1) parking space for each one hundred (100) square feet of show room and garage space.
   b. Banks, clinics, business and professional offices: one (1) parking space for each one hundred (100) square feet of floor area, but in no case fewer than ten (10) spaces.
   c. Bowling alleys: two (2) spaces for each lane.
   d. Churches and schools: one (1) parking space for every one-hundred (100) square feet of principal auditorium, including balcony, if any. Where no auditorium is involved, one (1) parking space for each staff member.

e. Dance halls, assembly halls: one (1) parking space for each one hundred (100) square feet of area used for dancing, or assembly.
f. Dwelling: two (2) parking spaces for each family or dwelling unit.
g. Funeral homes, mortuaries: one (1) parking space for each five (5) seats in the principal auditorium.
h. Furniture and appliance stores, household equipment, or furniture repair shops: one (1) parking space for each one hundred (100) square feet of floor area.
i. 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.
j. Hotels, motels, lodging houses: one (1) space for each bedroom.
k. Manufacturing plants: one (1) parking space for each three (3) employees on the maximum working shift, but in no case fewer than one (1) space for each five hundred (500) square feet of gross floor area.
l. 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.
m. Restaurants, taverns and nightclubs: one (1) parking space for each one hundred (100) square feet of gross floor area.
n. Retail stores, shops, super markets, convenience stores (not including parking for gas pump users), etc.: one (1) parking space for each one hundred (100) square feet of floor area, but in no case fewer than ten (10) spaces.
o. Theaters, assembly halls with fixed seats and sports arenas: one (1) space for each five (5) seats.
p. Wholesale establishments or warehouses: one (1) space for each two (2) employees, but in no case fewer than one (1) space for each one thousand (1,000) square feet of gross floor area.

2. In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use that is so mentioned and to which said use is similar, shall apply.
3. 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.
4. 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:
   a. 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.
   b. 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.
   c. 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.
5. 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 16 – Sign Requirements

16.1 SIGNS PERMITTED IN ALL DISTRICTS

1. Temporary Signs.
   a. Real Estate Signs. Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed. One non-illuminated sign, not to exceed eight (8) square feet, shall be permitted on each premise. Such signs shall not extend higher than four (4) feet above grade level or be closer than ten (10) feet to any property Line unless located on the wall of a building. Such signs shall be removed within seven (7) days after the disposition of the premises.
   b. Construction Signs. Signs identifying the architect, engineer, contractor or individuals involved in the construction of a building and such signs announcing the character of the building enterprise or the purpose for which the building is intended but not including product advertising. One non-illuminated sign not to exceed fifty (50) square feet shall be permitted per street frontage. Such sign shall not extend higher than ten (10) feet above grade level or be closer than ten (10) feet to any property line unless located on the wall of a building on the premises or on a protective barricade surrounding the construction. Such signs shall be removed within one week following completion of construction.
   c. Political Campaign Signs. Signs announcing candidates seeking public political office or pertinent political issues. Such signs shall be confined to private property and shall be removed within one week following the election to which they pertain.
   d. Street Banners. Signs advertising a public event, providing that specific approval is granted under regulations established by the Board of Supervisors.
   e. Seasonal Decorations. Signs pertaining to recognized national holidays and national observances.
2. Public Signs. Signs of a non-commercial nature and in the public interest, erected by or upon the order of a public officer in the performance of public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and other similar signs, including signs designating hospitals, libraries, schools and other institutions or places of public interest or concern.
3. Integral Signs. Signs for churches or temples, or names of buildings, dates of erection, monumental citations, commemorative tablets and other similar signs when carved into stone, concrete or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.
4. Window Signs. Such signs that are displayed inside of a window or within a building, provided that lighted window signs shall be permitted only in those districts where lighted signs are permitted.

16.2 PROHIBITED SIGNS

1. Obsolete Signs. Signs that advertise an activity, business, product or service no longer conducted on the premises on which the sign is located. Obsolete signs shall be deemed nonconforming and subject to the provisions of Subsection 3.28.
2. Banners, Balloons, Posters, etc. Signs which contain or consist of banners, balloons, posters, pennants, ribbons, streamers, spinners, or other similarly moving devices, except as specifically provided in Section 16.1.1.d hereof. These devices when not part of any sign shall also be prohibited.
3. Portable Signs. Signs that are not permanently anchored or secured to either a building or the ground.
4. Off-Premises Signs on Public Property. Off-premise signs located on public property that is being used for public purposes.
5. Flashing Signs. No flashing, blinking, or rotating lights shall be permitted for either permanent or temporary signs.

6. Moving Signs. No sign shall be permitted where any part of which moves by any mechanical or electronic means.
7. Painted Wall Signs. Off-premises signs painted on building walls, unless approved by permit issued by the Zoning Administrator.
8. Semi-trailers. Semi-trailers and other vehicles used primarily for permanent signage shall be prohibited in all zoning districts.

16.3 GENERAL SIGN REGULATIONS

1. Conformance Required. Except as may be hereinafter specified, no sign shall be erected, placed, maintained, converted, enlarged, reconstructed or structurally altered which does not comply with all of the regulations established by this ordinance.
2. Maintenance. All signs shall be maintained in a good state of repair, including, but not limited to, the structural components, the lighting, if any, the portion attaching the sign to the ground or structure, and the surface features.
3. Non-Conforming Signs. Where a sign exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, use, height, setback, or other characteristics of the sign or its location on the lot, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:
   a. No such sign may be enlarged or altered in a way that increases its non-conformity; however, reasonable repairs and alterations may be permitted.
   b. Should such sign be destroyed by any means to an extent of fifty (50) 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.
4. Permit Required. A sign permit, approved by the Zoning Administrator, shall be required before the erection, construction, alteration, placing, or locating of all signs conforming to this ordinance.
5. Permit Not Required. A permit shall not be required for temporary sign repainting without changing permanent wording, composition, or colors; or for non-structural repairs.
6. Plans. A copy of plans and specifications shall be submitted to the Zoning
7. Administrator for each sign regulated by this ordinance. Such plans shall show sufficient details about size of the sign, location and materials to be used and such other data as may be required for the Zoning Administrator to determine compliance with this ordinance.
8. Appeal. Any person or persons aggrieved by the decision of the Zoning Administrator to approve or disapprove a sign permit, as provided by this ordinance, may appeal such decision to the Board of Adjustment as provided by Section 18 of this ordinance.

Section 17 – 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:

1. The administrator shall issue all permits and certificates required by this ordinance.
2. If the Administrator 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. The administrator 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 18 – Board of Adjustment

18.1 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.

18.2 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 public record. The presence of three (3) members shall be necessary to constitute a quorum.

18.3 APPLICATION, APPEALS, AND HEARINGS

An application, in cases in which the Board of Adjustment has original jurisdiction under the provisions of the Zoning Ordinance, may be taken by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Administrator who shall transmit the same to the Board of Adjustment.

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 of 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.

18.4 POWERS AND DUTIES

The Board shall have the following powers and duties:

1. 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.
2. 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 and the policies of the county outlined in the Clarke County Comprehensive Plan. 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 27 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.
3. To permit the following 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:
    a. 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.
    b. 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.
4. To issue conditional use permits or special exceptions and decide such matters as may be required by other sections of this Ordinance.

18.5 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 19 – Certificate of Zoning Compliance/Building Permit

19.1 PERMIT REQUIRED

No land shall be occupied or used, and no building hereafter erected or structurally altered, shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate 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. 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. No certificate or permit shall be issued that will allow the construction of only a basement or cellar for use for dwelling purposes.

19.2 APPLICATION PROCESS

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.

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

19.3 TIME LIMITS

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.

Section 20 – Floodplain Management Regulations

This ordinance section will be amended and adopted separately in 2018 following the adoption of the FIRM map for the unincorporated areas of Clarke County. Until that time, a moratorium on additional development is imposed in areas where flooding is likely as identified in the Preliminary Flood Insurance Rate Map for Clarke County.

Section 21 – Osceola Municipal Airport Land Use and Height Regulations

21.1 INTENT AND AUTHORITY

This Ordinance shall regulate and restrict the height of structures, objects, and growth of natural vegetation, as well as land uses; otherwise regulating the use of property, within the vicinity of the Osceola Municipal Airport. Creation of appropriate zones and establishing the boundaries thereof, as well as providing for changes in the restrictions and boundaries of such zones is vested in this Ordinance. The Osceola Municipal Airport Land Use & Height Zoning Map is incorporated into and made part of this Ordinance (Appendix B). The Ordinance also provides for the enforcement of the Ordinance and imposition of penalties related to the implementation of the Ordinance.

Iowa Code Section 329.3, *Airport Zoning,* empowers local municipalities to zone airports including height restrictions and land uses.

21.2 STATEMENT OF PURPOSE AND FINDING

The Osceola Municipal Airport is acknowledged as an essential public facility to the State of Iowa and the local community. The creation or establishment of an airport hazard is a public nuisance and poses a potential concern to the surrounding communities served by Osceola Municipal Airport. There shall be no creation or establishment of a hazard that endangers public health, safety, welfare, and impacts an individual's quality of life, nor prevents the safe movement of aircraft at the Osceola Municipal Airport. For the protection of the public health, safety, and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards. The prevention of airport hazards shall be accomplished, to the extent legally possible, by proper exercise of the police power.

The prevention of new airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards, are considered to be a public purpose for which The City of Osceola and Clarke County may raise and expend public funds, as an incident to the operation of airports, to acquire or property interest therein.

21.3 AIRPORT ZONING DEFINITIONS

The following definitions are specific to airport zoning and only apply to this Section of this Ordinance.

Air Traffic: *(FAA FAR Sec. 1.1)*. Aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.

Airport: *(FAA FAR Sec. 152.3)*. The Osceola Municipal Airport owned by the City of Osceola.

Airport Elevation: *(FAA AC 150/5190-4A)*. The highest point on an airport's usable landing area measured in feet from sea level.

Airport Environs: The land use and people in the areas surrounding an airport that can be directly affected by the operation of the airport.

Airport Hazard: *(FAA FAR Sec. 152.3)*. Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near a public airport that obstruct the airspace required for the flight of aircraft landing or talking off at the airport; or is otherwise hazardous to aircraft landing or taking off at the airport.

Airport Layout Plan (ALP): *(FAA FAR Sec. 152.3).* The plan of an airport showing the layout of existing and proposed airport facilities.

Airport Overlay Zones: A zone intended to place additional land use conditions on land impacted by the airport while retaining the existing underlying zone. The FAR Part 77 Surfaces and RPZs have been combined to create five airport overlay zones. The five specific zones create a comprehensive area focused on maintaining compatible land use around airports.

a. Zone A is intended to provide a clear area that is free of above ground obstructions and structures. This zone is closest to the individual runway ends.
b. Zone B is a critical overlay surface that reflects the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, non-precision, or precision) that a specific runway has and the type/size of aircraft utilizing the runway.
c. Zone C includes those areas that are parallel to the runway pavement and extend 1,050’ from the edge of the primary surface.
d. Zone D is typically elliptical in shape, depending upon the runway types and configurations at an individual airport.
e. Zone E is the outermost zone of the overlay areas and has the least number of land use restriction considerations. The zone begins at the edge of the horizontal surface and is 4,000 feet in width paralleling the horizontal surface.

Airport Reference Code (ARC): *(FAA Web site).* An FAA coding system used to relate airport design criteria to the operational and physical characteristics of the airplanes intended to operate at the airport.

Airport Reference Point (ARP)**:** *(FAA AC 150/5300-13).* The latitude and longitude of the approximate center of the airport.

Airport Zoning Permit: Airport zoning permit allowing new development or alteration or expansion of a nonconforming use.

Airside: *(FAA Web site).* That portion of the airport facility where aircraft movements take place, airline operations areas, and areas that directly serve the aircraft, such as taxiway, runway, maintenance and fueling areas.

Airspace: *(FAA Web site).* The space lying above the earth or above a certain area of land or water that is necessary to conduct aviation operations.

Approach Slopes: (FAR Part 77). The ratios of horizontal to vertical distance indicating the degree of inclination of the Approach Surface. The various ratios include:

a. 20:1. For all utility and visual runways extended from the primary surface a distance of 5,000 feet.
b. 34:1. For all non-precision instrument runways extended from the primary surface for a distance of 10,000 feet.
c. 50:1/40:1. For all precision instrument runways extending from the primary surface for a distance of 10,000 feet at an approach slope of 50.1 and an additional 40,000 feet beyond this at a 40:1 Approach Slope.

Approach Surface: *(FAA AC 150/5190-4A).* A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this Section. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

Aviation Easement: *(FAA Web site).* A grant of a property interest in land over which a right of unobstructed flight in the airspace is established.

Building Codes: *(The Practice of Local Government Planning).* Codes, either local or state, that control the functional and structural aspects of buildings and/or structures. Local ordinances typically require proposed buildings to comply with zoning requirements before building permits can be issued under the building codes.

Commercial Uses. Commercial uses means a use category including land uses or activities involving the production, processing, manufacturing, or sale of goods or services for financial gain, including uses that provide merchandise to the general public. Accessory uses may include offices, storage, food service, or other amenities primarily for the use of employees and parking.

Compatibility: The degree to which land uses or types of development can coexist or integrate.

Easement: *(FAA AC 5020-1).* The legal right of one party to use a portion of the total rights in real estate owned by another party. This may include the right of passage over, on, or below property; certain air rights above the property, including view rights; and the rights to any specified form of development or activity, as well as any other legal rights in the property that may be specified in the easement document.

Federal Aviation Administration (FAA): (FAA Web site). A federal agency charged with regulating air commerce to promote its safety and development; encourage and develop civil aviation, air traffic control, and air navigation; and promote the development of a national system of airports.

Federal Aviation Regulations (FAR): (FAA FAR). Regulations established and administered by the FAA that govern civil aviation and aviation-related activities.

a. FAR Part 36. *(FAA FAR Sec. 36.1).* Regulation establishing noise standards for the civil aviation fleet.
b. FAR Part 91. *(FAA FAR Sec. 91.1).* Regulation pertaining to air traffic and general operating rules, including operating noise limits.
c. FAR Part 150. *(FAA FAR Sec. 150.1).* Regulation pertaining to airport noise compatibility planning.
d. FAR Part 161. *(FAA FAR Sec. 161.1).* Regulation pertaining to notice and approval of airport noise and access restrictions.
e. FAR Part 77. *(FAA FAR Sec. 77.1).* Objects Affecting Navigable Airspace - Part 77 (a) establishes standards for determining obstructions in navigable airspace; (b) defines the requirements for notice to the FAA Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace; (d) provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas.

General Aviation Airport: Any airport that is not an air carrier airport or a military facility.

Height: Height is utilized for the purpose of determining the height limits in all zones set forth in this Section and shown on the Land Use and Height Zoning Map; height shall be measured as the highest point of a structure, tree, or other object of natural growth, measured from the mean sea level elevation unless otherwise specified.

Hold Harmless Agreement: An agreement that holds airport sponsors or jurisdictions harmless for alleged damages resulting from airport operations. Such agreements are recorded in deeds or permits as a condition of approval of a regulatory land use decision.

Industrial, Wholesale Trade, and Storage Uses: A use category including the following use types:

a. Industrial development or uses involved in the research, design, manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or customers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales (typically 10% or less of the total gross floor area). Relatively few customers come to the site.
b. Industrial, manufacturing, wholesale trade, and warehouse/storage uses including uses that produce goods from raw or finished materials, uses that distribute goods in large quantities to primarily wholesale customers, or provide for storage or warehousing of goods, either in enclosed buildings or outdoors. Few customers, especially the general public, come to the site. Accessory activities may include sales, offices, parking, and storage.

Imaginary Surfaces: *(FAA FAR Part 77.25).* Those areas established in relation to the airport and to each runway consistent with FAR Part 77 in which any object extending above these imaginary surfaces, by definition, is an obstruction.

a. Transitional surface. The transitional surface extends outward and upward at right angles to the runway centerline and extends at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation.
b. Horizontal surface. The horizontal surface is a horizontal plane located 150 feet above the

established airport elevation and encompasses an area from the transitional surface to the conical surface. The perimeter is constructed by generating arcs from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.

c. Conical surface. The conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one foot vertically (20:1) for a horizontal distance of 4,000 feet.

d. Approach surface. The approach surface is longitudinally centered on the extended runway centerline and extends outward and upward from the end of the runway primary surface. The approach slope of a runway is a ratio of 20:1, 34:1, or 50:1, depending on the approach type. The length of the approach surface varies from 5,000 to 50,000 feet and also depends upon the approach type.

Incompatible Land Use: (FAA FAR Sec. 150.7). The use of land that is normally incompatible with the aircraft and airport operations (such as, but not limited to, homes, schools, nursing homes, hospitals, and libraries).

Instrument Approach Procedure: *(FAA Pilot/Controller Glossary).* A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing or to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority.

Instrument Flight Rules (IFR): *(FAA Pilot/Controller Glossary).* Rules governing the procedure for conducting instrument flight. In addition, it is a term used by pilots and controllers to indicate a type of flight plan.

Instrument Landing System (ILS): *(FAA Pilot/Controller Glossary).* A precision instrument approach system that normally consists of the following electronic components and visuals aids: localizer, glideslope, outer marker, middle marker, and approach lights.

Itinerant Operation: *(FAA AC 150/5325-4B).* Takeoff or landing operations of airplanes going from one airport to another airport that involves a trip of at least 20 miles. Local operations are excluded.

Land Use Compatibility: *(FAA Web site).* The coexistence of land uses surrounding the airport with airport-related activities.

Lighting and Marking of Hazards to Air Navigation: Installation of appropriate lighting fixtures, painted markings or other devices to such objects or structures that constitute hazards to air navigation.

Mitigation: *(FAA Web site).* The avoidance, minimization, reduction, elimination or compensation for adverse environmental effects of a proposed action.

Navigation Aids (NAVAID): *(FAA Web site).* Any facility used by an aircraft for guiding or controlling flight in the air or the landing or takeoff of an aircraft.

Navigable Airspace: The airspace above minimum altitude for safe flight, and includes the airspace needed to ensure safety in takeoff and landing of aircraft.

Noise Exposure Contours: *(FAA Web site).* Lines drawn around a noise source indicating constant energy levels of noise exposure. DNL is the measure used to describe community exposure to noise.

Noise Impact: A condition that exists when the noise levels that occur in an area exceed a level identified as appropriate for the activities in that area.

Noise Sensitive Area: *(FAA AC 91-36D).* An area where noise interferes with normal activities associated with the area's use. Examples of noise-sensitive areas include residential, educational, health, and religious structures and sites, and parks, recreational areas (including areas with wilderness characteristics), wildlife refuges, and cultural and historical sites where a quiet setting is a generally recognized feature or attribute.

Non-Conforming Use: *(FAA Web site).* Any pre-existing structure, tree, or use of land that is inconsistent with the provisions of the local land use or airport master plans.

Non-Precision Instrument Runway: *(FAA AC 150/5190-4A).* A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non precision instrument approach procedure has been approved or planned.

Object: *(FAA AC 150/5300-13).* Includes, but is not limited to above ground structures, NAVAIDs, people, equipment, vehicles, natural growth, terrain, and parked aircraft.

Obstacle Free Zone (OFZ): *(FAA 150/5300-13).* The airspace below 150 feet (45 m) above the established airport elevation and along the runway and extended runway centerline that is required to be clear of all objects, except for the frangible visual NAVAIDs that need to be located in the OFZ because of their function, in order to provide clearance protection for the aircraft landing or taking off from the runway, and for missed approaches.

Obstruction: *(FAA AC 150/5190-4A).* Any structure, growth, or other object, including a mobile object, that exceeds a limiting height, specific to its geographic location relative to the runway/airport.

Off-Airport Property: *(FAA Web site).* Property that is beyond the boundary of land owned by the airport sponsor.

On-Airport Property: *(FAA Web site).* Property that is within the boundary of land owned by the airport sponsor.

Overlay Zone: *(FAA Web site).* A mapped zone that imposes a set of requirements in addition to those of the underlying zoning district.

Part 150 Study: (FAA Web site). Part 150 is the abbreviated name for the airport noise compatibility planning process outlined in Part 150 of the Federal Aviation Regulation (FAR) that allows airport owners to voluntarily submit noise exposure maps and noise compatibility programs to the FAA for review and approval.

Primary Surface: *(FAA AC 150/5190-4A).* A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in FAR Part 77. The elevation of any point on the primary surface is the same as the elevation of

the nearest point on the runway centerline.

Primary Runway: *(FAA AC 150/5325-4B General Definition).* The runway used for the majority of airport operations. Large, high-activity airports may operate two or more parallel primary runways.

Public Assembly Use: A structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, shopping, business, entertainment, amusement, sporting events, or similar activities, but excluding air shows. "Public assembly use" does not include places where people congregate for relatively short periods of time, such as parking lots and bus stops, or uses approved by the FAA in an adopted airport master plan.

Public Use Airport: *(FAA AC 150/5190-6).* Means either a publicly owned airport or a privately owned airport open for public use.

Residential and Accommodation Uses: A use category that includes the following use types:

a. Residential uses that provide living accommodations, including sleeping, eating, cooking and sanitary facilities, to one or more persons, and where tenancies typically last longer than 30 days.
b. Accommodation uses characterized by visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation, and with an average length of stay of less than 30 days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices.

Runway Protection Zone (RPZ): *(FAA AC 150/5300-13).* An area off the runway end designed to enhance the protection of people and property on the ground.

Runway Safety Area: (FAA AC 150/5300-13). A defined surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an overshoot, or excursion from the runway.

Structure: Any object constructed or installed by humans, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines, including the poles or other structures supporting the same.

Utility Runway: A utility runway constructed for and intended to be used by propeller driven aircraft of 12,500 pounds gross weight or less.

Variance: *(FAA Web site).* An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land that is prohibited by a zoning ordinance. A lawful exception from specific zoning ordinance standards and regulations predicated on the practical difficulties and/or unnecessary hardships on the petitioner being required to comply with those regulations and standards from which an exemption or exception is sought.

Visual Approach: *(FAA Web site).* An approach to an airport conducted with visual reference to the terrain.

Visual Runway: *(FAA AC 150/5300-13).* A runway without an existing or planned straight-in instrument approach procedure.

Visual Flight Rules (VFR): *(FAA FAR Sec. 170.3).* Rules that govern the procedures for conducting flight under visual conditions. The term "VFR" is also used in the United States to indicate weather conditions

that are equal to or greater than minimum VFR requirements. In addition, "VFR" is used by pilots and controllers to indicate the type of flight plan.

Wetland: Land on which water covers the soil or is present either at or near the surface of the soil or within the root zone, all year or for varying periods of time during the year, including during the growing season. *(FAA AC 150/5200-33A)* Wetlands provide a variety of functions and can be regulated by local, state, and Federal laws. Normally, wetlands are attractive to many types of wildlife, including many, which rank high on the list of hazardous wildlife species.

Wildlife Attractants: Any human-made structure, land-use practice, or human-made or natural geographic feature that can attract or sustain hazardous wildlife within the landing or departure airspace or the airport's air operations area. These attractants include, but are not limited to, architectural features, landscaping, waste disposal sites, wastewater treatment facilities, agricultural or aquaculture activities, surface mining, or wetlands.

Wildlife Hazards: Species of wildlife (birds, mammals, reptiles), including feral animals and domesticated animals not under the control, that are associated with aircraft strike problems, are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard.

21.4 AIR SPACE OBSTRUCTION ZONES

The Airport Height Overlay Zoning Districts is illustrated on the Official Osceola Municipal Airport Land Uses & Height Overlay Zoning Map, dated May 14, 2013 and is attached as Exhibit B to this Ordinance. Such Official Map may be amended and all notations, references, elevations, data, zone boundaries, and other information thereon are hereby adopted as part of this Ordinance.

21.5 LAND USE SAFETY ZONES

FAR Part 77 Surfaces and RPZs have been combined to create five airport overlay zones. These five zones are designed to maintain compatible land uses around Osceola Municipal Airport.

1. Definition of Zones. Five airport overlay zoning districts are prescribed within this Ordinance. Specific dimensions for the individual zones for each runway end are noted in the following tables and text.
   a. Zone A – Runway Protection Zone (RPZ). Zone A is intended to provide a clear area that is free of above-ground obstructions and structures. This zone is closest to the individual runway ends. The dimensional standards for this zone are the same as those described in the *Airport Design* AC (AC 150/5300-13 Change 11) and are shown in the following table.

Figure 5: Zone A Dimensional Requirements

Runway Ends	Approach Visibility Minimums 1	Dimensions			
		Length L feet	Inner Width W1 feet	Outer Width W2 feet	RPZ acres
Runway 18	1 Mile	1,000	500	700	13.774
Runway 36	1 Mile	1,000	500	700	13.774

The RPZ dimensional standards are for the runway end with the specified approach visibility minimums. The departure RPZ dimensional standards are equal to or less than the approach RPZ dimensional standards. When an RPZ begins other than 200 feet (60m) beyond the runway end, separate approach and departure RPZs should be provided. Refer to FAA AC 150/5300-13, Change 11, Appendix 14 for approach and departure RPZs. (Source: FAA AC 150/5300-13, Change 11, Airport Design Standards).

   b. Zone B – Approach Surface. Zone B is a critical airport overlay zoning surface that reflects the

approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, non-precision, or precision) that a specific runway has and the type/size of aircraft utilizing the runway. The following table illustrates the various sizes of Zone B based upon the specific runway criteria. A portion of Zone B is overlain by Zone A because the approach surface and RPZ overlap the entire length of the RPZ. Consequently, the length of Zone B begins at the inner edge of the RPZ.

Figure 6: Airport Overlay Zones B-D Dimensional Standards

Item	Runway Dimensional Standards (Feet)	
	Runway 18	Runway 36
Primary surface width and Zone B inner width	500	500
Zone B end width	3,500	3,500
Zone B length	10,000	10,000
Zone C width	1,050	1,050
Zone D radius	10,000	10,000
Zone E width	4,000	4,000

c. Zone C – Transitional Surface. Zone C includes those areas that are parallel to the runway pavement and extend 1,050' from the edge of the primary surface paralleling the runway and extended runway centerline until they reach the end of Zone A at a 90 degree angle. The specific dimensions for Zone C are based upon various options for the primary surface that is predicated upon the type of approach and critical aircraft.
d. Zone D – Horizontal Surface. Zone D is typically elliptical in shape, depending upon the runway types and configurations at individual airports.
e. Zone E – Conical Surface. Zone E is the outermost zone of the airport overlay zoning areas and has the least number of land use restriction considerations. The zone begins at the edge of the horizontal surface and is 4,000 feet in width paralleling the horizontal surface.

2. Zone Compatibility. The following tables shall be utilized to evaluate land use compatibility for various land use classifications.
   a. Uses identified as compatible shall not require additional review, however, consideration should be given to the following five areas of concerns: (1) noise sensitive related issues, (2) high concentrations of people, (3) tall structures, (4) visual obstructions, and (5) wildlife and bird attractants.
   b. Uses found to be NOT compatible shall be precluded from development within the specific zones.
   c. Uses found to require additional review shall be evaluated for general compatibility utilizing the *Compatible Land Use Planning Checklist* and the five primary areas of concern noted above.

Figure 7: Osceola Municipal Airport Zone Chart

***C** = Compatible **AR** = Additional Review Required **NC** = Not Compatible*

Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E
Residential Activities					
Single-Family Uses (1 dwelling per lot)					
Detached Single Family Dwelling (i.e. farm dwelling, detached single family house, manufactured/modular/mobile homes if converted to real property and taxed)	NC	C	AR	C	C
Detached Zero Lot Line Dwelling (i.e. condominium)	NC	C	AR	C	C
Attached Single Family Dwelling (i.e. townhouse)	NC	C	AR	C	C
Two Family Uses (i.e. two principal dwelling units within one building on the same parcel)	NC	C	AR	C	C
Multi-Family Uses (i.e. three or more principal dwelling units within a single building on the same parcel, apartments					

***C** = Compatible **AR** = Additional Review Required **NC** = Not Compatible*					
such as condominium, elder, assisted living, townhouse-style)					
Low-Rise (1-3 Levels)	NC	C	AR	C	C
Group Living Uses (i.e. assisted living, group care facilities, nursing and convalescent homes, independent group living)	NC	C	AR	C	C
Manufactured Housing Parks	NC	C	AR	C	C
Commercial Activities					
Eating and Drinking Establishments (i.e. restaurants, cafes, coffee shops, fast food restaurants, bars, nightclubs, taverns, cocktail lounges)	NC	C	AR	C	C
Quick Vehicle Servicing Uses (i.e. full-serve and mini-serve gas station, unattended card key service stations, car washes)	NC	C	AR	C	C
Office Uses (i.e. business, government, professional, medical, or financial)					
General Office (i.e. professional offices, financial businesses, government offices)	NC	C	AR	C	C
Medical/Dental Office (i.e. medical and dental clinics, chiropractic clinics, physical therapy clinics)	NC	C	AR	C	C
Retail Uses (i.e. sale, lease, or rent of new or used products)					
Sales-Oriented (i.e. appliances, convenience stores, bakeries, electronics, furniture, garden supplies, gas stations, groceries, hardware, malls, strip malls, videos)	NC	C	AR	C	C
Personal Service-Oriented (i.e. retail service-banking establishments, laundromats/dry cleaning, quick printing services, beauty/tanning salons, funeral homes)	NC	C	AR	C	C
Repair-Oriented (i.e. consumer goods-electronics, office equipment, appliances)	NC	C	AR	C	C
Hospitality-Oriented (hotels, motels, convention centers, meeting halls, event facilities)	NC	AR	AR	AR	C
Outdoor Storage and Display-Oriented (i.e. outdoor storage-lumber yards, vehicles sales, landscape material and nursery product sales, farm supply and equipment sales)	NC	AR	AR	AR	C
Surface Passenger Services (i.e. passenger terminals for buses, rail services, local taxi and limousine services)	NC	AR	AR	C	C
Vehicle Repair Uses (i.e. vehicle repair or service shops, alignment shops, tire sales)	NC	AR	AR	C	C
Industrial/Manufacturing Activities					
Industrial Service Uses (i.e. machine shops, tool repair, towing and vehicle storage, building supply yards, heating/plumbing/electrical contractors, exterminators, janitorial services, fuel oil distributors, solid fuel yards)	NC	C	AR	C	C
Manufacturing and Production Uses (i.e. manufacturing, processing, fabrication, packaging or assembly of goods)					
Technical/Light Manufacturing (i.e. electrical components, engineering, scientific and research, office, computer hardware/software, optical, pharmaceuticals, printing/photo facilities, publishing)	NC	C	AR	C	C
General Manufacturing (i.e. manufacturing, compounding, assembling or treatment of most articles, materials, or merchandise)	NC	C	AR	C	C
* *Heavy Manufacturing* (i.e. concrete and asphalt plants, meat packing plants, wet corn milling, manufacturing of animal feed, paper/paperboard mills, ethanol plants)	NC	AR	NC	AR	C
Mining and Extraction Uses	NC	NC	NC	AR	C
Salvage Operations (i.e. firms that collect, store, and dismantle damaged or discarded vehicles, machinery, appliances, and	NC	C	NC	C	C

***C** = Compatible **AR** = Additional Review Required **NC** = Not Compatible*					
building material)					
Self-Service Storage Uses (i.e. mini-warehouses/storage facilities)	NC	C	AR	C	C
Warehouse and Freight Uses (i.e. major wholesale distribution centers, general freight storage, railroad switching yards, bus/rail car storage lots, parcel service, grain terminals)	NC	C	AR	C	C
Waste-Related Uses (i.e. recycling centers, sanitary landfills, waste transfer stations, composting, energy recovery plants, sanitary and water treatment facilities, sanitary collection/pumping facilities, hazardous waste collection sites)	NC	NC	NC	AR	AR
Wholesale Sales Uses (i.e. sale, lease, or rental of products to retailers for industrial, institutional, or commercial business users)	NC	AR	AR	AR	C
Institutional Activities					
Basic Utility Uses (i.e. utility substation facilities, electrical substations, water and sewer lift stations, water towers)	NC	AR	NC	AR	C
College and Universities (i.e. public or private colleges and universities, technical colleges, seminaries)	NC	NC	NC	C	C
Community Service Uses (i.e. public, nonprofit, or charitable nature providing a local service to the people)					
General Community Service (i.e. libraries, museums, transit centers, park and ride facilities, senior/community/neighborhood centers, police and fire stations)	NC	C	AR	C	C
Community Service-Shelter (i.e. transient housing)	NC	C	AR	C	C
Daycare Uses (i.e. childcare centers, adult daycare, preschools .after school programs)	NC	AR	NC	C	C
Detention Facilities (i.e. prisons, jails, probation centers, juvenile detention homes, halfway houses)	NC	AR	NC	C	C
Educational Facilities (i.e. public and private schools)					
General Educational Facilities (i.e. public and private elementary, middle, junior, and senior high schools including religious, boarding, military schools)	NC	NC	NC	C	C
Specialized Education Facilities (i.e. specialized trade, business, or commercial courses, non-degree-granting schools)	NC	NC	NC	C	C
Hospitals (i.e. hospitals, medical centers)	NC	NC	NC	C	C
Religious Assembly Uses (i.e. churches, temples, synagogues, mosques, lodges and clubs)	NC	NC	NC	C	C
Infrastructure Activities					
Communication Transmission Facility Uses (i.e. broadcast, wireless, point to point, emergency towers and antennae)	NC	NC	NC	AR	AR
Parking Uses (i.e. ground lots, parking structures)	AR	C	AR	C	C
Transportation Uses (i.e. highways, interstates, local and county roads)	AR	C	C	C	C
Utility Uses (i.e. solar power generation equipment, wind generators, wind farms)	NC	NC	NC	AR	AR
Infrastructure Activities					
Agricultural Uses (i.e. commercial cultivation of plants, livestock production)					
Plant-related (i.e. crop farming, vegetable, fruit, and tree, wholesale plant nurseries)	AR	C	AR	C	C
Animal-related (i.e. livestock operations, dairy farms, horse farms)	AR	C	AR	C	C
Facility-related (i.e. fuel bulk storage/pumping facility, grain elevator, livestock/seed/grain sales)	NC	AR	NC	AR	AR
Floodplains	AR	AR	AR	C	C
Water Bodies (i.e. open bodies containing water)					
Man-made resources (i.e. mining and extraction, water detention	NC	AR	AR	AR	AR

***C** = Compatible **AR** = Additional Review Required **NC** = Not Compatible*					
ponds, wetlands)					
Naturally occurring (i.e. lakes, ponds, prairie pot holes, rivers, streams, wetlands)	NC	AR	AR	C	C
Wildlife Preservation Areas (i.e. petting zoos, wildlife rehabilitation centers, zoos)	NC	NC	NC	AR	C
Parks and Recreation Activities					
Commercial Recreational Uses (i.e. facilities used for physical exercise, recreation, or culture)					
Outdoor (i.e. campgrounds, tennis/swimming facilities, drive-in theaters, skating rinks, pavilions, amphitheaters)	NC	AR	AR	C	C
Indoor (i.e. physical fitness centers, health clubs, bowling alleys, skating rinks, billiard halls, arcades, indoor theaters)	NC	C	AR	C	C
Golf (i.e. golf driving ranges, outdoor miniature golf, 9+ hole courses)	NC	AR	NC	C	C
Utility Uses (i.e. amusement/theme parks, fairgrounds, racetracks, sports arenas)	NC	AR	NC	C	C
Parks (i.e. aquatic, mini, private, sports, neighborhood, school, community)	NC	AR	NC	C	C
Casino	NC	NC	NC	AR	C

* Heavy manufacturing typically has excessive smoke, dust, or hazardous waste.

21.6 AIRPORT OVERLAY ZONING MAP

The Airport Land Use & Height Overlay Zoning Districts established by this Ordinance are shown on the Official Osceola Municipal Airport Land Use & Height Overlay Zoning Map, dated May 14, 2013 and is attached as Exhibit A to this Ordinance. Such Official Osceola Municipal Airport Land Use & Height Overlay Zoning Map may be amended and all notations, references, elevations, data, zone boundaries, and other information thereon are hereby adopted as part of this Ordinance.

21.7 AIRPORT ORDINANCE ADMINISTRATION

It shall be the duty of Clarke County Planning and Zoning Commission and the official referred to herein as the "Airport Zoning Administrator", to administer the regulations prescribed herein. Applications for permits and variances shall be made to the Airport Zoning Administrator upon forms furnished by the Airport Zoning Administrator. Applications for action by the Clarke County Board of Adjustment shall be forthwith transmitted by the Airport Zoning Administrator should an applicant request review. Permit applications shall be either granted or denied by the Airport Zoning Administrator according to the regulations prescribed herein.

21.8 AIRPORT OVERLAY ZONING PERMITS

It shall be the duty of the applicant to provide the Airport Zoning Administrator with sufficient information to evaluate the proposed action. This information shall include but not be limited to the following:

1. Contact information
2. Structure information
3. Site information

The Airport Zoning Administrator shall evaluate the proposal based upon information provided by the applicant. The Airport Zoning Administrator shall approve the permit if after evaluation, the proposed project is found to be adequately compatible. Should the proposed project be found to be incompatible after review, the Airport Zoning Administrator shall deny the permit. Should the permit be denied, the applicant shall have the right to request a variance or an appeal as prescribed in this Ordinance.

21.9 HAZARDOUS MARKINGS AND LIGHTING

Lighting and marking requirements will be determined through an FAA 7460-1 airspace analysis. The

owner of any structure, object, natural vegetation, or terrain is hereby required to install, operate, and maintain such markers, lights, and other aids to navigation necessary to indicate to the aircraft operators in the vicinity of an airport the presence of an airport hazard. Hazardous markers and lights shall be installed, operated, and maintained at the expense of the City of Osceola.

21.10 AIRPORT ZONING HEIGHT LIMITATIONS

No structure, object, natural vegetation, or terrain shall be erected, altered, allowed to grow or be maintained within any airport zoning district established by this Ordinance. The permitted height shall not exceed the difference between the grade elevation and the height limitation numbers illustrated on the "Official Osceola Municipal Airport Land Use and Height Overlay Map" within the various airport zoning districts encompassed by this Ordinance.

An FAA 7460-1 airspace review shall provide a portion of the information necessary to evaluate potential height impacts. However, it shall not be the sole source of review.

21.11 AIRPORT ZONING VARIANCES

Any person desiring to erect, alter, or increase the height of any structure or object, or to permit the growth of any natural vegetation, or otherwise use their property in violation with any section of this Ordinance, may apply to the Clarke County Board of Adjustment for variance from such regulation. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of the Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Clarke County Board of Adjustment unless a copy of the application has been submitted to the Osceola Airport Management Commission for an opinion as to the aeronautical effects of the variance.

21.12 AIRPORT ZONING APPEALS

All appeals shall be made through the Clarke County Board of Adjustment as outlined in Subsection 18.3.

21.13 JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the Clarke County Board of Adjustment, may appeal to the Court as provided in the Iowa Code.

21.14 PENALTIES

Penalties are outlined in Section 27.

Section 22 – Telecommunications Tower and Antenna Regulations

22.1 PURPOSE

The current and evolving technology needs in our interconnected world necessitate regulations to manage appropriate siting, height, and design of these systems. The purpose of this Section of the land use regulations is to establish guidelines for the siting of all wireless, cellular, television and radio telecommunications towers and antennas. The goals of this ordinance are:

1. To encourage the location of towers and facilities in non-residential areas;
2. To minimize the total number of towers within the community necessary to provide adequate personal wireless services to residents of Clarke County;

3. To encourage the joint use of new and existing tower sites among service providers;
4. To locate telecommunications towers and antennas in areas where adverse impacts on the community are minimized;
5. To encourage the design and construction of towers and antennas to minimize adverse visual impacts; and,
6. To enhance the ability of the providers of telecommunications services to deliver such services to the community effectively and efficiently.

22.2 DEFINITIONS

The following definitions apply specifically to this Section of the zoning and land use regulations. Terms commonly used in other parts of the ordinance and defined in other sections are defined the same way in this Section.

Alternative tower structure: Clock towers, bell towers, church steeples, light/power poles, electric transmission towers, man-made trees (without accessory buildings/structures), and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna: Any exterior apparatus designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Co-location: The placement of the antennas of two or more service providers upon a single tower or alternative tower structure.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

Geographic antenna placement area: The general vicinity within which the placement of an antenna is necessary to meet the engineering requirements of an applicant's cellular network or other broadcasting need.

Height: When referring to a tower or other structure, shall mean the distance measured from ground level to the highest point on the tower structure or appurtenance.

Preexisting towers and antennas: Structures as set forth in Section 22.3 of this ordinance.

Scenic Views: Are those geographic areas containing visually significant or unique natural features, as identified in the Clarke County Comprehensive Plan.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telecommunication towers, man-made trees (with accessory buildings/structures) and other similar structures.

Visual Quality: The appropriate design, arrangement and location of tower structures in relation to the built or natural environment to avoid abrupt or severe differences.

22.3 APPLICATION OF THIS ORDINANCE

1. District Height Limitations. Except as set forth in Subsection 22.3.3, the requirements of this ordinance shall govern the location of telecommunications towers that exceed, and antennas that are installed at a height in excess of fifty (50) feet.
2. Governmental Exemption. The provisions of this ordinance shall not apply to governmental facilities and structures. Private facilities and structures proposed for placement on government-owned property shall not be exempt.
3. Amateur Radio: Receive-Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is 75 feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator's residence used exclusively as a receive-only antenna.
4. Pre-Existing Towers and Antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the provisions of this ordinance, other than the requirements of Section 22.4.10 and 22.4.11. Any such towers or antennas shall be referred to in this ordinance as "preexisting towers" or "preexisting antennas". If an additional antenna is co-located upon a pre-existing tower after adoption of this ordinance, then fencing and landscaping requirements of Sections 22.4.7 and 22.4.8 shall be met as part of the permitting process.

22.4 GENERAL PROVISIONS

1. Principal or Accessory Use. A tower and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or tower. For purposes of determining whether the installation of a tower or antenna complies with zoning district requirements, including but not limited to set-back, buffer and other requirements, the dimensions of the entire lot or parcel shall control, even though the antenna or tower may be located on a leased area within such lot or parcel. Towers that are constructed and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
2. Inventory of Existing Sites. To facilitate the co-location of antennas, each applicant seeking to locate a new tower, alternative tower structure or antenna, or modify any such existing structure, shall provide to the Administrator an inventory of its existing towers or alternative tower structures. Applicants seeking to erect an amateur radio tower or antenna shall be exempt from this provision. The inventory shall include all such structures that are within the jurisdiction of the governing authority; within a municipality located, in whole or in part, within Clarke County; or, within one-quarter mile of the border of Clarke County, and shall include specific information about the location (latitude and longitude coordinates), height, design, tower type and general suitability for antenna co-location of each tower, and other pertinent information as may be required by the Administrator. The Administrator may share such information with other applicants for a Tall Structures Permit under this ordinance or other organizations seeking to locate towers or antennas within the jurisdiction of the governing authority, provided, however that the Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
3. Co-location; Design Requirements. In addition to all applicable building and safety codes, all towers, except amateur radio towers, shall be designed to accommodate the co-location of cellular telecommunication antennas according to the following:
   a. For towers up to 150 feet in height, the structure and fenced compound shall be designed to accommodate at least two providers, and

b. For towers greater than 150 feet in height, the structure and fenced compound shall be designed to accommodate at least three providers.

4. Co-location; Availability of Suitable Existing Structures. No new tower, except amateur radio towers, shall be permitted unless the applicant demonstrates to the satisfaction of the Administrator and Board of Adjustment that no existing tower or existing alternative tower structure can accommodate the applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of one or more of the following:
   a. That no existing towers or suitable alternative structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements.
   b. That existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
   c. That existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment.
   d. That the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
   e. That the cost or contractual provisions required by the tower owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
   f. That the applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
5. Aesthetics. The guidelines set forth in this Section shall govern the design and construction of all towers, and the installation of all antennas, governed by this ordinance.
   a. Towers and/or antennas shall either maintain a galvanized steel or concrete finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
   b. At all tower sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and building environment.
   c. For antennas installed on a structure other than a tower, the antenna and supporting electrical and mechanical ground equipment shall be of a neutral color so as to make the antenna and related equipment visually unobtrusive.
   d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
   e. No signage or other identifying markings of a commercial nature shall be permitted upon any tower or alternative tower structure within Clarke County.
6. Setbacks and Separation. The following setbacks and separation requirements shall apply to all towers.
   a. Towers shall be setback a distance equivalent to the height of the tower from its base to any public right-of-way or property line of the lot or parcel containing the tower.
   b. Guy-wires and accessory buildings and facilities shall meet the minimum accessory use location and setback requirements.
   c. In zoning districts other than Industrial and Agricultural, towers over 150 feet in height shall not be located closer than 1,500 feet from any existing tower that is over 150 feet in height. This requirement shall not apply to amateur radio towers.

7. Security Fencing/Anti-Climbing Devices. All towers and supporting equipment shall be enclosed by solid screening fencing not less than six (6) feet in height and shall also be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood or other approved alternative. Amateur radio towers and antennas, or receive-only antennas shall not be subject to the provisions of this Section unless required by the Board of Adjustment through the Tall Structure Permit process.
8. Landscaping. The following requirements shall govern landscaping surrounding all towers:
   a. Where adequate vegetation is not present, tower facilities shall be landscaped with a landscaped strip of plant materials that effectively screens the view of the tower compound. Landscaped strips shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the compound. Landscaped strips shall satisfy the minimum design and planting requirements for buffers established in Section 14 of this Ordinance.
   b. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized.

   Amateur radio towers and antennas, or receive-only antennas shall not be subject to the provisions of this Section unless required by the Board of Adjustment through the Tall Structures Permit process.
9. Review of Tower and Antenna Erection by Airport Commission. If upon receipt of an application for the erection of any tower or alternative tower structure governed by this Section, the Administrator deems that the proposed structure is located within the airport overlay zoning district (AP District), as outlined in Section 12, the proposed project shall be referred to the Osceola Airport Commission for review and recommendation based on compliance with the airport zoning regulations found in Section 21.
10. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a more or less stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
11. Building Codes: Safety Standards. To ensure the structural integrity of towers, the owner, permittee or subsequent lessee of a tower or alternative tower structure shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Administrator concludes that a tower fails to comply with all applicable codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice by the owner, permittee or lessee of the tower, said party shall have fifteen (15) days to bring the tower into compliance with such standards. If the owner, permittee or lessee fails to bring the tower into compliance within the fifteen (15) days, the governing authority may remove the tower at the owner, permittee or lessee's expense. Prior to the removal of any tower, the Administrator may consider detailed plans submitted by the owner, permittee or subsequent lessee for repair of substandard towers, and may grant a reasonable extension of the above referenced compliance period.
12. Change of Ownership Notification. Upon the transfer of ownership of any tower, alternative tower structure, or lot upon which such a structure has been erected, the tower permittee shall notify the Administrator of the transaction in writing within 30 days.

22.5 PERMITTED USES AND HEIGHT LIMITATIONS

When a telecommunication tower or antenna meets the requirements in Subsection 22.4, the following are permitted uses:

1. Constructing a new tower, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in the following zoning districts:
   a. A zones. Height not exceeding five hundred (500) feet is a permitted conditional use; height exceeding five hundred (500) feet requires a special exception, as outlined in Subsection 18.4, provided, however, that all structures shall meet the setback, screening and buffer requirements contained herein, and are located a minimum distance of two (2) times the height of the tower from any residentially-zoned property.
   b. R zones. Height not exceeding fifty (50) feet is a permitted conditional use; height exceeding fifty (50) feet requires a special exception, as outlined in Subsection 18.4, provided, however, that all structures shall meet the setback, screening and buffer requirements contained herein, and are located a minimum distance of two (2) times the height of the tower from any other residentially-zoned property.
   c. C zones. Height not exceeding one hundred eighty (180) feet is a permitted conditional use; height exceeding one hundred eighty (180) feet requires a special exception, as outlined in Subsection 18.4, provided, however, that all structures shall meet the setback, screening and buffer requirements contained herein, and are located a minimum distance of two (2) times the height of the tower from any residentially-zoned property.
   d. I zones. Height not exceeding three hundred sixty (360) feet is a permitted conditional use; height exceeding three hundred sixty (360) feet requires a special exception, as outlined in Subsection 18.4, provided, however, that all structures shall meet the setback, screening and buffer requirements contained herein, and are located a minimum distance of two (2) times the height of the tower from any residentially-zoned property.
   e. PD zones. Height not exceeding one hundred (100) feet is a permitted conditional use; height exceeding one hundred (100) feet requires a special exception, as outlined in Subsection 18.4, provided, however, that all structures shall meet the setback, screening and buffer requirements contained herein, and are located a minimum distance of two (2) times the height of the tower from any residentially-zoned property.
   f. FP zones. Height and other requirements not exceeding the limit provided by the parent zone in the area of FP overly zone where the tower is proposed. Ground equipment shall be protected from flooding by a FEMA-approved flood barrier or other mitigation measure.
   g. AP zones. Follow all tower requirements for the airport ordinance (Section 21) and the parent zone in which the tower is proposed.
2. Installation of an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free-standing non-residential structure) that is fifty (50) feet in height or greater, if the additional antenna height adds no more than twenty (20) feet to the height of the existing structure, subject to the zoning district restrictions of this Section.

22.6 ADMINISTRATIVE APPROVALS FOR ADDITIONAL ANTENNAS

1. Requirements and Procedure:
   a. The Administrator may administratively approve the placement of additional antenna(s) upon towers or alternative tower structures as set forth in Subsection 22.6.2. Amateur radio antennas shall meet the requirements of the Clarke County Construction Code. Certain documentation requirements of this Section may be waived by the Administrator for amateur radio antenna applications.
   b. Each applicant requesting administrative approval under this ordinance shall submit a scaled site plan, scaled elevation view and supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including topography (utilizing minimum two (2) foot contour intervals), tower height requirements, setbacks, access driveways or easements, parking, fencing, landscaping,

adjacent uses, and any other information deemed by the Administrator to be necessary to assess compliance with this Ordinance and compatibility with surrounding uses.

c. The Administrator shall respond to each application within thirty (30) days of its receipt by either approving or denying the application. One thirty (30) day extension of this review period may be exercised by the Administrator if such additional time is deemed necessary to adequately assess the request. If the Administrator fails to respond to the applicant within a maximum of sixty (60) days, the application shall be deemed to be approved.
d. As part of any administrative approval, the Administrator may administratively reduce setback requirements by up to ten percent (10%) to compensate for irregularly shaped lots or parcels.
e. If a request for administrative approval is denied, the applicant may appeal the decision in accordance with Section 18 of this Ordinance. In such an instance, the Board of Adjustment may authorize such variances from the terms of this Section as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual cases of unnecessary hardship upon a finding by the Board of Adjustment that the denial of the variance presents a significant detriment to the telecommunications service provider making application, and that the denial of the variance is insubstantially related to the public welfare.

2. Co-location of Antennas Required. Applicants for the erection of an antenna, except amateur radio operators, shall be required to co-locate upon an existing tower structure. An exception to co-location shall only be made if the applicant adequately demonstrates that an existing tower suitable for co location does not exist in the geographic antenna placement area utilizing the tower inventory maintained by the Administrator, and that no suitable alternative tower structure is available as set forth in Subsection 22.4.4 contained herein.
3. Uses Allowed by Administrative Appeal. The following uses may be approved by the Administrator after conducting an administrative review:
   a. Installation of an antenna on any alternative tower structure, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as such addition does not add more than twenty (20) feet to the height of the existing structure;
   b. Installation of an antenna on an existing tower of any height, including a pre-existing tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower.

22.7 TALL STRUCTURES PERMIT REQUIRED

1. If the proposed location, height, setback or other aspect of a tower or antenna cannot comply with the minimum requirements established in this Section, then a Tall Structures Permit shall be required for the construction of a tower or the placement of an antenna in any zoning district. The following provisions shall also govern the issuance of Tall Structures Permits for telecommunications and personal wireless service towers and antennas.
   a. In granting a Tall Structures Permit, the Board of Adjustment shall impose conditions to the extent that it concludes such conditions are necessary to minimize adverse effects from the proposed tower on adjoining or nearby properties.
   b. All information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer or qualified industry expert. However, amateur radio antennas shall meet the requirements of the Clarke County Construction Code.

2. Application Contents and Fee. All applications for Tall Structures Permits shall be submitted to the Administrator. Each application shall contain as a part thereof detailed plans and specifications as set forth in Subsection 22.6.3. An application for a Tall Structures Permit shall not be accepted for processing without the information required in this Section. An application fee shall be charged by the Commission in an amount stated in the Schedule of Fees: Clarke County Zoning Ordinance.
3. Exhibits Required. Each applicant requesting a Tall Structures Permit under this ordinance shall submit a scaled site plan, scaled elevation view and supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals or qualified industry experts, showing the location and dimensions of all improvements, including topography (utilizing minimum two (2) foot contour intervals), tower height requirements, setbacks, access driveways or easements, parking, fencing, landscaping, adjacent uses, and any other information deemed by the Administrator to be necessary to assess compliance with this ordinance and compatibility with surrounding uses
4. Co-location of Antennas Required. Applicants for the erection of a tower or antenna, except amateur radio operators, shall be required to co-locate upon an existing tower structure. An exception to co-location shall only be made if the applicant adequately demonstrates that an existing tower suitable for co-location does not exist in the geographic antenna placement area utilizing the tower inventory maintained by the Administrator, and that no suitable alternative tower structure is available as set forth in Subsection 22.4.4 contained herein.
5. Considerations in Approval or Denial of a Tall Structures Permits. Any denial of a request to place, construct or modify a telecommunications facility shall be in writing and supported by substantial evidence contained in a written record. The Board of Adjustment shall consider the following factors in acting upon a Tall Structures Permit application under the provisions of this ordinance:
   a. The height and setbacks of the proposed tower;
   b. The proximity of the tower to residential structures and residential district boundaries;
   c. The nature of uses on adjacent and nearby properties;
   d. The surrounding topography;
   e. The surrounding tree coverage and foliage;
   f. The design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
   g. The proposed ingress and egress;
   h. The availability of suitable existing towers or other structures for antenna colocation; and
   i. The impact of the proposed tower upon scenic views and visual quality of the surrounding area.
6. All towers proposed within two miles, as measured by the most direct route, of the boundary of a municipality shall also be reviewed by, or given a chance for review by, said municipality for conformance with its land use regulations before the Board approves such project.

22.8 REMOVAL OF ABANDONED TOWERS AND ANTENNAS

Any tower or antenna that is not operated for a continuous period exceeding twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the structure within ninety (90) days of receipt of notice from the Administrator notifying the owner of such abandonment. If said tower or antenna is not removed within said ninety (90) days, the governing authority may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease utilizing the tower.

Section 23 – Wind Energy Conversion Systems Regulations

23.1 PURPOSE

The current growth in the ability to harvest and the need for locally-generated energies necessitate regulations to manage appropriate siting, height, and design of these systems. The purpose of this Section of the land use regulations is to establish guidelines for the siting and sizing of wind energy conversion systems (WECS). The goals of this ordinance are:

1. To encourage the location of WECS in non-residential areas;
2. To make it as simple and efficient as possible for the installation of WECS without damaging surrounding land uses and diminishing the local quality of life;
3. To encourage new tax revenue in the county.

23.2 DEFINITIONS

The following definitions apply specifically to this Section of the zoning and land use regulations. Terms commonly used in other parts of the ordinance and defined in other sections are defined the same way in this Section.

WECS: Wind Energy Conversion System (WECS). An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

Aggregated Project. Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

Commercial WECS. A WECS of equal to or greater than one hundred (100) kilowatts in total nameplate generating capacity.

Non-Commercial WECS. A WECS of less than one hundred (100) kilowatts in total nameplate generating capacity.

Fall Zone. The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

Feeder Line. Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.

Meteorological Tower. For the purposes of this Wind Energy Conversation System Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to site WECS. Meteorological towers do not include towers and equipment used by airports, the Iowa Department of Transportation, or other similar applications to monitor weather conditions.

Micro-WECS: A WECS of one (1) kilowatt nameplate generating capacity or less and utilizing supporting towers of forty (40) feet or less.

Nacelle: Contains the key components of the wind turbine, including the gearbox, yaw system, and electrical generator.

Property Line. The boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

Rotor Diameter. The diameter of the circle described by the moving rotor blades.

Substations. Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than thirty-five thousand (35,000) volts (35 kilovolts) for interconnection with high voltage transmission lines shall be located outside of the road right of way.

Total Height. The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

Tower. Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

Tower Height. The total height of the WECS exclusive of the rotor blades.

Transmission Line. Those electrical power lines that carry voltages of at least sixty-nine thousand (69,000) volts (69 kilovolts) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

Public Conservation Lands. Land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, Federal Wildlife Refuges and Waterfowl Production Areas. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

Wind Turbine: A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

23.3 PERMITTING PROCESS FOR A WECS PROJECT

1. The application for all WECS shall include the following information:
   a. The name(s) and address of the project applicant.
   b. The name of the project owner.
   c. The legal description of the site where development is planned.
   d. A preliminary description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
   e. Preliminary site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
   f. Documentation of land ownership, land ownership agreements, or legal control of the property.
2. The building permit (after zoning approval) for the Commercial WECS shall also include:
   a. Final site plan.
   b. Final legal description.
   c. Engineer's certification.

d. The latitude and longitude of individual wind turbines.
e. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within ten (10) rotor diameters of the Proposed WECS.
f. Location of wetlands, scenic, and natural areas [including bluffs] within one thousand three hundred twenty (1,320) feet of the proposed WECS. [dependent on DNR/Code]
g. An acoustical analysis.
h. Federal Aviation Administration (FAA) Permit Application.
i. Location of all known Communications Towers within two (2) miles of the proposed WECS.
j. Decommissioning Plan.
k. Description of potential impacts on nearby WECS and wind resources on adjacent properties.

2. Aggregated Project Procedures: Aggregated Projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews, and as appropriate, approvals. Permits will be issued and recorded separately. Joint applications will be assessed fees as one project.
3. All WECS proposed within two miles, as measured by the most direct route, of the boundary of a municipality shall also be reviewed by or given a chance for review by said municipality for conformance with its land use regulations before the Board approves such project.

23.4 DISTRICT AND HEIGHT REGULATIONS

1. WECS may be permitted as a principal permitted use in an A-1 district, subject to the following requirements.
   a. Substations setbacks: zero (0 feet structure setback from road right-of-way, located wholly outside of the right-of-way. Zero (0) feet structure setback from property line on the side or rear yard.
   b. Wind turbines and meteorological tower setback requirements, see table below:

Table 8: WECS Setback Requirements: Wind Turbines and Meteorological Towers

	Wind Turbine – Non-Commercial Micro WECS	Wind Turbine – Non-Commercial WECS	Wind Turbine – Commercial WECS	Meteorological Towers
Property Lines	1.1 times the total height or the distance of the fall zone as certified by a professional engineer plus 10 feet.	1.1 times the total height or the distance of the fall zone as certified by a professional engineer plus 10 feet.	1.25 times the total height.	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.
Neighboring Dwellings [1]	1,000 feet. This setback requirement may be reduced by the Zoning Administrator subject to maintaining adequate health and safety requirements or waived by the dwelling occupant or owner.	1,000 feet.	1,200 feet.	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.
Road Rights-of-Way [2]	The distance of the fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	The distance of the fall zone, as certified by a professional engineer plus 10 feet or 1 times the total height.	1.1 times the height may be reduced for minimum maintenance roads or a road with an average daily traffic count of less than 10.	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.
Other Rights-of-Way	The lesser of 1.1 times the total height or the	The lesser of 1.1 times the total	The lesser of 1.1 times the total height or the distance of the fall	The fall zone, as certified by a professional

	Wind Turbine – Non-Commercial Micro WECS	Wind Turbine – Non-Commercial WECS	Wind Turbine – Commercial WECS	Meteorological Towers
(Railroads, power lines, etc.)	distance of the fall zone, as certified by a professional engineer plus 10 feet.	height or the distance of the fall zone, as certified by a professional engineer plus 10 feet.	zone, as certified by a professional engineer plus 10 feet.	engineer 10 feet or 1.1 times the total height.
Public conservation lands managed as grasslands	NA	NA	600 feet	600 feet
Wetlands	NA	NA	NA	NA
Other Structures	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	The fall zone, as certified by a professional engineer plus 10 feet or 1 times the total height.
Other Existing WECS	NA	NA	To be determined through cup review base on: relative size of the existing and proposed WECS, alignment of the WECS relative to the predominant winds, topography, extent of the wake interference impacts on existing WECS, other setbacks required waived for multiple turbine projects including aggregated projects.	The fall zone, as certified by a professional engineer plus 10 feet or 1 times the total height. Extent of wake interference impacts on existing WECS shall be considered.

[1] The setback for dwellings shall be reciprocal in that no dwelling shall be constructed within one thousand two hundred (1,200) feet of a commercial wind turbine, unless a release of liability is received from the WECS.

[2] The setback shall be measured from future rights-of-way if a planned changed or expanded right-of-way is known.

c. Height standard for principal permitted or accessory uses in an A district: Total Height – WECS shall have a total height of less than two hundred feet, subject also to the airport zoning regulations, if applicable, in Section 21.

2. Non-Commercial WECS may be permitted as a conditional use in any district, subject to the following requirements.
   a. The bulk regulations in Subsection 23.4.1 are met.
   b. In an R-1 district, one WEC of less than 100 kilowatts can be located as a principal use on an individual lot to provide power to a development. A WEC with a maximum tower height of fifty (50) feet and a maximum size of twenty (20) kW can be installed as an accessory use on a residential lot.
   c. In an R-2 district, one WEC of less than 100 kilowatts can be located as a principal use on an individual lot to provide power to a development.
   d. In a C-1 district, one WEC of less than 100 kilowatts can be located as a principal use on an individual lot to provide power to a development. A WEC with a maximum tower height of fifty (50) feet and a maximum size of twenty (20) kW can be installed as an accessory use.
   e. In an I-1 district, one WEC of less than 100 kilowatts can be located as a principal use on an individual lot to provide power to a development. A WEC with a maximum tower height of sixty (60) feet and a maximum size of fifty (50) kW can be installed as an accessory use.

f. In a PD district, one WEC of less than 100 kilowatts can be located as a principal use on an individual lot to provide power to a development. A WEC with a maximum tower height of fifty (50) feet and a maximum size of twenty (20) kW can be installed as an accessory use.
g. In all districts, if located within the AP overlay district, all airport zoning height regulations shall apply.

23.5 DESIGN REQUIREMENTS

1. Safety Design Standards:
   a. Engineering Certification: For all WECS, the manufacture's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
   b. Clearance: Rotor blades or airfoils must maintain at least thirty (30) feet of clearance between their lowest point and the ground.
   c. Warnings: For all Commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage.
2. Meteorological towers may be guyed.
3. Color and Finish: All wind turbines and towers that are part of a commercial WECS shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective. Exceptions may be made for metrological towers, where concerns exist relative to aerial spray applicators.
4. Lighting: Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for nighttime illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for metrological towers, where concerns exist relative to aerial spray applicators.
5. Other Signage: All signage on site shall comply with Section 16 of this Ordinance. The manufacturer's or owner's company name and/or logo may be placed upon the nacelle of the WECS.
6. Feeder Lines: All communications and feeder lines, equal to or less than thirty-four and one-half (34.5) kilovolts in capacity, installed as part of a WECS shall be buried where reasonably feasible. Feeder lines installed as part of a WECS shall not be considered an essential service. This standard applies to all feeder lines subject to Clarke County Ordinances.
7. Waste Disposal: Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
8. Impacts on Public Infrastructure: Reimbursement of all costs related to excessive wear and tear to any public infrastructure such as but not limited to county roads and bridges, and to any highway system, storm water management related improvements and/or public utilities that are caused by the construction, maintenance, or removal of any WECS shall be reimbursed to the affected local government. A determination shall be made by the Zoning Administrator after consultation with the County Engineer or applicable official to establish if excessive wear and tear or damage has occurred and to estimate the costs of repair for said work. Any damages to any haul routes, as determined by the County Engineer, shall be reimbursed to the local government affected and shall be billed to the corporation or company owning said WECS to be paid within forty-five (45) days of issuance and may be subject to late charges, interest or penalties as allowed by law. Also, all haul routes shall be reviewed and approved by the County Engineer on use of any county roads prior to construction, maintenance or removal of any WECS. In order to review proposed haul routes and/or work locations, WECS owner(s) and/or their contractors shall contact the County Engineer a minimum of one (1) month prior to starting any work in the county.

9. Discontinuation and Decommissioning: A WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Clarke County Zoning Administrator outlining the steps and schedule for returning the WECS to service.
   a. All WECS and accessory facilities shall be removed to a depth of four (4) feet including footing and foundations within one hundred eighty (180) days of the discontinuation of use.
   b. Each Commercial WECS shall have a decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use.
   c. The cost estimates shall be made by a competent party, such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning.
   d. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.
   e. Clarke County will require financial security in the form of a cash escrow, and irrevocable letter of credit or a performance bond to ensure that decommissioning of commercial WECS is completed as required in this subdivision.

24.6 OTHER APPLICABLE STANDARDS

1. Noise: Noise shall not exceed sixty (60) decibels (dB).
2. Electrical codes and standards: All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
3. Federal Aviation Administration: All WECS shall comply with FAA standards and permits.
4. Uniform Building Code: All WECS shall comply with the State Building Code adopted by the State of Iowa.
5. Interference: The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals cause by any WECS. The applicant shall notify all communication tower operators within two miles of the proposed WECS location upon application to the county for permits. No WECS shall be constructed so as to interfere with County or Iowa Department of Transportation microwave transmissions.

Section 24 – Subdivision Regulations

24.1 TITLE AND PURPOSE

This ordinance shall be known and may be cited and referred to as the "Subdivision Ordinance" of Clarke County, Iowa.

The purpose of this Ordinance is to provide procedures and guidance for the approval of subdivisions, re-subdivision, or dedications in the unincorporated areas of Clarke County; prescribing minimum standards for the design layout and development thereof; providing for the preliminary and final approval or disapproval thereof; providing for the enforcement and penalties for the violation thereof; all for the purpose of promoting the adequacy, safety and efficiency of the street and road system, and for the purpose of improving the health, safety, and general welfare of the citizens; and repealing all other ordinances or resolutions in conflict herewith. This Ordinance is permitted and specifically authorized in Chapter 354, Platting - Division and Subdivision of Land, *Code of Iowa*, as amended.

24.2 GENERAL PROVISIONS

1. Application. This Ordinance shall apply to all plats, replats, and divisions of land into parcels, and lying in the unincorporated area of Clarke County, Iowa, including the subdivision of land within two

(2) miles of any city. The provisions of this Ordinance shall apply to the division of any lot or parcel of land entered of record in the office of the County Recorder as a single lot or parcel after the effective date of this Ordinance.

2. Plats within Two Miles of a City or Town. For preliminary and final plats of land within two (2) miles of a city or town which has adopted ordinances regulating divisions of land within and outside of the city's boundaries, up to a limit of two (2) miles, the plats shall be filed with the municipality in accordance with the provisions of Sections 354.9 of the *Code of Iowa* or its successor, prior to or at the same time as filing with the County. Approval by one (1) political entity does not automatically constitute approval by the others unless the political entities have so agreed.
3. Subdivision Classification. Any proposed subdivision or re-subdivision shall be classified as a major subdivision by the Zoning Administrator. To aid in this, the subdivider shall submit in writing or other appropriate documentation the principle features of access, relationship and location of existing roads, proposed water and sanitary sewer systems, public utilities and improvements, the number and location of the proposed lots and other pertinent data or information.
4. Zoning. Any property proposed for subdivision shall be correctly zoned to accommodate the proposed use(s) before the subdivision process is begun.

24.3 DEFINITIONS

For the purposes of this Section of this ordinance, certain words herein shall be defined as and interpreted as follows. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the masculine gender shall include the feminine, the term "shall" is always mandatory, and the term "may" is permissive.

Auditor's Plat: A plat prepared at the request of the County Auditor or Assessor to clarify property descriptions for the purposes of assessment and taxation.

Block: An area of land within a subdivision that is entirely bounded by streets or highways; or by streets or highways and the exterior boundary or boundaries of the subdivision.

Board: The Board of Supervisors of Clarke County.

Building Line: A line on a plat between which line and public or private right-of-way line where no buildings or structures may be erected.

Commission: The Clarke County Zoning Commission.

Cul-de-sac: A short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.

Easement: The right of a person or corporation to use land of another for a definite purpose.

Engineer: A registered engineer authorized to practice civil engineering, as defined by the registration act of the State of Iowa.

Lot: A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.

Plat: A map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which the subdivider submits for approval and intends in final form to record.

Private Road: A road or street in a subdivision not dedicated and/or accepted by Clarke County as a public street, but built in accordance with standard specifications of Clarke County. Maintenance of said private road shall not be the responsibility of Clarke County.

Proprietor's Plat: A plat as defined herein submitted by the owner of the land being platted, or an agent or other private entity, acting with the consent of the owner.

Public Road: A road or street in a subdivision which meets all requirements and has been constructed in accordance with the standard specifications of Clarke County and for which an easement has been granted and accepted by Clarke County.

Subdivision: The division of a lot, tract, or parcel of land into three or more lots, parcels or other divisions of land for the purpose of immediate or future sale or transfer or building development. The term includes re-subdivision and when appropriate to the context shall relate to the process of subdividing or to the land subdivided. The division of land for agricultural purposes into parcels of more than forty (40) acres, not involving any new road, street, easement or other dedication, shall not be considered a subdivision, as defined above, and shall be exempt from the requirements of this chapter. Such division into parcels of more than 40 acres shall not be further divided without meeting all of the requirements of this chapter.

Surveyor: A registered land surveyor authorized to practice surveying as defined by the registration act of the State of Iowa.

Additional definitions that may apply to this Section are found in Section 354.2 of the *Code of Iowa*. If there are conflicts with definitions in this Section and the definitions in the *Code of Iowa*, the *Code* definitions shall apply.

24.4 FILING PROCESS

Whenever the owner of any tract or parcel of land within the unincorporated area of Clarke County wishes to subdivide or plat the same, said owner shall cause to be prepared a preliminary plat of said subdivision and shall submit ten (10) copies of said preliminary plat and other information to the Clarke County Zoning Commission for its preliminary study and approval. The preliminary plat shall contain such information and data as outlined in Section 23.11 hereof. The Zoning Commission shall study such preliminary plat to see if it conforms with the minimum requirements as outlined in this chapter and shall forward a copy of such plat to the County Engineer for review and recommendations. The Commission shall approve or reject such plat within sixty (60) days after the date of submission thereof to the Commission. If the Commission does not act within sixty (60) days, the preliminary plat shall be deemed to be approved; provided, however, that the subdivider may agree to an extension of the time for a period not to exceed ninety (90) days. The approval of the preliminary plat by the Commission shall be null and void unless the final plat for at least a portion of the preliminary plat is presented to the Commission within one hundred eighty (180) days after date of preliminary approval. The preliminary and final plats shall not be submitted for consideration at the same meeting.

1. Minor Platting Process. Clarke County allows four (4) dwellings in any quarter-quarter (¼-¼) (Section 5.5 of the Clarke County Zoning Ordinance) in an Agricultural District. Whenever the owner of any tract or parcel of land within the unincorporated area of Clarke County wishes to divide an aliquot forty (40) acres or remaining parts of an aliquot forty (40) acres, it must be reviewed and approved by the Clarke County Zoning Office for conformance with the current Clarke County Zoning Ordinance. The review process requires five (5) copies of plat of survey stamped and signed

by licensed land surveyor be presented to the Clarke County Zoning Office. The filing fee of one hundred dollars ($100.00) per parcel must accompany each parcel or application. The appeal process is covered by Section 18.3 of the Clarke County Zoning Ordinance.

24.5 PUBLIC HEARING.

Before reviewing a preliminary plat, the Commission may in its discretion hold a public hearing, notice of which shall be given by publication in a local newspaper, and by posting notices on the tract, both seven (7) days prior to such public hearing. Notice of public hearing shall also be given to all property owners within five hundred (500) feet (two hundred (200) feet for property zoned R-2 or R-3) of the plat boundaries by placing said notice in the United States Mail at least seven (7) days before date of such hearing. If the subdivider is the only adjacent land owner within five hundred (500) feet or two hundred (200) feet of the plat boundary, notice shall be sent to the next adjacent land owner(s). The notice shall state the time and place at which the preliminary plat may be examined.

24.6 FINAL PLAT

The subdivider shall also submit to the Commission for its approval or rejection ten (10) copies of a final plat of the subdivision, which shall contain the data and information outlined in Section 23.12 of this chapter. If the Commission approves the plat, such approval and the date thereof shall be noted on the plat over the signature of the Chairperson of the Commission. The approval of the final plat by the Commission shall be null and void unless the final plat is submitted to the Board of Supervisors within one year after date of approval by the Commission.

24.7 FINAL APPROVAL

After approval of the final plat of the subdivision by the Commission, the recommendation of approval and ten (10) copies of the final plat shall be submitted to the Board of Supervisors by the Commission for final approval and for the acceptance of all roads, streets, alleys, easements, parks or other areas reserved for or dedicated to the public, along with the required surety bonds or checks guaranteeing that the improvements required under Section 23.13 herein shall be installed. The final plat, as approved by the Board, shall be filed with the County Auditor and Recorder in accordance with the provisions of existing statutes and following procedures as required by said Auditor and Recorder. Approval of the final plat by the Board of Supervisors shall be null and void if the plat is not recorded within thirty (30) days after date of approval, unless application for an extension of time is made in writing during said thirty (30) day period to the Board, and granted. The provisions of this Section shall also be applicable to all plats approved prior to the effective date of the ordinance codified in this chapter.

24.8 AUDITOR'S PLAT

With regard to Auditor's plats as distinguished from proprietor's plats, the Commission and Board of Supervisors shall have the right to waive provisions governing preliminary approval and public improvements outlined in Sections 23.10, 23.11, and 23.12 providing there is on file with the Commission a copy of the request of the Clarke County Auditor ordering such plat and a letter from said Auditor stating that the plat as submitted meets the requirements for which the Auditor has ordered the plat.

24.9 PLATS IN UN-INCORPORATED AREAS WITHIN TWO MILES OF THE CORPORATE LIMITS OF CITIES

With regard to subdivisions located in the unincorporated area of Clarke County, within two (2) miles of the corporate limits of cities that have enacted subdivision regulations in accordance with the provisions of Section 354.9, *Code of Iowa*, the provisions of this chapter shall apply. However, the City Planning Commission and the City Council may agree to waive such requirements as are contained in their local ordinances to the end that the Commission and Council are satisfied that equally suitable regulations shall be

placed on these subdivisions by the Clarke County Zoning Commission under the provisions of this chapter. In such instance, the Clarke County Zoning Commission shall furnish the City Planning Commission with a copy of the said subdivision, as approved, certifying that all requirements of the Clarke County Subdivision Ordinance have been met. The purpose of this section is to facilitate the orderly processing of subdivisions in unincorporated areas within two (2) miles of the corporate limits of cities and to avoid conflicting regulations while at the same time assuring that provisions are made for proper and orderly future growth of the County and its cities.

24.10 SUBDIVISION DESIGN STANDARDS

The standards and details of design contained herein are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the plat, the subdivider should use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood.

1. Streets. The general requirements for streets are as follows:
    a. Comprehensive Plan. All proposed plats and subdivisions shall conform to the Comprehensive Plan of Clarke County.
    b. Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, but no street right-of-way shall be less than fifty (50) feet in width, and in similar alignment, unless variations are recommended by the Commission.
    c. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required.
    d. Street Intersections. Street intersections shall be as nearly at right angles as possible.
    e. Cul-de-sacs. Whenever a cul-de-sac is permitted, such street shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred fifty (150) feet in the case of the residential subdivision. The right-of-way width of the street leading to the turnaround shall be a minimum of fifty (50) feet. The property line at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than seventy-five (75) feet.
    f. Street Names. All newly platted streets shall be addressed in a manner consistent with the present street addressing system. A proposed street that is obviously in alignment with other existing streets, or with a street that may be logically extended, although the various portions be at a considerable distance form each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.
    g. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features that would lend themselves to attractive treatment.
    h. Half Streets. Dedication of half streets will be discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.
    i. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.
    j. Easements. Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed. Fee owner or equitable owner shall not erect any permanent structures, but shall have the

right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at said owner's own expense, make adequate provision for straightening or widening the channel so that it will properly carry the surface water, and shall provide and dedicate to Clarke County an easement, along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream. The width of such easement shall be not less than twenty (20) feet and the total width of the easement shall be adequate to provide for any necessary channel relocation or straightening.

k. Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

l. Un-subdivided Portion of Plat. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the un-subdivided portion.

m. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a traffic way, limited access way, freeway, or parkway, the street layout shall provide motor access to such frontage by one of the following means:
   (1) A parallel street supplying frontage for lots backing onto the traffic way.
   (2) A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway.
   (3) An access drive separated by a planting strip from the highway to which motor access from the drive is provided at points suitably spaced.
   (4) A service drive or alley at the rear of the lots. Where any one of the above-mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the traffic way.
   (5) An easement to Clarke County shall be given for all streets before it will be accepted for County maintenance.
   (6) Any new subdivision fronting on a traffic way shall have no more than three (3) accesses onto such traffic way in each one thousand three hundred twenty (1320) feet. All accesses to be placed at the direction of the Clarke County Engineer. No access drive shall be permitted to a County public road in a subdivision where access is available to a private road within a subdivision.
   (7) No subdivision shall be approved unless access to all lots is available from an improved public or private road. The determination of an improved public or private road shall be made by the County Engineer in accordance with records on file in the Engineer's Office.

n. Railroads. If a railroad is involved, the subdivision plan should:
   (1) Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.
   (2) Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to back onto the railroad; or form a buffer strip for park, commercial, or industrial use.
   (3) Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereon to.

o. Street Width. Major thoroughfares shall have a minimum right-of-way of not less than one hundred (100) feet. The width of minor or residential streets shall not be less than fifty (50) feet.

p. Street Grades. Streets and alleys shall be completed to grades that have been officially determined or approved by the County Engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade for major thoroughfares shall be five percent (5%) and shall not exceed six percent (6%) for main and secondary thoroughfares and ten percent (10%) for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length

equivalent to twenty (20) times the algebraic difference between the rates of grade, expressed in feet per hundred, or greater, if deemed necessary by the County Engineer; for secondary and minor streets, fifteen (15) times. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the County Engineer.

q. Erosion Control. No subdivision shall be approved unless it includes soil erosion control measures approved by the County Engineer.
r. Street Trees. Trees or bushes shall not be planted within the street or road right-of-way in subdivisions located in R districts.

2. Blocks. The general requirements for Blocks shall be as follows:
   a. No block shall be longer than one thousand three hundred twenty (1,320) feet, except in A zoning districts as outlined by the Zoning Ordinance.
   b. At street intersections, block corners shall be rounded with a radius of not less than twenty-five (25) feet; where, at any one intersection a curve radius has been previously established, such radius shall be used as a standard.
3. Lots. The general requirements for Lots shall be as follows:
   a. Corner lots shall be of such width as to permit the maintenance of all yard requirements as may be required by the Zoning Ordinance.
   b. Double frontage lots should be avoided except where essential to provide separation of residential development from major traffic arteries or to overcome specific disadvantages of topography.
   c. Side lot lines shall be approximately at right angles to the street or radial to curved streets. On large size lots and except when indicated by topography, lot lines shall be straight.
   d. Subdivisions shall be located on Paved County and State Highways. If the proposed subdivision is on a Grade A or Grade B County road, that road shall be paved to the interconnecting paved road by the developer to the Clarke County Engineers standards prior to platting. The Board of Supervisors, following a report of the Zoning Commission, may waive the requirement for paving the Grade A or Grade B road. A request for a waiver of the required paving set out in this Subsection should be made at the time of consideration of the preliminary plat by the Commission. The recommendation of the Commission shall then be forwarded to the Board of Supervisors for approval or disapproval of the waiver.
4. Lands Subject to Flooding. No subdivision containing land located in a floodway or on a flood hazard area shall be approved by the County without the approval of the Iowa Department of Natural Resources or its successor flood regulation entity. No land shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such size and shape that it will contain a buildable area not within the floodway or flood hazard area, suitable for development as allowed by the zoning ordinance for the zone in which the lot is located. Land located within a flood hazard area or a floodway may be included within a plat as follows, subject to the approval of the county.
   a. Included within individual lots in the subdivision subject to the limitations of this Section.
   b. Reserved as open space for recreational use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the county, providing for its care and maintenance by such owners.
   c. If acceptable to the County, dedicate to the County as open space for recreation of flood control purposes.
5. Construction Standards for Improvements. In addition to the standards set forth in this ordinance, the County Engineer shall from time to time prepare, and the Board of Supervisors shall from time to time adopt by resolution, technical standards from public improvements. Such technical standards for public improvements shall contain the minimum acceptable specifications for the construction of improvements. Such technical standards may vary for classes of improvements, giving due regard to the classification of streets and roads, or other improvements, and the extent and character of the area

served by the improvements. Upon adoption by the Board of Supervisors by resolution, such technical standards for public improvements shall have such force and effect as if they were fully set forth herein.

6. Land Suitability. No land shall be subdivided for residential purposes which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other features likely to be harmful to the health, safety or general welfare unless such unsuitable conditions are corrected to the satisfaction of the County.
7. Mailboxes, newspaper boxes, and their supports. All mailboxes, newspaper boxes, and their supports shall be constructed or erected according to Clarke County Engineer and United States Postal Service standards.
8. Parking. Parking shall be provided and constructed as according to Section 15 of the Clarke County Zoning Ordinance and the road construction standards found in this Subsection.

24.11 PRELIMINARY PLAT REQUIREMENTS

The preliminary plat of a subdivision is not intended to serve as a record plat. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider, owner, or representative may call the office of the Commission in advance of the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for the approval of the plat. The preliminary plat shall be submitted at least two (2) weeks before the next meeting of the Zoning Commission.

1. Number of Copies. Ten (10) copies of the preliminary plat shall be submitted to the Zoning Commission for its review.
2. Contents.
   a. Name of subdivision, date, point of compass, scale (1" = 100' maximum unless permission is obtained from the Board of Supervisors) and the legal description of the property being platted.
   b. Name and address of recorded owner and developer.
   c. Name and address of land surveyor and engineer.
   d. Existing buildings, railroads, underground utilities, and other rights-of-way.
   e. Location, names and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided.
   f. Location and names of adjoining subdivisions, and the names and addresses of the owners of adjoining acreage parcels.
   g. Proposed lot lines with approximate dimensions and the square foot area of non-rectangular lots.
   h. Areas dedicated for public use, such as schools, parks, and playgrounds.
   i. Contour lines at intervals of not more than five (5) feet.
   j. Building setback lines.
   k. Boundaries of the proposed subdivision shall be indicated by a heavy line.
   l. Zoning Classification of the area.
   m. Proposed utility service.
      (1) Source of water supply.
      (2) Provision for sewage disposal, drainage, and flood control.
   n. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
   o. Lot numbers and the gross area, area included in the road right-of-way, and net area shall be shown for each lot.
   p. Easements for public utility purposes.
   q. Location and dimensions of sidewalks to be installed (only in cases where a city has jurisdiction within two miles).

3. Accompanying Material.
   a. An attorney's opinion in duplicate, showing that the fee title to the subdivision land is the owner as shown on the plat and any encumbrances that may exist against said land.

24.12 FINAL PLAT REQUIREMENTS

1. Number of Copies. When the final plat of a proposed subdivision is to be submitted to the Board of Supervisors for consideration it must first have been submitted and reviewed by the Zoning Commission. Ten (10) copies of the final plat shall be required. The final plat shall be submitted at least two (2) weeks before the next meeting of the Zoning Commission.
2. Contents of Final Plat.
   a. Name of subdivision.
   b. Scale, 1" = 100' maximum unless permission is obtained from the Board of Supervisors.
   c. Compass point.
   d. Curve data including delta angle, length of arc, degree of curve, tangent.
   e. Complete legal description of property to be platted, including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions. The allowable unadjusted error of closure on the traverse of the perimeter of the plat shall be 1 in 10,000. Latitude and departure computations on the traverse closure shall be submitted to the County Engineer.
   f. Exact name, location, width, lot designation, and centerline of all streets within the subdivision.
   g. Easements for public utilities showing width and use intended.
   h. Building setback lines with dimensions.
   i. Lot numbers and the gross area, area included in the road right-of-way, and net area shall be shown for each lot.
   j. Certification of Registered Land Surveyor and Engineer.
   k. Description and location of all permanent monuments set in the subdivision, including accurate references to known or permanent monuments, giving the bearing and distance from some corner of a congressional division of Clarke County. (Monumentation shall meet the requirements of Section 355.6, *Code of Iowa*.)
   l. The name(s) and address(es) of the owner(s) and subdivider(s).
   m. Areas dedicated for public use; such as schools, parks, and playgrounds.
   n. Location and names of adjoining subdivisions.
3. Accompanying Material.
   a. Plans and profiles of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show location, size and grade of all conduits, including drainage areas, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing. Profiles of the north and south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing. Said plan must carry the certification and signature of a Registered Professional Engineer as defined by Chapter 355 of the *Code of Iowa*.
      (1) Public roads shall meet the requirements of Section 23.13 of this chapter.
      (2) Private roads shall meet the requirements of Section 23.13 of this chapter. Private roads shall be prohibited in all subdivisions except those platted as part of a Planned Development and the appropriate Planned Zone.
   b. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for review.
   c. An easement to the County properly executed, for all streets intended for public streets, and for any other property intended for public use.
   d. The following certificates:
      (1) By the owner and spouse, if any, that the subdivision is with the free consent and is in

accordance with the desire of the owners. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.

(2) Performance bond, if any.

4. Certificates. It shall be the responsibility of the owner to obtain and submit to the County Recorder the following certificates, prior to or at the time that the final plat is submitted for record.
   a. From the County Treasurer that the subdivision land is free from taxes.
   b. Other documents as required by Section 354.11 of the *Code of Iowa*.

24.13 IMPROVEMENTS REQUIRED

1. Before the final plat of any area shall be approved by the Board of Supervisors and recorded, the subdivider shall make and install the improvements described in this Section. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider shall post a bond or a set-aside letter of credit from a bank, approved by the County Attorney and County Treasurer, with the Board of Supervisors, which bond or a set-aside letter of credit from a bank will insure to the County that the improvements will be completed by the subdivider within one (1) year after final approval of the plat. The amount of the bond or the set-aside letter of credit from a bank shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the County Engineer. If the improvements are not completed within the specified time, the County may use the bond or the set-aside letter from a bank or any portion thereof to complete it. For plats located in unincorporated areas within two (2) miles of the corporate limits of cities that have adopted the provisions of Section 354.9 of the *Code of Iowa*, the Commission and Board may waive the requirements of this section provided they are satisfied that the subdivision regulations of the City governing the areas within which the subdivision is located are sufficient to insure adequate conformance with these regulations.
2. Minimum Improvements Required. The minimum improvements installed or for which bond is posted, in any subdivision, before the plat can be finally approved shall be in accordance with the following subsections:
   a. The subdivider shall grade and improve all new streets between the right-of-way lines within the subdivided area.
   b. All streets shall be paved with six (6) inch reinforced or seven (7) inch non-reinforced concrete with integral curb and gutter. The width of said paving is to be as required by the County Engineer, but in no case less than twenty-eight (28) feet, back to back of curbs, except in Planned Developments as outlined in the Zoning Ordinance that allows for narrower roads. In subdivisions where a majority of lots are not less than one hundred (100) feet in width for single-family use, and where conditions are such as to discourage street parking, the Board, with approval of the County Engineer, may waive the requirement for curb and gutter. The Board of Supervisors may also waive the concrete paving requirements of this Subsection, in which case the County Engineer shall recommend the type and strength of street surfacing to be installed.
   c. The Board of Supervisors, following report of the Zoning Commission, may waive the requirements of Subsection B above, provided the subdivision has been approved with private roads meeting the standards and specifications of Clarke County for such roads. A request for a waiver of the Subsection B paving requirements should be made at the time of consideration of the preliminary plat by the Commission. The recommendation of the Commission shall then be forwarded to the Board of Supervisors for approval or disapproval of the waiver.
   d. The subdivider shall, whenever necessary, grade any portion of the property subdivided into lots so that each lot will be usable and suitable for the erection of residences or other structures thereon.
   e. The subdivider shall construct sanitary sewers according to the standards and specifications of

Clarke County, and provide a connection for each lot to the sanitary sewer. Where existing sewer outlets are not within reasonable distance, installation of private sewer facilities or septic tanks shall be permissible. Where a private sewage treatment system is proposed, the subdivider shall furnish evidence that these facilities have been approved by the Iowa Department of Natural Resources.

f. The subdivider shall provide, where applicable, for the installation of water mains and fire hydrants in the subdivided area, and such installation shall be made prior to the street pavement construction and shall be in accordance with the standards and specifications of Clarke County. Where a private water supply system is proposed, the subdivider shall furnish evidence that such a system has been approved by the Iowa Department of Natural Resources. Private wells shall meet the requirements of the County Board of Health.

g. Storm drainage and storm sewer facilities shall be provided, including permanent culverts or bridges or a size and design approved by the County Engineer.

h. Permanent monuments shall be set at each corner of the perimeter of the subdivision and at the corner of each block within the subdivision and at the corner of each lot. All monuments shall be made of permanent material, sensitive to a dip needle and at least thirty (30) inches long, and shall conform to standard specifications of Clarke County. The requirements of Section 355.6 of the *Code of Iowa* regarding monumentation shall also apply.

i. Street signs shall be required at all intersections and shall be of the type approved by the County Engineer.

j. The Board and Commission may require that all utility lines except electric lines of nominal voltage in excess of 15,000 volts, be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in such a manner so as not to interfere with other underground utilities. Underground utility lines which cross underneath the right-of-way of any street, alley or way shall be installed prior to the improvement of any such street, alley or way in the subdivision. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters and meter cabinets may be placed above ground but shall be located so as not to be unsightly or hazardous to the public. Such incidental appurtenances shall be in accordance with the standards and specifications of Clarke County. If overhead utility lines or wires are permitted, they shall be placed in the easements provided in the rear of the lots. In their determination on whether or not to require underground utilities, the Board and Commission may consider that soil, topographical, or other conditions make such installations within the subdivision unreasonable or impractical.

3. Approval by Engineer. All plans, specifications, installation and construction required by this chapter shall be subject to review, approval and inspection by the County Engineer or an authorized representative.
   a. The County may require contracts for all public improvements to be executed on forms furnished and approved by the County Attorney and the Board of Supervisors.
   b. The subdivider shall furnish the County Engineer with a construction schedule prior to commencement of any and/or all construction, and shall notify the County Engineer, not less than 48 hours in advance of readiness for required inspection. The subdivider shall reimburse the County for the costs expended for all inspection services and tests furnished and conducted by or on behalf of the County.
4. Warranty. The subdivider shall be responsible for the installation and/or construction of all improvements required by this chapter, and shall warrant the design, materials and workmanship of such improvements, installation and construction for a period of two (2) years from and after completion. Such warranty shall be by bond or a set-aside letter of credit from a bank; and shall be subject to review by the County Attorney; shall assure the expedient repair or replacement of

defective improvements under warranty; and shall indemnify the County from all costs or losses resulting from or contributed to such defective improvements.

5. Maintenance of Improvements. Unless otherwise approved by the governing body, improvements required to be installed shall remain the property and the responsibility of the subdivider, or successors in the interest to the lands being subdivided. No subdivision shall be approved until and unless legal covenants, running with the land, sufficient to ensure that the County will not need to assume maintenance responsibility for any such improvements, have been approved by the County Attorney and the Board of Supervisors.

24.14 VACATION OF PLATS, STREETS, AND OTHER PUBLIC LANDS

Prior to consideration by the Board of Supervisors, all vacations of plats, streets, and other public lands shall be reviewed by the Planning and Zoning Commission. A recommendation from the Planning and Zoning Commission shall be forwarded to the Board of Supervisors.

1. Vacation of Plats. The owners of lots within an official plat who wish to vacate any portion of the official plat shall file a petition with the Planning and Zoning Commission for review and recommendation. After review by the Commission, the petition and recommendation are filed with the Board of Supervisors, and they shall set a time and place for a public hearing on the petition. Written notice of the public hearing shall be provided to property owners within three hundred (300) feet of the area to be vacated. If a portion of the official plat adjoins a river or state-owned lake, the Iowa Department of Natural Resources shall be served written notice of the proposed vacation. Notice of the proposed vacation shall be published twice, with fourteen (14) days between publications, stating the date, time, and place of the public hearing.

   The official plat or portion of the official plat shall be vacated upon recording of all of the following documents:
   a. An instrument signed, executed, and acknowledged by all the property owners and mortgagees within the area of the official plat to be vacated, declaring the plat to be vacated. The instrument shall state the existing lot description for each property along with an accurate description to be used to describe the land after the lots are vacated.
   b. A resolution by the Board of Supervisors approving the vacation and providing for the conveyance of those areas included in the vacation that were previously set aside for dedicated or public use.
   c. A certificate of the County Auditor that the vacated part of the plat can be adequately described for assessment and taxation purposes without reference to the vacated lots.

2. Vacation of Streets and Other Public Lands. The County may vacate a part of an official plat that had been conveyed to the County or dedicated to public that is deemed by the Planning and Zoning Commission and Board of Supervisors to be of no benefit to the public. The County shall vacate by resolution following a public hearing or by ordinance and the vacating instrument shall be recorded. The County may convey the vacated property by deed or may convey the property to adjoining property owners through the vacation instrument. If the vacating instrument is used to convey property then the instrument shall include a list of adjoining property owners to whom the vacated property is being conveyed along with the corresponding legal description of each parcel being conveyed. A recorded vacation instrument that conforms to this Section is equivalent to a deed of conveyance and the instrument shall be filed and indexed as a conveyance by the County Recorder and County Auditor. A vacation instrument recorded pursuant to this Subsection shall not operate to annul any part of an official plat except as provided for in this Section.

24.15 SUBDIVISION APPLICATION FEES

Fees for plats, surveys, and other permits outlined in this section shall be as outlined in the Schedule of Fees:

Clarke County Zoning Ordinance. Fees required herein are not refundable.

24.16 VARIATIONS AND EXCEPTIONS

Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the Board of Supervisors, following report of the Commission, may vary or modify such requirements so that the subdivider is allowed to develop property in a reasonable manner, but so, at the same time, the public welfare and interest of the County and surrounding area are protected and the general intent and spirit of these regulations are preserved.

24.17 ENFORCEMENT

1. Validity. No plat of any subdivision shall be entitled to be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.
2. Public Improvements. The Board of Supervisors shall not permit any public improvements over which it has control to be made from the County Road Fund, or any County money expended for improvements or maintenance in any area that has been subdivided or upon any street that has been dedicated after the date of adoption of these regulations unless such subdivision or street has been approved in accordance with the provisions contained herein and accepted by the Board of Supervisors as a public highway and added to the Secondary Road System of Clarke County. Streets within a subdivision not accepted by the Board as public highways shall remain private roads.
3. Zoning Certificates. The Zoning Administrator shall not issue zoning certificates or building permits for any structure located on a lot in any subdivision, the plat of which has been prepared after the date of the adoption of the ordinance codified in this chapter but which has not been approved in accordance with the provisions contained herein.

24.18 CHANGES AND AMENDMENTS

Any provisions of these regulations may be changed and amended from time to time by the Board of Supervisors; provided, however, that such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the County not less than four (4) days nor more than twenty (20) days prior to such hearing.

Section 25 – Amendments

25.1 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.

25.2 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 test 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 interesting 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 26 – Schedule of Fees

Fees pertaining to permits and actions required by this Ordinance shall be in accord with the Schedule of Fees: Clarke County Zoning Ordinance, 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 27 – Violations and Penalties

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 or any provision of the Ordinance, or of any amendment or supplement thereto, shall be guilty of a County Infraction. A violation of this Ordinance may be brought, at the option of this County, as either a civil proceeding (Civil Infraction) or as criminal misdemeanor offense (Criminal Infraction) as provided by the *Iowa Code* and herein.

27.1 REMEDIES AND SANCTIONS

The County may seek any relief allowed by law, including:

1. Civil Infraction. A civil infraction may be punished by a civil penalty by entry of a personal judgment against the person of the defendant of not more than seven hundred fifty dollars ($750.00) for the first offense and not more than one thousand dollars ($1,000.00) for each repeat offense. Allowable relief includes both the imposition of a civil penalty and the imposition of other alternative forms of relief, remedies and sanctions. The court may direct that a payment of the civil penalty be suspended or deferred under conditions imposed by the court, except that the court may not suspend or defer payment of a penalty provided herein.
2. Criminal Infraction. This Ordinance does not preclude a peace officer from issuing a criminal citation for a violation of his Ordinance or regulation if criminal penalties are also provided for the violation, nor does it preclude or limit the authority of the County to enforce the provisions of this Ordinance by criminal sanctions or other lawful means. An Infraction is punishable as a Criminal Infraction herein, prosecuted as a simple misdemeanor, and upon conviction shall be punished by a fine of not more than hundred fifty dollars ($250.00) or by imprisonment of not more than thirty (30) days. Each and every day during which said violation continues shall be deemed a separate offense. Such criminal violation may be charged by a peace officer pursuant to the rules of criminal procedure, upon a violation of this Ordinance.

Additionally, 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.

Failure to obtain the proper permits, including zoning and flood plain permits, prior to erection, construction, reconstruction, enlargement change, or use of any building, structure, or land; and/or prior to commencement of development, as defined in the Definitions, will result in a penalty. The penalty shall be equal to the amount of the required permit application fees as established by resolution of the Board of Supervisors plus any costs incurred in the enforcement of this provision. In necessary, a Stop Work Order will be issued.

Section 28 – Severability, Repealer, Effective Date

28.1 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.

28.2 REPEALER/CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to height or structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

28.3 EFFECTIVE DATE

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

Recommended by the Clarke County Planning and Zoning Commission

Date June 6, 2017 **Chairperson Elizabeth Reynoldson**

The Clarke County Board of Supervisors took the following action:

Public Hearing and First Consideration: June 26, 2017
Second Consideration: Waived
Third Consideration: Waived

Passed, Adopted and Approved by the Board of Supervisors, Clarke County, Iowa, this 26 day of June, 2017.

Marvin McCann
Chairperson of the Board of Supervisors

Attest: Janice White
Clarke County Auditor

Officially published August 3, 2017