

Table of Contents

ARTICLE I/SHORT TITLE AND JURISDICTION 1

ARTICLE II/INTERPRETATION OF REGULATIONS 2

ARTICLE III/DEFINITIONS..... 3

ARTICLE IV/DISTRICTS 12

ARTICLE V/AGRICULTURAL DISTRICT (A-1)..... 15

ARTICLE VI/FLOOD PLAIN AND CONSERVATION DISTRICT (FPC)..... 22

ARTICLE VII/AGRICULTURAL RESIDENTIAL DISTRICT (R-1) 24

ARTICLE VIII/SUBURBAN RESIDENTIAL DISTRICT (R-2) 29

ARTICLE IX/MULTI-FAMILY RESIDENTIAL DISTRICT (R-3) 34

ARTICLE X/RURAL MOBILE HOME PARK DISTRICT (RMH)..... 39

ARTICLE XI/LAKE RESIDENTIAL DISTRICT (RL)..... 42

ARTICLE XII/GENERAL COMMERCIAL DISTRICT (C-1)..... 47

ARTICLE XIII/HIGHWAY SERVICE COMMERCIAL DISTRICT (C-2)..... 52

ARTICLE XIV/LIGHT INDUSTRIAL DISTRICT (I-1) 55

ARTICLE XV/HEAVY INDUSTRIAL DISTRICT (I-2)..... 58

ARTICLE XVI/ADDITIONAL AREA AND HEIGHT REGULATIONS 61

ARTICLE XVII/PARKING REGULATIONS 63

ARTICLE XVIII/OFF-STREET LOADING SPACES REQUIRED 66

ARTICLE XIX/NON-CONFORMING USES 67

ARTICLE XX/ENFORCEMENT 70

ARTICLE XXI/AMENDMENT 72

ARTICLE XXII/SPECIAL EXCEPTION USES 74

ARTICLE XXIII/BOARD OF ADJUSTMENT.....	82
ARTICLE XXIV/VIOLATION AND PENALTY.....	85
ARTICLE XXV/SEVERABILITY CLAUSE.....	86
ARTICLE XXVI/ADOPTION	87
SUBDIVISION REGULATIONS	88

ARTICLE I/SHORT TITLE AND JURISDICTION

Section 1. **SHORT TITLE.** This ordinance shall be known and may be cited and referred to as the "Zoning Ordinance" of Clay County, Iowa.

Section 2. **JURISDICTION.** In accordance with the provision of Chapter 335, Code of Iowa, 1995, and amendatory acts thereto, this Ordinance is adopted by Clay County, Iowa, governing the zoning of lands and structures located within Clay County, Iowa, but lying outside of the corporate limits of any city located within Clay County, Iowa.

ARTICLE II/INTERPRETATION OF REGULATIONS

Section 1. FARMS EXEMPT. In compliance with Chapter 335.2, Code of Iowa, 1995, except to the extent required to implement section 335.27, Code of Iowa, 1995, no regulation adopted under this ordinance applies to land, farm houses, farm barns, farm outbuildings or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. However, the regulations contained within this ordinance may apply to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream.

Section 2. INTERPRETATION OF STANDARDS. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this ordinance shall govern.

ARTICLE III/DEFINITIONS

Section 1. DEFINITIONS. For the purpose of this ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural number includes the singular; the word "shall" is mandatory, the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

- 1.1 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.
- 1.2 Abandoned Farmstead: A tract of land which has at one time constituted a farm dwelling and related outbuildings. To be considered an abandoned farmstead for the purposes of these regulations the tract of land must not have been reclaimed for intensive agricultural (row crop) production.
- 1.3 Agriculture: The use of land for purposes of growing the usual farm products, such as vegetables, fruits, trees, grains, pasturage, dairying, animal and poultry husbandry, and the necessary accessory uses for treating or storing the produce; provided that the operation of such accessory uses shall be incidental and secondary to that of the regular agricultural activities, and shall not include independent productive activities.
- 1.4 Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property.
- 1.5 Apartment: A single room or set of rooms occupied as a dwelling which is part of a multi-family structure.
- 1.6 Basement: A story having part, but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purposes of height regulations.
- 1.7 Bed & Breakfast: A private, owner-occupied housing unit which provides up to six (6) sleeping rooms for rent to the general public. Meals shall only be served to those taking lodging in the facility and the owners and employees of the operation. Individual units which are designed to be rented shall contain no cooking facilities.
- 1.8 Billboard: "Billboard" as used in this ordinance shall include all structures, regardless of the material used in the construction of the same that are 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 material which advertise a business or attraction which is not

- 1.9 carried on, manufactured, grown or sold on the premises which said signs or billboards are located.
- 1.9 Block: That property abutting on one (1) side of a street and lying within the two (2) nearest intercepting or intersecting streets or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.
- 1.10 Boarding or Lodging House: A building other than a hotel where, for compensation, and by arrangement, meals, or lodging and meals are provided for three (3) or more persons.
- 1.11 Building: Any structure having a roof supported by columns or walls and intended for the shelter, enclosure or protection of persons, animals or property.
- 1.12 Building Compliance Permit: A permit issued by the Zoning Administrative Officer of Clay County, Iowa, for the erection, reconstruction or alteration of a building or structure other than farm buildings.
- 1.13 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 mean height between eaves and ridge for gable, hip and gambrel roofs.
- 1.14 Building Line: The line of the outside wall of the building or any enclosed projection thereof nearest the street.
- 1.15 Buildable Area: The portion of a lot remaining after required yards have been provided.
- 1.16 Camping Ground: Any land or portion thereof which is designed for and exclusively used by occupants of tents, trailers, mobile homes or other mobile living facilities, not to exceed four (4) weeks in duration.
- 1.17 Cellar: A story having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height regulations.
- 1.18 Clinic, Medical or Dental: A building or buildings in which physicians and/or dentists, and allied professional assistants are associated for the purpose of carrying on their professions.
- 1.19 Commercial Stable: Any place, area, building or structure where horses are boarded, housed, cared for, fed, or trained by other than the owner; or any other place, area, building or structure where more than one (1) horse is kept for purposes of breeding or raising for a fee.

- 1.20 Commission: The County Planning and Zoning Commission of Clay County, Iowa.
- 1.21 Convenience Store: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 7,500 square feet.
- 1.22 County: Clay County, Iowa.
- 1.23 Day Nursery or Nursery School: Any private agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than overnight lodging, for six (6) or more unrelated children of pre-school age, for compensation.
- 1.24 District: Any part or parts of Clay County, Iowa, wherein regulations of this ordinance are uniform.
- 1.25 Dwelling: Any building or portion thereof designed or used exclusively for residential purposes, but not including a tent, cabin, or trailer. A dwelling shall have a floor area of at least 640 square feet, minimum width of 20 feet for at least 75% of its narrowest dimension unless otherwise noted in this article, be placed on permanent foundation, have a perimeter foundation of masonry construction (load or non-load), and be taxed as real estate.
- 1.26 Dwelling, Single Family: A detached residence for or occupied by one (1) family only.
- 1.27 Dwelling, Two (2) Family: A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.
- 1.28 Dwelling, Multiple: A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.
- 1.29 Dwelling Unit: A room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one (1) family containing independent cooking facilities.
- 1.30 Family: One (1) or more persons who are related by blood, adoption or marriage living together and occupying a single dwelling unit, or a group of not more than five (5) persons living together by joint agreement and occupying a single dwelling unit, on a non-profit cost-sharing basis.
- 1.31 Farm: An area used for agricultural production (See agriculture).
- 1.32 Farmstead: A tract of land with a farm dwelling and/or related outbuildings.

- 1.33 Feedlot, Commercial: Animal feeding operation as defined by the Iowa Department of Natural Resources.
- 1.34 Fence: A structure, other than a building, which is a barrier and used as a boundary or means of protection or confinement.
- 1.35 Frontage: All the property on one (1) side of a street or highway between two (2) intersecting streets (crossing or terminating) measured along the line of the street or if the street is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead-end of the street.
- 1.36 Garage, Private: A detached accessory or portion of a main building housing the vehicles of the occupants of the premises, but no commercial vehicles.
- 1.37 Garage, Public: A building or portion thereof, other than a private or storage garage, designed, intended or used for the equipping, servicing, selling, hiring, storing, care or repair of motor vehicles which is operated for commercial purposes.
- 1.38 Garage, Storage: Any building or premises used for housing only 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.
- 1.39 Gasoline Service Station: Any building or premises used for the retail sale of automotive fuels, oils and other items customarily associated with the sale of such products, but not for the purpose of making other than minor repairs. When the dispensing, retail sale or offering for retail sale is incidental to the conduct of a public garage, the premises shall be classified as a public garage.
- 1.40 Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building.
- 1.41 Home Occupation: An occupation or profession conducted in a dwelling unit provided that:
- 1) No more than one (1) other person, in addition to members of the family residing on the premises shall be engaged in such occupation;
 - 2) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding six (6) square feet in area, non-illuminated and carrying only the name and occupation of any occupant of the premises;

- 3) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential area;
 - 4) The building or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, the emission of odors, gas, dust, smoke, noise or in any other way.
- 1.42 Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and which is open to transient guests in contradiction to a boarding house or lodging house as herein defined.
- 1.43 Institution: A building or premises occupied by a non-profit corporation or establishment for public use.
- 1.44 Junk Yard or Salvage Yard: Any open area of any lot or parcel where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including scrap metals or scrap materials, or the abandonment or dismantling of machinery, motor vehicles, or other vehicles, or parts thereof.
- 1.45 Kennel: An establishment where small animals are boarded for compensation or any premises where four (4) or more dogs, six (6) months old or older, are kept.
- 1.46 Lot: For the purposes 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 record; or of portions of lots of record; and d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this Ordinance.
- 1.47 Lot Area: Total horizontal area within lot lines of a lot.
- 1.48 Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.
- 1.49 Lot Depth: The mean horizontal distance between the front and rear lot lines.
- 1.50 Lot, Interior: A lot other than a corner lot.
- 1.51 Lot Lines: The lines bounding a lot.

- 1.52 Lot, Through: A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
- 1.53 Lot of Record: A lot or parcel of land the plot or deed of which has been recorded in the office of the Recorder of Clay County, Iowa.
- 1.54 Lot Width: The width of a lot measured at the building line and at right angles to its depth.
- 1.55 Motel, Motor Court, Motor Lodge or Tourist Court: A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. A automobile or motor court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.
- 1.56 Mobile Home: A vehicle used, or so originally constructed as to permit being used, as conveyance upon the public streets or highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof for human habitation, dwellings, or sleeping places for one (1) or more persons, provided further that this definition shall refer to and include all portable contrivances used or intended to be used generally for living and sleeping quarters and which is capable of being moved by its own power, towed, or transported by another vehicle. This definition shall also include and apply to such vehicles or structures that are located on a permanent or temporary foundation and shall include mobile home converted to real estate as defined herein.
- 1.57 Mobile Home Converted to Real Estate: An unencumbered mobile home which has been attached to a permanent foundation on real estate owned by the mobile home owner, which has had the vehicular frame destroyed, rendering it impossible to reconvert to a mobile home and which has been inspected by the assessor, the mobile home title, registration, and license plates collected from the owner and the property entered on the tax rolls of the county.
- 1.58 Mobile Home Park: The term "Mobile Home Park" shall mean any site, lot, field, or tract of land upon which two (2) or more occupied mobile homes are parked and connected to utilities, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.
- 1.59 Non-Farm Residence: A residential dwelling in unincorporated areas of the County occupied by parties not primarily involved in agricultural production.
- 1.60 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, in which three (3) or more persons not of the

immediate family are received, kept and provided with food shelter, for compensation.

- 1.61 Parking Lot: A parcel of land devoted to unenclosed parking spaces.
- 1.62 Parking Space: A surfaced area, enclosed or unenclosed, having an area of not less than one hundred eighty (180) square feet plus necessary maneuvering space for the parking of a motor vehicle, and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles. Space for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way.
- 1.63 Principal Use: The main use of land or structures as distinguished from an accessory use.
- 1.64 Road or Street Line: The dividing line between a lot, tract or parcel of land and contiguous road, street or alley.
- 1.65 Roadside Stand: A temporary structure, unenclosed, and so designed and constructed that the structure is easily portable or can be readily moved, and which is adjacent to a road and used for a sale of farm products produced or grown on the premises.
- 1.66 Sign: An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business; provided, however that the following shall not be included in the application of the regulations herein:
 - 1) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of the premises or other identification of premises not having commercial connotations;
 - 2) Flags and insignia of any government except when displayed in connection with commercial promotion;
 - 3) Legal notices: Identification, informational, or directional signs erected or required by government bodies;
 - 4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
 - 5) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- 1.67 Sign Area: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of such 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 surface area.

- 1.68 Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
- 1.69 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.
- 1.70 Structural Alteration: 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.
- 1.71 Structure: Anything constructed or 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 and poster panels.
- 1.72 Summer Cottage: A single family dwelling, intended for seasonal or temporary occupancy only, and not used as a family residence during the entire year.
- 1.73 Travel Trailer: A vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation, or trade (or use as a selling or advertising device), and so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks. Such vehicle shall be customarily or ordinarily used for vacation or recreation purposes and not used as a place of human habitation for more than ninety (90) days in any twelve (12) month period, or it shall be classed as a mobile home.
- 1.74 Wind Machine or Wind Energy Conversion System (WECS): Wind Machine or Wind Energy Conversion System (WECS) means any device such as a wind charger, windmill, or wind turbine which converts wind energy to a form of useable energy.
- 1.75 Yard: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the general ground level of the graded lot upward. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.
- 1.76 Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the building or ny projection thereof, other than the

projection of the usual steps or unenclosed porches. On corner lots, the front yard shall be considered as the yard adjacent to the street upon which the lot has its least dimension.

- 1.77 Yard, Rear: A yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.
- 1.78 Yard, Side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.
- 1.79 Zoning Administrative Officer: The individual appointed by the Board of Supervisors to administer and enforce the provision of this Ordinance.

ARTICLE IV/DISTRICTS

Section 1. DISTRICTS. For the purpose and intent of this Ordinance the unincorporated area of Clay County, Iowa, is hereby divided into eleven (11) zoning district classifications as follows:

- A-1 Agricultural District
- FPC Floodplain and Conservation District
- R-1 Agricultural Residential District
- R-2 Suburban Residential District
- R-3 Multi-family Residential District
- RMH Rural Mobile Home Park District
- RL Lake Residential District
- C-1 General Commercial District
- C-2 Highway Service Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District

Section 2. BOUNDARIES AND OFFICIAL MAP. The boundaries of these districts are indicated and established as shown upon maps designated as the Official Zoning Map of clay County, Iowa, which , with all their notations, designations, references, and other matters shown thereon, shall be as much a part of this Ordinance as if fully described and set forth herein. The Official Zoning Map(s) shall be identified by the Chairman of the Board of Supervisors and attested by the County Auditor under the following words:

"This is to certify that this is the Official Zoning Map referred to in Article IV of the Clay County Zoning Ordinance adopted on this 12th day of March, 1996 .

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

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Ordinance or any subsequent amendment thereof.

Section 3. INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to 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 city limits shall be construed as following such city limits;
5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
6. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed as following such center lines;
7. Boundaries indicated as parallel to or extensions of features indicated in subsections 1-6 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1-7 above, the Board of Adjustment shall interpret the district boundaries.

Section 4. DISINCORPORATION. All territory which may hereafter become part of the unincorporated area of Clay County, Iowa, that is regulated by this Ordinance, by the disincorporation of any city or town, or any part thereof, shall automatically be classed as lying and being in the (A-1) Agricultural District until such classification shall have been changed by amendment to this Ordinance.

Section 5. ROAD OR PUBLIC WAY VACATION. Whenever any road or other public way is vacated by the official action of the Board of Supervisors, the Zoning is vacated by the official action of the Board of Supervisors, the Zoning District(s) adjoining each side of such road or public way shall automatically extend to the center of such vacation and all area included in such vacation shall than and thereforth be subject to all appropriate regulations of the extended district.

Section 6. GENERAL REGULATIONS.

Except as herein provided:

1. No building or structure shall be erected, converted, enlarged, re-constructed, 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.
2. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum required by this Ordinance. No part of a yard or other open space, or off-street parking or loading space provided about any building, structure, or use for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard, open space, or off-street parking or loading space required under this Ordinance for another building, structure, or use.
3. 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 (1) main building on one (1) lot unless otherwise provided in this Ordinance.
4. No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of this Ordinance.
5. Every residence, business, trade or industry hereafter established, which requires water supply and sewage disposal facilities, shall provide facilities which conform with Environmental Protection, Iowa Administrative Code, Chapter 567-49, Non-public Water Wells, and Chapter 567-69, On Site Waste Water Treatment and Disposal Systems.

ARTICLE V/AGRICULTURAL DISTRICT (A-1)

Section 1. AGRICULTURAL DISTRICT (A-1). The intent of Agricultural District is to preserve agricultural resources from incompatible urban land uses.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (A-1) Agricultural District:

1. Any form of agriculture including the raising of crops, horticulture, animal husbandry, poultry husbandry and the usual agricultural buildings and structures, but excluding auction yards and barns;
2. Railroad track right-of-way;
3. Billboards; however, no billboard shall be posted and no advertising structure shall be erected as follows;
 - a. On or within the right-of-way of a highway or where it would encroach thereon;
 - b. Along a highway within five hundred (500) feet of the centerpoint of an intersection of such highway at grade with another highway or with a railroad;
 - c. Along a highway at any point where it would reduce the existing view of traffic in either direction or of traffic control or directional signs to less than five hundred (500) feet;
 - d. No billboard shall be constructed within three hundred (300) feet of a house, school or church;
 - e. No billboard shall be constructed less than fifteen hundred (1,500) feet apart except back-to-back, or end-to-end, and no more than two (2) billboards facing one direction;
 - f. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, or by any county, municipality or other governmental subdivision, or which incorporates or makes use of lights simulating or resembling traffic controls or signals;
 - g. No advertisement shall be posted or maintained on rocks, fences, trees, or poles maintain by public utilities.

4. One (1) family non-farm residential dwelling provided that the site is an existing or abandoned farmstead and meets the bulk regulations defined in Section 5, subsections 1-6.

Section 3. SPECIAL USES PERMITTED. The following uses may be permitted in Agricultural District (A-1) subject to approval by the Board of Adjustment as provided for in Article XXII of this Ordinance:

1. One (1) family non-farm dwellings provided that they meet the bulk regulations defined in Section 5, subsections 1-7;
2. Churches, chapels, temples, and similar places of worship;
3. Public schools and private education institutions having a curriculum comparable to that of public schools;
4. community buildings and public or private hospitals;
5. Public parks, forests, playgrounds, recreation areas and camping grounds;
6. Airports and landing fields, provided that: Seventy-five (75) percent of the site contains the soils classifications as listed in Article V, Section 5, subsection 7;
7. Sanitary landfills;
8. Buildings erected and used by a department of the federal, state, county or municipal governments;
9. Cemeteries;
10. Mining, extraction and sales of minerals and raw materials, including sand and gravel pits, temporary asphalt and Portland cement plants;
11. Radio and television stations, including complete broadcast facilities, attendant services, and towers;
12. Stables, fairgrounds, race tracks, and amusement parks, provided that: seventy-five (75) percent of the site contains the soils classifications as listed in Article V, Section 5, subsection 7;
13. Public and private utilities, including substations, wells, and treatment plants;

14. Golf courses, country clubs, and golf driving ranges, provided that: seventy-five (75) percent of the site contains the soils classifications as listed in Article V, Section 5, subsection 7;
15. Wind Towers, Windmills, Wind Energy Conversion Systems (WECS) or similar types of structures;
16. Kennels;
17. Summer cottage may be located along any river, lake or stream bordering Clay County, Iowa, provided that it complies with the area and height requirements for the R-3 Residential District.
18. One additional house or mobile home on a single-family non-farm acreage if used by the owner, member of the immediate family, or an employee of a business operating on the premises

Before the issuance of any such special use permit, the Zoning Commission shall report to the Board of Adjustment regarding the effect of such building, structure or use upon the character of the neighborhood, traffic conditions and other matters relating to the public health, safety and general welfare. The Zoning Commission shall make such report within sixty (60) days after application has been filed.

Section 4. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted in the A-1 Agricultural District:

1. Accessory uses and structures normally incidental and subordinate to the permitted principal uses and structures which are primarily adapted by reason of nature and area, for use for agricultural purposes;
2. Home occupations subject to the following conditions:
 - a. Is customarily engaged in on a farm, as a supplementary source of income;
 - b. Is clearly incidental and secondary to the operation of the farm;
 - c. Is carried on by a member of the family residing in the farm dwelling;
 - d. Does not employ more than three (3) persons outside the resident family on the premises;
 - e. Is conducted within or adjacent to the farm dwelling or the customary farm out buildings;
 - f. Has no exterior display, or storage of materials visible from the public road, or other exterior indication or variation from the agricultural character of the farm other than no more than (1) sign identifying the product or service available, which sign shall not exceed twenty-four (24) square feet in area, and;

- g. Produces no offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference detectable within the limits of the nearest neighboring farm dwelling;
3. One (1) additional house or mobile home on a farm if used by the owner, member of the immediate family, or an employee of the farm operation;
4. Private garage or carport;
5. One (1) board or sign not to exceed fifty (50) square feet in an area referring to the construction, lease, hire or role of a building, premises or 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;
6. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;
7. Roadside stands for the sale of products grown on the premises;
8. Church bulletin boards;
9. Signs, not exceeding ten (10) square feet in area, identifying the premises or indicating the product grown or material and equipment used on the premises; and
10. Home occupations as defined in ARTICLE III, SECTION 1.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article XVI: (In addition to these bulk regulations, please see Section XVI, Additional Area and Height Regulations)

1. Lot Area: Single family non-farm dwellings - one (1) acre - except density of dwellings shall not exceed one (1) every 1/4, 1/4 section as defined by the U.S. Geological Survey;
2. Lot Width: Single family non-farm dwellings - 200 feet, Two (2) family dwellings - 200 feet;
3. Front Yard: Fifty (50) feet;
4. Side Yard: Single family non-farm dwellings - twenty-five (25) feet on each side. Single family non-farm dwellings, side street, corner lot - forty (40) feet. Other permitted uses - fifty (50) feet each side;
5. Rear Yard: Fifty (50) feet;

6. Maximum Height: No limitation; provided however that no 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;
7. Soil Type: Non-farm dwellings - seventy-five (75) percent of the site contains the following soil classifications:

<u>Soil Number</u>	<u>Map Code</u>
175	DcA, DcB, DcC2, D1A D1B, DkA, DkB, DkC2
--	EsD2
--	HaC2
73-B, C2, D2	SgB, SgC2, SgD2
E2	SgE2
27	TeD
108-A,B,C2,D2	WmA, WmB, WmC2, WmD2
350	WuB

Section 6. ZONING COMPLIANCE PERMITS REQUIRED. Zoning permits shall be required in accordance with the provisions of Article XX of this Ordinance.

Section 7. BUSINESS USE PERMITS. Business uses not otherwise permitted by this Article may be permitted in an Agricultural District (A-1) only in accordance with this Section 7:

1. Business Use Defined. A "Business use" shall be those uses classified as principal permitted uses in districts C-1 and C-2 of this ordinance, and the following principal permitted uses in District I-1, only, to-wit: Use 6 (contractor's equipment), use 14 (pottery and ceramics), use 16 (wood products), use 19 (livestock feed and grain), use 21 (welding), and use 11 (machine shops).
2. Application. An application for a business use permit shall be made to the zoning officer upon a form to be supplied by such officer, to include, in addition to such other information as the zoning officer may require, the following:
 - a. Legal description of the land for which the business use permit is sought;
 - b. The name and mailing address of the owner and the applicant;
 - c. The name and address of each adjacent landowner;
 - d. A statement of the exact business use to which the described land is to be put; and
 - e. A certification (1) that the applicant has read, understands and will comply with this Section 7 and all other provision of this Ordinance (ii) that the facts contained in the application are true and (iii) that the business use if

granted will be conducted in full compliance with this Ordinance and all other rules and regulations of local, state and federal entities having jurisdiction; and

- f. An approval by the owner if not the applicant.

The application shall be accompanied by a non-refundable fee of twenty-five dollars (\$25.00).

- 3. Procedure. The zoning officer shall, upon receipt of a correctly submitted application make an initial determination as to whether the permit shall be granted, considering the factors contained in paragraph 6 of this Section. If the zoning officer proposes to grant the permit, he or she shall give notice by ordinary mail of the decision to the adjacent landowners.
- 4. Issuance or denial by zoning officer. After fourteen (14) days after mailing the notice to adjacent landowners pursuant to paragraph three (3) above, the zoning officer may issue the business use permit, or may deny the permit. The zoning officer shall give notice of the grant or denial to:
 - a. the applicant; and
 - b. Any adjacent landowner who objected to issuance of the permit.
- 5. Appeal. Any person aggrieved by the decision of the zoning officer may appeal to the Board of Adjustment as provided in Article XXIII of this ordinance.

Provided, however, that the filing fee for an appeal from a decision made pursuant to this Section 7 shall be one hundred dollars (\$100.00).

- 6. Factors to be considered. In considering whether to issue a business use permit, the zoning officer, or Board of Adjustment, as applicable, shall consider:
 - a. The preamble to this ordinance.
 - b. The impact of the business use upon the existing neighborhood character.
 - c. The impact of the business use upon existing traffic patterns, and upon general traffic safety.
 - d. The additional public expense, if any, likely to be caused by the business use.
 - e. The extent to which the business use may interfere with the quiet, peaceful and healthful enjoyment of other properties in the vicinity.

- f. The impact of the business use upon natural resources.
 - g. All other relevant and material factors.
7. No assignment and non-waiver. The business use permit issued pursuant to this section shall be personal to the applicant and shall not be sold, conveyed or transferred, nor shall such a permit be deemed to run with the land. Estoppel, waiver, laches or acquiescence in breach shall not be asserted by the holder against any action taken by the zoning officer pursuant to this ordinance.
8. Revocation of permit and appeal. The zoning officer may revoke the business use permit upon determining that:
- a. The applicant made a false statement in the application for issuance of the permit, or
 - b. The business use is or has been conducted contrary to that set forth in the application, or
 - c. The business use is or has been conducted contrary to that set forth in the permit, or
 - d. The business use is or has been conducted contrary to the certification contained in the application, or
 - e. A final court judgement has been entered of record finding the business use to be a public nuisance.

The decision of the zoning officer to revoke, or after receipt of a demand to do so, to not revoke a business use permit pursuant to this section may be appealed to the Board of Adjustment as provided in Article XXIII of this Ordinance.

ARTICLE VI/FLOOD PLAIN AND CONSERVATION DISTRICT (FPC)

Section 1. FLOOD PLAIN AND CONSERVATION DISTRICT (FPC). The intent of Floodplain and Conservation district is to preserve and protect the major river banks, floodplains and wooded areas of the County from adverse development. It is also intended to minimize dangers to life and property which results from certain development within the flood-prone areas.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the FPC Floodplain and Conservation District:

- 1) Agriculture, commercial gardening and nurseries, and the usual accessory buildings;
- 2) Public and private parks, recreational areas, hunting and fishing preserves, boat docks, piers, landings and summer camps; and
- 3) Forest and forestry.

Section 3. SPECIAL USES PERMITTED. The following uses may be permitted in Floodplain and Conservation (FPC) subject to approval by the Board of Adjustment as provided in Article XXII of this ordinance:

- 1) Mining, extraction and sales of minerals and raw materials; provided that in areas subject to flooding prior approval is obtained from the Iowa Department of Natural Resources;
- 2) Sanitary landfills; subject to prior approval of the Iowa Department of Natural Resources and in flood-plains, the prior approval of the Iowa Department of Natural Resources as well;
- 3) Golf courses, country clubs, golf club houses and swimming pools;
- 4) Commercial outdoor recreation areas;
- 5) Buildings, erected or used by a department of federal, state or local governments;
- 6) A summer cottage may be located in the Floodplain and Conservation District (FPC) provided that it complies with the area and height requirements for the R-3 Residential District. Additionally, plans shall be submitted to and approved by the Iowa Department of Natural Resources. The Iowa Department of Natural Resources will establish floor elevations, encroachment limits, flood proofing devices and other controls required.

- 7) Mining, extraction and sales of minerals and raw materials, including sand and gravel pits, temporary asphalt and Portland cement plants;

Before the issuance of any such special use permit, the Zoning Commission shall report to the Board of Adjustment regarding the effect of such building, structure or use upon the character of the neighborhood, traffic conditions and other matters relating to the public health, safety and general welfare. The Zoning Commission shall make such report within sixty (60) days after application has been filed.

Section 4. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted in Floodplain and Conservation District (FPC):

- 1) Accessory uses and structures normally incidental and subordinate to the permitted principal uses and structures;
- 2) Roadside stands; and
- 3) Bulletin boards and signs pertaining to the use of the premises or to the lease, hire or sale of building or premises, or signs pertaining to any material that is mined, grown, or treated within the district, provided that such signs shall not exceed sixteen (16) square feet in area.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed in Floodplain and Conservation District (FPC):(In addition to these bulk regulations, please see Section XVI, Additional Area and Height Regulations)

- 1) Lot Area. Every lot or tract of land in the Floodplain and Conservation District (FPC) shall contain an area of not less than one (1) acre (43,560 square feet) with a minimum width of one hundred fifty (150) feet.

Section 6. ZONING COMPLIANCE PERMITS REQUIRED. Zoning Permits shall be required in accordance with the provisions of Article XX of this Ordinance.

ARTICLE VII/AGRICULTURAL RESIDENTIAL DISTRICT (R-1)

Section 1. AGRICULTURAL RESIDENTIAL DISTRICT (R-1). The intent of the Agricultural Residential District is to provide for low density residential development adjacent to or in close proximity to existing non-rural concentrations.

Section 2. PRINCIPAL PERMITTED USES. Only the use of structures or land listed in this section shall be permitted in the R-1 District:

- 1) One (1) and two (2) family dwellings;
- 2) Agriculture and the usual agricultural buildings and structures, including nurseries and commercial gardens;
- 3) Churches, chapels, temples and similar places of worship; provided that all principal buildings be set back a minimum of fifty (50) feet from all property lines;
- 4) Public and parochial schools, elementary and secondary, and colleges and universities, and other educational institutions having an established curriculum comparable to that of public schools;
- 5) Public and community parks, playgrounds, golf courses and recreation areas;
- 6) Private, non-commercial recreation areas, including swimming pools, tennis clubs, golf courses and country clubs.

Section 3. SPECIAL USES PERMITTED. The following uses may be permitted in Agricultural Residential District (R-1) subject to approval by the Board of Adjustment as provided for in Article XXII of this Ordinance:

- 1) Buildings, erected or used by a department of federal, state or local government.

Before the issuance of any such special use permit, the Zoning Commission shall report to the Board of Adjustment regarding the effect of such building, structure or use upon the character of the neighborhood, traffic conditions and other matters relating to the public health, safety and general welfare. The Zoning Commission shall make such report within sixty (60) days after application has been filed.

Section 4. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted in the R-1 District:

- 1) Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded;
- 2) A private garage or carport;

- 3) 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;
- 4) Home occupations;
- 5) Church bulletin boards;
- 6) One temporary bulletin board or sign not to exceed fifty (50) square feet in area pertaining to 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;
- 7) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;
- 8) Child daycare and nursery schools.
- 9) Independent agricultural productive activities including farm animals, but only if controlled so as not to exceed one (1) horse per acre, one (1) feeder cattle per acre, one (1) mature dairy cow per 1.4 acres, two and half (2 1/2) swine (over 55 lbs.) per acre, ten (10) sheep or lambs per acre, and fifty-five (55) turkeys and chickens per acre, or any combination of these or other similar animals and birds that does not exceed the above animal unit multiplier. Such accessory uses must be operated to meet health standards. More restrictive deed restrictions supersede the above standards.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article XVI:(In addition to these bulk regulations, please see Section XVI, Additional Area and Height Regulations)

- 1) Lot Area: One (1) family dwelling - 1 acre, two (2) family dwelling - 1 acre;
- 2) Lot Width: One (1) family dwelling - 150 feet, two (2) family dwelling - 150 feet;
- 3) Front Yards: 50 feet;
- 4) Side Yards: 1 and 1 1/2 story dwellings - 15 feet on each side;
2 and 2 1/2 story dwellings - 20 feet on each side;

Dwellings, side street, corner lot - 40 feet;
Other permitted uses - 3 feet on each side;
- 5) Rear Yard: 40 feet for dwellings; other permitted uses 5 feet is required;

- 6) Maximum Height: Principal building - 2 1/2 stories or 35 feet, whichever is lower.
Accessory building - 1 story or 12 feet, whichever is lower.

Section 6. OFF-STREET PARKING AND LOADING. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Article XVII and XVIII.

Section 7. ZONING COMPLIANCE PERMITS REQUIRED. Zoning permits shall be required in accordance with the provisions of Article XX of this Ordinance.

Section 8. BUSINESS USE PERMITS. Business uses not otherwise permitted by this article may be permitted in a district regulated by this Article only in accordance with this Section 7.

1. Business Use Defined. A "business use" shall be those uses such as (1) Barber shops or beauty parlors; (2) Bicycle repair shops; (3) Carpenter and Cabinet shops; (4) Dance or music studios; (5) Radio, television and household appliance repair shops; (6) Watch and clock repair shops (7) locksmiths and gunsmiths; (8) Photographic studios; (9) Shoe repair shops; (10) Tailor and dress making shops; (11) Automobile, motorcycle, trailer, and farm implement repair shops, but only if controlled so as to limit the number of customer items on the premises visible from the road or adjoining property not to exceed two (2) automobiles, four (4) motorcycles, and two (2) farm implements, (12) storage and delivery businesses, but the number of vehicles maintained on the premises which are used in such business shall not exceed three (3). Such accessory uses must be operated to meet County Health standards. More restrictive deed restrictions supersede the above standard.
2. Application. An application for a business use permit shall be made to the zoning officer upon a form to be supplied by such officer, to include, in addition to such other information as the zoning officer may require, the following:
 - a. Legal description of the land for which the business use permit is sought;
 - b. The name and mailing address of the owner and the applicant;
 - c. The name and address of each adjacent landowner;
 - d. A statement of the exact business use to which the described land is to be put; and
 - e. A certification (i) that the applicant has read, understands and will comply with this Section 7 and all other provision of this Ordinance (ii) that the facts contained in the application are true and (iii) that the business use if granted will be conducted in full compliance with this Ordinance and all other rules and regulations of local, state and federal entities having jurisdiction; and

- f. An approval by the owner if not the applicant.

The application shall be accompanied by a non-refundable fee of twenty-five dollars (\$25.00).

- 3. Procedure. The zoning officer shall, upon receipt of a correctly submitted application make an initial determination as to whether the permit shall be granted, considering the factors contained in paragraph 6 of this Section. If the zoning officer proposes to grant the permit, he or she shall give notice by ordinary mail of the decision to the adjacent landowners.
- 4. Issuance or denial by zoning officer. After fourteen (14) days after mailing the notice to adjacent landowners pursuant to paragraph three (3) above, the zoning officer may issue the business use permit, or may deny the permit. The zoning officer shall give notice of the grant or denial to:
 - a. the applicant; and
 - b. Any adjacent landowner who objected to issuance of the permit.
- 5. Appeal. Any person aggrieved by the decision of the zoning officer may appeal to the Board of Adjustment as provided in Article XXIII of this ordinance.

Provided, however, that the filing fee for an appeal from a decision made pursuant to this Section 7 shall be one hundred dollars (\$100.00).

- 6. Factors to be considered. In considering whether to issue a business use permit, the zoning officer, or Board of Adjustment, as applicable, shall consider:
 - a. The preamble to this ordinance.
 - b. The impact of the business use upon the existing neighborhood character.
 - c. The impact of the business use upon existing traffic patterns, and upon general traffic safety.
 - d. The additional public expense, if any, likely to be caused by the business use.
 - e. The extent to which the business use may interfere with the quiet, peaceful and healthful enjoyment of other properties in the vicinity.
 - f. The impact of the business use upon natural resources.

- g. All other relevant and material factors.
7. No assignment and non-waiver. The business use permit issued pursuant to this section shall be personal to the applicant and shall not be sold, conveyed or transferred, nor shall such a permit be deemed to run with the land. Estoppel, waiver, laches or acquiescence in breach shall not be asserted by the holder against any action taken by the zoning officer pursuant to this ordinance.
8. Revocation of permit and appeal. The zoning officer may revoke the business use permit upon determining that:
- a. The applicant made a false statement in the application for issuance of the permit, or
 - b. The business use is or has been conducted contrary to that set forth in the application, or
 - c. The business use is or has been conducted contrary to that set forth in the permit, or
 - d. The business use is or has been conducted contrary to the certification contained in the application, or
 - e. A final court judgement has been entered of record finding the business use to be a public nuisance.

The decision of the zoning officer to revoke, or after receipt of a demand to do so, to not revoke a business use permit pursuant to this section may be appealed to the Board of Adjustment as provided in Article XXIII of this Ordinance.

ARTICLE VIII/SUBURBAN RESIDENTIAL DISTRICT (R-2)

Section 1. SUBURBAN RESIDENTIAL DISTRICT (R-2). The intent of the Suburban Residential District is to provide for certain low density residential development in areas of the county adjacent to or in close proximity to non-rural concentrations.

Section 2. PRINCIPAL USES PERMITTED. Only the use of structures or land listed in this section shall be permitted in the R-2 District:

- 1) Any use permitted in the R-1 Residential District, except that churches and similar places of worship shall be set back from all property lines a minimum of thirty-five (35) feet.

Section 3. SPECIAL USES PERMITTED. The following uses may be permitted in Suburban Residential District (R-2) subject to approval by the Board of Adjustment as provided for in Article XXII of this Ordinance:

- 1) Buildings, erected or used by a department of federal, state or local government.

Before the issuance of any such special use permit, the Zoning Commission shall report to the Board of Adjustment regarding the effect of such building, structure or use upon the character of the neighborhood, traffic conditions and other matters relating to the public health, safety and general welfare. The Zoning Commission shall make such report within sixty (60) days after application has been filed.

Section 4. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted in the R-2 District:

- 1) Uses of land or structure customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded;
- 2) A private garage or carport;
- 3) The taking of boarders or the leasing of rooms by a resident family, provided that the total number of boarders and roomers does not exceed one (1) per building.
- 4) Home occupations;
- 5) Church bulletin boards;
- 6) One (1) temporary bulletin board or sign not to exceed fifty (50) square feet in area pertaining 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 is completed;

- 7) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;
- 8) Temporary use of dwelling structure within a new subdivision as a job office and real estate office for the subject subdivision, which shall be terminated upon completion or abandonment of the project;
- 9) Child daycare and nursery schools.
- 10) Independent agricultural productive activities including farm animals, but only if controlled so as not to exceed one (1) horse per acre, one (1) feeder cattle per acre, one (1) mature dairy cow per 1.4 acres, two and half (2 1/2) swine (over 55 lbs.) per acre, ten (10) sheep or lambs per acre, and fifty-five (55) turkeys and chickens per acre, or any combination of these or other similar animals and birds that does not exceed the above animal unit multiplier. Such accessory uses must be operated to meet health standards. More restrictive deed restrictions supersede the above standards.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article XVI:(In addition to these bulk regulations, please see Section XVI, Additional Area and Height Regulations)

- 1) Lot Area: One (1) family dwellings - 15,000 square feet;
Two (2) family dwellings - 20,000 square feet;
- 2) Lot Width: One (1) family dwellings - 80 feet;
Two (2) family dwellings - 100 feet;
- 3) Front Yard: Dwellings - 35 feet;
Other permitted uses - 40 feet;
- 4) Side Yards: 1 and 1 1/2 story dwellings - 8 feet on each side;
2 and 2 1/2 story dwellings - 12 feet on each side;
Dwellings, side street, corner lot - 25 feet;
Other permitted uses - 35 feet on each side;
- 5) Rear Yard: 35 feet for dwelling;
5 feet for other permitted uses
- 6) Maximum Height: Principal building - 2 1/2 stories or 35 feet, whichever is lower.
Accessory building - 1 story or 12 feet, whichever is lower.

Section 6. OFF-STREET PARKING AND LOADING. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Articles XVII and XVIII.

Section 7. ZONING COMPLIANCE PERMITS REQUIRED. Zoning permits shall be required in accordance with the provisions of Article XX of this Ordinance.

Section 8. BUSINESS USE PERMITS. Business uses not otherwise permitted by this Article may be permitted in a District regulated by this Article only in accordance with this Section 7.

1. Business Use Defined. A "business use" shall be those uses such as (1) Barber shops or beauty parlors; (2) Bicycle repair shops; (3) Carpenter and Cabinet shops; (4) Dance or music studios; (5) Radio, television and household appliance repair shops; (6) Watch and clock repair shops (7) locksmiths and gunsmiths; (8) Photographic studios; (9) Shoe repair shops; (10) Tailor and dress making shops; (11) Automobile, motorcycle, trailer, and farm implement repair shops, but only if controlled so as to limit the number of customer items on the premises visible from the road or adjoining property not to exceed two (2) automobiles, four (4) motorcycles, and two (2) farm implements, (12) storage and delivery businesses, but the number of vehicles maintained on the premises which are used in such business shall not exceed three (3). Such accessory uses must be operated to meet County Health standards. More restrictive deed restrictions supersede the above standard.
2. Application. An application for a business use permit shall be made to the zoning officer upon a form to be supplied by such officer, to include, in addition to such other information as the zoning officer may require, the following:
 - a. Legal description of the land for which the business use permit is sought;
 - b. The name and mailing address of the owner and the applicant;
 - c. The name and address of each adjacent landowner;
 - d. A statement of the exact business use to which the described land is to be put; and
 - e. A certification (1) that the applicant has read, understands and will comply with this Section 7 and all other provision of this Ordinance (ii) that the facts contained in the application are true and (iii) that the business use if granted will be conducted in full compliance with this Ordinance and all other rules and regulations of local, state and federal entities having jurisdiction; and
 - f. An approval by the owner if not the applicant.The application shall be accompanied by a non-refundable fee of twenty-five dollars (\$25.00).
3. Procedure. The zoning officer shall, upon receipt of a correctly submitted application make an initial determination as to whether the permit shall be

granted, considering the factors contained in paragraph 6 of this Section. If the zoning officer proposes to grant the permit, he or she shall give notice by ordinary mail of the decision to the adjacent landowners.

4. Issuance or denial by zoning officer. After fourteen (14) days after mailing the notice to adjacent landowners pursuant to paragraph three (3) above, the zoning officer may issue the business use permit, or may deny the permit. The zoning officer shall give notice of the grant or denial to:

- a. the applicant; and
- b. Any adjacent landowner who objected to issuance of the permit.

5. Appeal. Any person aggrieved by the decision of the zoning officer may appeal to the Board of Adjustment as provided in Article XXIII of this ordinance.

Provided, however, that the filing fee for an appeal from a decision made pursuant to this Section 7 shall be one hundred dollars (\$100.00).

6. Factors to be considered. In considering whether to issue a business use permit, the zoning officer, or Board of Adjustment, as applicable, shall consider:

- a. The preamble to this ordinance.
- b. The impact of the business use upon the existing neighborhood character.
- c. The impact of the business use upon existing traffic patterns, and upon general traffic safety.
- d. The additional public expense, if any, likely to be caused by the business use.
- e. The extent to which the business use may interfere with the quiet, peaceful and healthful enjoyment of other properties in the vicinity.
- f. The impact of the business use upon natural resources.
- g. All other relevant and material factors.

7. No assignment and non-waiver. The business use permit issued pursuant to this section shall be personal to the applicant and shall not be sold, conveyed or transferred, nor shall such a permit be deemed to run with the land. Estoppel, waiver, laches or acquiescence in breach shall not be asserted by the holder against any action taken by the zoning officer pursuant to this ordinance.

8. Revocation of permit and appeal. The zoning officer may revoke the business use permit upon determining that:
 - a. The applicant made a false statement in the application for issuance of the permit, or
 - b. The business use is or has been conducted contrary to that set forth in the application, or
 - c. The business use is or has been conducted contrary to that set forth in the permit, or
 - d. The business use is or has been conducted contrary to the certification contained in the application, or
 - e. A final court judgement has been entered of record finding the business use to be a public nuisance.

The decision of the zoning officer to revoke, or after receipt of a demand to do so, to not revoke a business use permit pursuant to this section may be appealed to the Board of Adjustment as provided in Article XXIII of this Ordinance.

ARTICLE IX/MULTI-FAMILY RESIDENTIAL DISTRICT (R-3)

Section 1. **MULTI-FAMILY RESIDENTIAL DISTRICT.** The intent of the Multi-Family Residential District is to provide for high density residential development of certain areas contiguous to an incorporated area.

Section 2. **PRINCIPAL USES PERMITTED.** Only the uses of structures or land listed in this section shall be permitted in the R-3 District:

- 1) Any use permitted in the R-2 District;
- 2) Multiple dwellings, including row dwellings and condominiums;
- 3) Boarding and rooming houses;
- 4) Institutions of a religious, educational, or philanthropic nature, including libraries and hospitals;
- 5) Nursing, convalescent and retirement homes; and
- 6) Private clubs, lodges, or veterans organizations, except those the principal activity of which is a service customarily carried on as a business.

Section 3. **SPECIAL USES PERMITTED.** The following uses may be permitted in Multi-Family Residential District (R-3) subject to approval by the Board of Adjustment as provided for in Article XXII of this Ordinance:

- 1) Buildings, erected or used by a department of federal, state or local government.

Before the issuance of any such special use permit, the Zoning Commission shall report to the Board of Adjustment regarding the effect of such building, structure or use upon the character of the neighborhood, traffic conditions and other matters relating to the public health, safety and general welfare. The Zoning Commission shall make such report within sixty (60) days after application has been filed.

Section 4. **PERMITTED ACCESSORY USES AND STRUCTURES.** The following accessory uses and structures shall be permitted in the R-3 Residential District:

- 1) Accessory uses and structures permitted in the R-2 District;
- 2) Other accessory uses and structures, not otherwise prohibited, customarily accessory and incidental to any permitted principal use;

- 3) Storage garages for personal belongings and tools relevant to the maintenance of buildings where the lot is occupied by a multiple family dwelling, hospital or institutional building.
- 4) Independent agricultural productive activities including farm animals, but only if controlled so as not to exceed one (1) horse per acre, one (1) feeder cattle per acre, one (1) mature dairy cow per 1.4 acres, two and half (2 1/2) swine (over 55 lbs.) per acre, ten (10) sheep or lambs per acre, and fifty-five (55) turkeys and chickens per acre, or any combination of these or other similar animals and birds that does not exceed the above animal unit multiplier. Such accessory uses must be operated to meet health standards. More restrictive deed restrictions supersede the above standards.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article XVI:(In addition to these bulk regulations, please see Section XVI, Additional Area and Height Regulations)

- 1) Lot Area: One (1) family dwellings - 7,200 square feet;
Two (2) family dwellings - 8,000 square feet;
Multi-family dwellings - 10,000 square feet;
Other permitted uses - 10,000 square feet;
- 2) Lot Area per Dwelling Unit: Row housing and multi-family dwellings - 2,500 square feet;
- 3) Lot Width: One (1) family dwellings - 60 feet;
Two (2) family dwellings - 70 feet;
Row housing - 25 feet per unit;
Multi-family dwellings - 80 feet;
Other permitted uses - 80 feet;
- 4) Front Yard: 30 feet for dwelling units;
35 feet for other permitted uses;
- 5) Side Yards: Dwellings:
1 and 1 1/2 stories - 7 feet on each side;
2 and 2 1/2 stories - 8 feet on each side;
3 stores or more, up to 45 feet high - 10 feet on each side
Street side, corner lot - 25 feet;
Other permitted uses - 30 feet on each side;
- 6) Rear Yard: 30 feet for dwelling units;
35 feet for other permitted uses;
- 7) Maximum Height: No principal building shall exceed forty-five (45) feet in height except additional height may be added at the rate of

one (1) foot in height for each one (1) foot that the building or portion thereof is set back from the required yard lines.

Section 6. OFF-STREET PARKING AND LOADING. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Articles XVII and XVIII.

Section 7. ZONING COMPLIANCE PERMITS REQUIRED. Zoning permits shall be required in accordance with the provisions of Article XX of this Ordinance.

Section 8. BUSINESS USE PERMITS. Business uses not otherwise permitted by this Article may be permitted in a District regulated by this Article only in accordance with this Section 7.

1. Business Use Defined. A "business use" shall be those uses such as (1) Barber shops or beauty parlors; (2) Bicycle repair shops; (3) Carpenter and Cabinet shops; (4) Dance or music studies; (5) Radio, television and household appliance repair shops; (6) Watch and clock repair shops (7) locksmiths and gunsmiths; (8) Photographic studios; (9) Shoe repair shops; (10) Tailor and dress making shops; (11) Automobile, motorcycle, trailer, and farm implement repair shops, but only if controlled so as to limit the number of customer items on the premises visible from the road or adjoining property not to exceed two (2) automobiles, four (4) motorcycles, and two (2) farm implements, (12) storage and delivery businesses, but the number of vehicles maintained on the premises which are used in such business shall not exceed three (3). Such accessory uses must be operated to meet County Health standards. More restrictive deed restrictions supersede the above standard.
2. Application. An application for a business use permit shall be made to the zoning officer upon a form to be supplied by such officer, to include, in addition to such other information as the zoning officer may require, the following:
 - a. Legal description of the land for which the business use permit is sought;
 - b. The name and mailing address of the owner and the applicant;
 - c. The name and address of each adjacent landowner;
 - d. A statement of the exact business use to which the described land is to be put; and
 - e. A certification (1) that the applicant has read, understands and will comply with this Section 7 and all other provision of this Ordinance (ii) that the facts contained in the application are true and (iii) that the business use if granted will be conducted in full compliance with this Ordinance and all other rules and regulations of local, state and federal entities having jurisdiction; and

- f. An approval by the owner if not the applicant.

The application shall be accompanied by a non-refundable fee of twenty-five dollars (\$25.00).

- 3. Procedure. The zoning officer shall, upon receipt of a correctly submitted application make an initial determination as to whether the permit shall be granted, considering the factors contained in paragraph 6 of this Section. If the zoning officer proposes to grant the permit, he or she shall give notice by ordinary mail of the decision to the adjacent landowners.
- 4. Issuance or denial by zoning officer. After fourteen (14) days after mailing the notice to adjacent landowners pursuant to paragraph three (3) above, the zoning officer may issue the business use permit, or may deny the permit. The zoning officer shall give notice of the grant or denial to:
 - a. the applicant; and
 - b. Any adjacent landowner who objected to issuance of the permit.
- 5. Appeal. Any person aggrieved by the decision of the zoning officer may appeal to the Board of Adjustment as provided in Article XXIII of this ordinance.

Provided, however, that the filing fee for an appeal from a decision made pursuant to this Section 7 shall be one hundred dollars (\$100.00).

- 6. Factors to be considered. In considering whether to issue a business use permit, the zoning officer, or Board of Adjustment, as applicable, shall consider:
 - a. The preamble to this ordinance.
 - b. The impact of the business use upon the existing neighborhood character.
 - c. The impact of the business use upon existing traffic patterns, and upon general traffic safety.
 - d. The additional public expense, if any, likely to be caused by the business use.
 - e. The extent to which the business use may interfere with the quiet, peaceful and healthful enjoyment of other properties in the vicinity.
 - f. The impact of the business use upon natural resources.
 - g. All other relevant and material factors.

7. No assignment and non-waiver. The business use permit issued pursuant to this section shall be personal to the applicant and shall not be sold, conveyed or transferred, nor shall such a permit be deemed to run with the land. Estoppel, waiver, laches or acquiescence in breach shall not be asserted by the holder against any action taken by the zoning officer pursuant to this ordinance.

8. Revocation of permit and appeal. The zoning officer may revoke the business use permit upon determining that:
 - a. The applicant made a false statement in the application for issuance of the permit, or
 - b. The business use is or has been conducted contrary to that set forth in the application, or
 - c. The business use is or has been conducted contrary to that set forth in the permit, or
 - d. The business use is or has been conducted contrary to the certification contained in the application, or
 - e. A final court judgement has been entered of record finding the business use to be a public nuisance.

The decision of the zoning officer to revoke, or after receipt of a demand to do so, to not revoke a business use permit pursuant to this section may be appealed to the Board of Adjustment as provided in Article XXIII of this Ordinance.

ARTICLE X/RURAL MOBILE HOME PARK DISTRICT (RMH)

Section 1. RURAL MOBILE HOME PARK DISTRICT (RMH). The intent of the Rural Mobile Home Park District is to provide for certain high density residential areas of the County for the development of mobile home parks, which by reason of their design and location will be compatible with nearby residential and agricultural uses.

Section 2. PRINCIPAL USES PERMITTED. Only the use of structures or land listed in this section shall be permitted in the RMH District.

- 1) Mobile home parks, in accordance with the provisions of this section, regulations of the Clay County Board of Health, and applicable State statutes.
- 2) One (1) and two (2) family dwellings.

Section 3. SPECIAL USES PERMITTED. The following uses may be permitted in the Rural Mobile Home District (RMH) subject to approval by the Board of Adjustment as provided for in Article XXII of this Ordinance:

- 1) Buildings, erected or used by a department of federal, state or local government;
- 2) Schools and semi-public buildings.

Before the issuance of any such special use permit, the Zoning Commission shall report to the Board of Adjustment regarding the effect of such building, structure or use upon the character of the neighborhood, traffic conditions and other matters relating to the public health, safety and general welfare. The Zoning Commission shall make such report within sixty (60) days after application has been filed.

Section 4. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted in the RMH District.

- 1) Accessory uses and structures permitted in the R-3 Residential District;
- 2) Service buildings as required by State statute;
- 3) One indirectly light sign (non-flashing) may be erected facing each public street or road on which the mobile home park faces, showing the name of the mobile home park and other information pertinent thereto; provided that such sign shall not have an area of greater than twenty (20) square feet;
- 4) Sale of mobile homes for use on the premises only, provided that such mobile homes are sited and connected to all utilities.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article XVI.(In addition to these bulk regulations, please see Section XVI, Additional Area and Height Regulations)

- 1) For any permitted use except a mobile home park, the minimum requirements shall be the same as those set out in the R-3 District.
- 2) For any mobile home park the requirements shall be as follows:
 - a) The minimum total area shall be three (3) acres;
 - b) Each yard abutting a public street or road shall be considered a front yard and shall be a minimum of fifty (50) feet;
 - c) All other yards, whether side or rear, shall be a minimum of fifty (50) feet when adjacent to any other residential district and thirty (30) feet when adjacent to any other district;
 - d) The minimum lot space for each mobile home shall be 3,000 square feet exclusive of roadways and common space, and shall measure at least forty (40) by seventy-five (75) feet;
 - e) Mobile homes shall be located on each space so that there will be at least a twenty (20) foot clearance between each mobile home; a five (5) foot open space between the mobile home including any permanently enclosed appendage and any driveway, walkway, or mobile home space boundary; and a ten (10) foot open space at the rear of the mobile home.

Section 6. PLAN REQUIRED. Each petition for change to the RMH zoning classification submitted to the Board of Supervisors shall be accompanied by a mobile home park plan. Such plan shall show each mobile home space, the location of garbage cans, water hydrants, service buildings, driveways, walkways, recreation areas, required yards, parking facilities, lighting and landscaping. In addition, each petition shall certify that provisions will be made to secure or "tie down" mobile homes to guard against wind damage according to specifications of the Board of Supervisors.

Facilities for water supply and sewage treatment shall meet the minimum requirements of the State of Iowa.

The plan shall be considered by the Zoning Commission and who may approve or disapprove the plan or may require such changes thereto, as are deemed necessary to effectuate the intent and purpose of this Ordinance. All changes to the RMH classification shall be made in accordance with the provisions of Article XXI of this Ordinance.

Section 7. ZONING COMPLIANCE PERMITS REQUIRED. Zoning permits shall be required in accordance with the provisions of Article XX of this Ordinance.

Section 8. OFF-STREET PARKING AND LOADING. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Articles XVII and XVIII.

Section 9. ADDITIONAL REQUIREMENTS. Within three (3) years from the effective date of this Ordinance, all mobile homes located with the (RMH) District shall be secured or "tied down" in accordance with specifications of the Board of Supervisors.

ARTICLE XI/LAKE RESIDENTIAL DISTRICT (RL)

Section 1. LAKE RESIDENTIAL DISTRICT (RL). The intent of the Lake Residential District is to provide for residential uses having lake frontage. Because of the special nature of this district, in the event of conflict between regulations of the RL District and other provisions of this Ordinance, the RL District Regulations shall prevail.

Section 2. PRINCIPAL USES PERMITTED. Only the uses of structures or land listed in this section shall be permitted in the RL District:

- 1) Agriculture and usual agricultural buildings and structures; commercial gardening and nurseries;
- 2) One (1) and two (2) family dwellings.

Section 3. SPECIAL USES PERMITTED. The following uses may be permitted in the Lakes Residential District (RL) subject to approval by the Board of Adjustment as provided for in Article XXII of this Ordinance:

- 1) Buildings, erected or used by a department of federal, state or local government;
- 2) Schools and semi-public buildings.

Before the issuance of any such special use permit, the Zoning Commission shall report to the Board of Adjustment regarding the effect of such building, structure or use upon the character of the neighborhood, traffic conditions and other matters relating to the public health, safety and general welfare. The Zoning Commission shall make such report within sixty (60) days after application has been filed.

Section 4. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted in the Lake Residential District:

- 1) A private garage or carport;
- 2) Home occupations;
- 3) One temporary bulletin board or sign not to exceed twelve (12) square feet in area pertaining 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 is completed; and
- 4) Temporary buildings for uses incidental to construction work, which building shall be removed upon completion or abandonment of the construction work.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article XVI;(In addition to these bulk regulations, please see Section XVI, Additional Area and Height Regulations)

- 1) Lot Area: One (1) family dwellings - 5,000 square feet;
Two (2) family dwellings - 7,500 square feet;
- 2) Lot Width: One (1) family dwellings - 49 feet;
Two (2) family dwellings - 49 feet;
- 3) Front Yard: 20 feet,; The front property line shall be the line facing the adjacent street or roadway. Nothing but driveways may project into the required front yard or any lot which has lake frontage along the front of the lot.
- 4) Side Yards: 4 feet
Street side, 20 feet on both sides;
- 5) Rear Yards: 20 feet,;except that a rear yard setback of 5' shall be allowed on lots which have neither lake frontage, nor roadway abutting the rear yard.
- 6) Maximum Height: Principal buildings - 1 1/2 stories or 20 feet, whichever is lower;
Accessory building - 1 story or 12 feet, whichever is lower;
- 7) Shore Line: No building or permanent structure, except a retaining wall designed to protect the shoreline from erosion, shall be located within 20 feet of the "Ordinary High Water Line" of the lake.
- 8) Hedges and Fences: No hedge or fence is allowed except as approved b the Board of Adjstment as a variance of this bulk regulation.

Section 6. OFF-STREET PARKING AND LOADING. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Articles XVII and XVIII.

Section 7. ZONING COMPLIANCE PERMITS REQUIRED. Zoning permits shall be required in accordance with the provisions of Article XX of this Ordinance.

Section 8. BUSINESS USE PERMITS. Business uses not otherwise permitted by this Article may be permitted in a Lake Residential District (RL) only in accordance with this Section 7:

1. Business Use Defined. A "Business Use" shall be businesses primarily serving the recreational needs of residents and visitors to the area such as boat and other

watercraft sales, rental and servicing, cabin rental, bait shop, miniature golf, snack shop, game room and souvenir shop.

2. Application. An application for a business use permit shall be made to the zoning officer upon a form to be supplied by such officer, to include, in addition to such other information as the zoning officer may require, the following:
 - a. Legal description of the land for which the business use permit is sought;
 - b. The name and mailing address of the owner and the applicant;
 - c. The name and address of each adjacent landowner;
 - d. A statement of the exact business use to which the described land is to be put; and
 - e. A certification (1) that the applicant has read, understands and will comply with this Section 7 and all other provision of this Ordinance (ii) that the facts contained in the application are true and (iii) that the business use if granted will be conducted in full compliance with this Ordinance and all other rules and regulations of local, state and federal entities having jurisdiction; and
 - f. An approval by the owner if not the applicant.

The application shall be accompanied by a non-refundable fee of twenty-five dollars (\$25.00).

3. Procedure. The zoning officer shall, upon receipt of a correctly submitted application make an initial determination as to whether the permit shall be granted, considering the factors contained in paragraph 6 of this Section. If the zoning officer proposes to grant the permit, he or she shall give notice by ordinary mail of the decision to the adjacent landowners.
4. Issuance or denial by zoning officer. After fourteen (14) days after mailing the notice to adjacent landowners pursuant to paragraph three (3) above, the zoning officer may issue the business use permit, or may deny the permit. The zoning officer shall give notice of the grant or denial to:
 - a. the applicant; and
 - b. Any adjacent landowner who objected to issuance of the permit.
5. Appeal. Any person aggrieved by the decision of the zoning officer may appeal to the Board of Adjustment as provided in Article XXIII of this ordinance.

Provided, however, that the filing fee for an appeal from a decision made pursuant to this Section 7 shall be one hundred dollars (\$100.00).

6. Factors to be considered. In considering whether to issue a business use permit, the zoning officer, or Board of Adjustment, as applicable, shall consider:
 - a. The preamble to this ordinance.
 - b. The impact of the business use upon the existing neighborhood character.
 - c. The impact of the business use upon existing traffic patterns, and upon general traffic safety.
 - d. The additional public expense, if any, likely to be caused by the business use.
 - e. The extent to which the business use may interfere with the quiet, peaceful and healthful enjoyment of other properties in the vicinity.
 - f. The impact of the business use upon natural resources.
 - g. All other relevant and material factors.
7. No assignment and non-waiver. The business use permit issued pursuant to this section shall be personal to the applicant and shall not be sold, conveyed or transferred, nor shall such a permit be deemed to run with the land. Estoppel, waiver, laches or acquiescence in breach shall not be asserted by the holder against any action taken by the zoning officer pursuant to this ordinance.
8. Revocation of permit and appeal. The zoning officer may revoke the business use permit upon determining that:
 - a. The applicant made a false statement in the application for issuance of the permit, or
 - b. The business use is or has been conducted contrary to that set forth in the application, or
 - c. The business use is or has been conducted contrary to that set forth in the permit, or
 - d. The business use is or has been conducted contrary to the certification contained in the application, or
 - e. A final court judgement has been entered of record finding the business use to be a public nuisance.

The decision of the zoning officer to revoke, or after receipt of a demand to do so, to not revoke a business use permit pursuant to this section may be appealed to the Board of Adjustment as provided in Article XXIII of this Ordinance.

ARTICLE XII/GENERAL COMMERCIAL DISTRICT (C-1)

Section 1. GENERAL COMMERCIAL DISTRICT (C-1). The intent of the General Commercial District is to provide for the normal business and commercial uses required to serve the general needs of the rural areas of the county, and should be located in close proximity to an incorporated area.

Section 2. PRINCIPAL USES PERMITTED. Only the use of structures or land listed in this section shall be permitted in the C-1 District:

- 1) Any retail business or service establishment such as the following:
 - a) Animal hospitals or veterinary clinics provided that all phases of the business conducted upon the premises be within a building where noises and odors are not evident to adjacent properties;
 - b) Antique shops;
 - c) Apparel shops;
 - d) Amusement places;
 - e) Bakeries and candy shops whose products are sold at retail and only on the premises;
 - f) Barber shops and beauty parlors;
 - g) Banks, savings and loan associations and similar financial institutions;
 - h) Bicycle shops - sales and repairs;
 - i) Bookstores;
 - j) Camera stores;
 - k) Carpenter and cabinet shops;
 - l) Dairy stores - retail;
 - m) Dance or music studios;
 - n) Department stores;
 - o) Drug stores;
 - p) Electric, radio and television sales and repair shops;

- q) Funeral homes and mortuaries;
- r) Furniture stores;
- s) Gasoline service stations;
- t) Gift shops;
- u) Grocery stores, delicatessens and fruit and vegetable markets;
- v) Hardware stores;
- w) Household appliances - sales and repairs;
- x) Jewelry stores and watch repair shops;
- y) Launderettes, coin-operated dry cleaning establishments and dry cleaning or pressing establishments using only non-flammable solvents;
- z) Locksmiths and gunsmiths;
- aa) Locker plants for storage and retail sales only;
- bb) Leather goods stores;
- cc) Music stores;
- dd) Office buildings; collection office of public utilities;
- ee) Parking lots in accordance with the provisions of Article XVIII;
- ff) Photographic studios;
- gg) Paint and wallpaper stores;
- hh) Post office substations;
- ii) Restaurants, cafes or like establishments;
- jj) Shoe repair shops;
- kk) Sporting goods stores;
- ll) Tailor and dressmaking shops;
- mm) Taverns and night clubs;

- nn) Theaters, except open-air drive-in theaters;
- oo) Variety stores;
- 3) Combinations of the above uses;
- 4) Hospitals, medical and dental clinics;
- 5) Business or professional offices including the following:
 - a) Physician's offices;
 - b) Dental offices;
 - c) Chiropractic offices;
 - d) Optometrist's offices;
 - e) Law offices;
 - f) Engineering or architectural offices;
 - g) Real estate, insurance, accounting, bookkeeping or similar offices.
- 6) Outdoor advertising signs and billboards subject to the following:
 - a) Outdoor advertising signs and billboards shall comply with all state and federal regulations;
 - b) No sign or billboard shall be permitted which faces the front or side lot lines of any lot in any residential district used for residential purposes within one hundred (100) feet of such lot lines;
 - c) No sign or billboard which faces any public parkway, public square or entrance to any public park, public or parochial school, churches or cemetery or similar institution shall be permitted within three hundred (300) feet thereof;
 - d) Where the total contiguous area of the commercial district in which the sign or billboard is to be located is less than ten (10) acres in area, exclusive of streets and alleys, prior recommendation must be obtained from the County Zoning Commission and approval granted by the Board of Supervisors; and
 - e) No sign or billboard shall be permitted where the majority of buildings in a block are exclusively residences on both sides of the street or road.

Section 3. SPECIAL USES PERMITTED. The following uses may be permitted in the General Commercial District (C-1) subject to approval by the Board of Adjustment as provided for in Article XXII of this Ordinance:

- 1) Buildings, erected or used by a department of federal, state or local governments;
- 2) Kennels;
- 3) Schools and semi-public buildings

Before the issuance of any such special use permit, the Zoning Commission shall report to the Board of Adjustment regarding the effect of such building, structure or use upon the character of the neighborhood, traffic conditions and other matters relating to the public health, safety and general welfare. The Zoning Commission shall make such report within sixty (60) days after application has been filed.

Section 4. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted in the C-1 Commercial District:

- 1) Storage of merchandise incidental to the principal use, but not to exceed forty (40) percent of the floor area used for such use;
- 2) Exterior signs located on the street frontages of principal buildings referring only to a use or uses located within the building and attached or integral thereto, provided that:
 - a) Such signs shall not have an aggregate surface area in excess of twenty-five (25) percent of the total surface area of the building elevation to which they are attached;
 - b) Signs which project out from the building more than eighteen (18) inches must be at least twelve (12) feet above grade and may project a maximum of six (6) feet; and
 - c) No sign shall project more than four (4) feet above the roof line or parapet when one exists.
- 3) One (1) free standing or post sign referring only to a use or uses conducted on the premises may be erected in any yard abutting a public street, provided that:
 - a) Such signs shall not have a surface area in excess of forty (40) square feet on any one (1) side and that not more than two (2) sides of such signs shall be used for advertising purposes; and

- b) The bottom of the surface area of such signs shall not be less than twelve (12) feet above grade.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article XVI:(In addition to these bulk regulations, please see Section XVI, Additional Area and Height Regulations)

- 1) Lot Area: No minimum lot area required for permitted uses;
- 2) Lot Width: No minimum lot width required for any permitted uses;
- 3) Front Yard: 24 feet;
- 4) Side Yard: No minimum side yard required for any permitted uses, except when adjoining any residential district, in which case the side yard shall be ten (10) feet;
- 5) Rear Yard: 40 feet;
- 6) Maximum Height: No building shall exceed two (2) stories or thirty (30) feet, whichever is lower.

Section 6. OFF-STREET PARKING AND LOADING. Spaces for off-street parking and loading shall be provided in accordance with provisions of Articles XVII and XVIII.

Section 7. ZONING COMPLIANCE PERMITS REQUIRED. Zoning permits shall be required in accordance with the provisions of Article XX of this Ordinance.

ARTICLE XIII/HIGHWAY SERVICE COMMERCIAL DISTRICT (C-2)

Section 1. HIGHWAY SERVICE COMMERCIAL DISTRICT (C-2). The Highway Service Commercial District is intended to provide for the general commercial needs of the highway traveling public. It is intended that this district be located only along major transportation routes or in close proximity of an incorporated area.

Section 2. PRINCIPAL USES PERMITTED. Only the use of structures or land listed in this section shall be permitted in the C-2 District:

- 1) Any use permitted in the C-1 District;
- 2) Retail, service or recreational uses, such as the following:
 - a) Automobile, motorcycle, trailer and farm implement establishments for display, hire, sales (including sales lots), including as incidental to these major uses all repair work in connection with their own customers' vehicles. In addition, this paragraph shall not be construed to include automobile, tractor or machinery wrecking and rebuilding and used parts yards;
 - b) Animal hospitals, veterinary clinics or kennels; providing that all buildings and exercise runs shall be at least two hundred (200) feet from any residential district and one hundred (100) feet from any property line;
 - c) Ballrooms and dance halls;
 - d) Billiard parlors and pool halls;
 - e) Bowling alleys;
 - f) Clothes dry cleaning and/or dyeing establishments, including those using flammable cleaning fluids with a flash point higher than 100 degrees F.;
 - g) Commercial recreation facilities such as swimming pools, skating facilities, golf driving ranges, miniature golf courses, or similar recreational uses and facilities;
 - h) Gasoline service stations, including minor automobile repairs as an accessory but not principal use;
 - i) Gift and souvenir shops;
 - j) Hotels and Motels;
 - k) Restaurants, including drive-in restaurants;

- l) Laundries and laundrettes;
- m) Taverns, bars and night clubs;

Section 3. SPECIAL USES PERMITTED. The following uses may be permitted in the Highway Service Commercial District (C-2) subject to approval by the Board of Adjustment as provided for in Article XXII of this Ordinance:

- 1) Buildings, erected or used by a department of federal, state or local governments;
- 2) Kennels;
- 3) Schools and semi-public buildings

Before the issuance of any such special use permit, the Zoning Commission shall report to the Board of Adjustment regarding the effect of such building, structure or use upon the character of the neighborhood, traffic conditions and other matters relating to the public health, safety and general welfare. The Zoning Commission shall make such report within sixty (60) days after application has been filed.

Section 4. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted in the C-2 Commercial District;

- 1) Accessory uses permitted in the C-1 District;

Section 5. BULK REGULATIONS. The following requirements shall be observed subject to the modifications contained in Article XVI:(In addition to these bulk regulations, please see Section XVI, Additional Area and Height Regulations)

- 1) Lot Area: Hotels and Motels - 1 acre
Other permitted uses - No minimum required;
- 2) Lot Area per Dwelling Unit: Hotels and Motels - 1,500 square feet
Other permitted uses - No minimum requirement;
- 3) Lot Width: Hotels and Motels - 100 feet
Other permitted uses - No minimum required;
- 4) Front Yard: Hotels and Motels - 25 feet
Other permitted uses - No minimum required
- 5) Side Yards: Hotels and Motels - 20 feet on each side
Other permitted uses - None, except adjacent to residential districts, in which case not less than twenty-five (25) feet;

- 6) Rear Yard: Hotels and Motels - 40 feet
Other permitted uses - 25 feet;
- 7) Maximum Height: No building shall exceed three (3) stories or forty-eight (48) feet in height, whichever is lower.

Section 6. OFF-STREET PARKING AND LOADING. Spaces for off-street parking and loading shall be provided in accordance with the provision of Articles XVII and XVIII.

Section 7. ZONING COMPLIANCE PERMITS REQUIRED. Zoning permits shall be required in accordance with the provisions of Article XX of this Ordinance.

ARTICLE XIV/LIGHT INDUSTRIAL DISTRICT (I-1)

Section 1. LIGHT INDUSTRIAL DISTRICT (I-1). The Light Industrial District is intended to provide areas of the county suitable for activities and uses of a light industrial nature and located adjacent to or in close proximity of an incorporated area. It is not intended that any new residential development be permitted in the I-1 District.

Section 2. PRINCIPAL USES PERMITTED. Only the uses of structures or land listed in this section shall be permitted in the I-1 District:

- 1) Any use permitted in the C-1 and C-2 Districts, except new schools, hospitals, clinics or other institutions for human care;
- 2) Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust;
- 3) Bakeries, other than those whose products are sold at retail only on the premises;
- 4) Carting, express, hauling or storage yards;
- 5) Concrete mixing and concrete products; coal yards;
- 6) Contractors' equipment storage yard, rental of equipment to contractors, storage yard for delivery vehicles;
- 7) Creamery, dairy, bottling works, ice cream manufacturing (wholesale), ice manufacturing and cold storage plants;
- 8) Enameling, lacquering or japanning;
- 9) Flammable liquids, underground storage only, not to exceed 50,000 gallons or 25,000 gallons if located within two hundred (200) feet of any residential district;
- 10) Laboratories - experimental, film or testing;
- 11) Machine shops;
- 12) Manufacture of musical instruments and novelties;
- 13) Manufacture or assembly of electrical appliances, instruments and devices;
- 14) Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas;
- 15) Manufacture and repair of electric signs, advertising structures, sheet metal products, including heating and ventilating equipment;

- 16) Manufacture of wood products not involving chemical treatment, including sawmills and planing mills;
- 17) The manufacture, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals and food products, except fish and meat products, cereals, sauerkraut, vinegar, yeast, stock feed, flour and the rendering or refining of fats and oils;
- 18) The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared material such as bone, cloth, cork, fiber, leather, paper, plastics, metals or stones, tobacco, wax, yarns and woods;
- 19) Storage and sale of livestock feed and grain providing that dust is effectively controlled; storage and sale of liquid or solid fertilizers;
- 20) Truck terminals or yards;
- 21) Welding or other metal working shops;
- 22) Wholesale storage and warehouse establishments

Section 3. SPECIAL USES PERMITTED. The following uses may be permitted in the Light Industrial District (I-1) subject to approval by the Board of Adjustment as provided for in Article XXII of this Ordinance:

- 1) Buildings, erected or used by a department of federal, state or local governments;
- 2) Kennels;
- 3) Wind Towers, etc.

Before the issuance of any such special use permit, the Zoning Commission shall report to the Board of Adjustment regarding the effect of such building, structure or use upon the character of the neighborhood, traffic conditions and other matters relating to the public health, safety and general welfare. The Zoning Commission shall make such report within sixty (60) days after application has been filed.

Section 4. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted in the I-1 District:

- 1) Signs as permitted in and as limited by provisions of the C-1 Commercial District;
- 2) Accessory uses as customarily incidental and subordinate to a permitted principal use.

Section 5. **REQUIRED CONDITIONS.** No use may 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 vibrations, refuse matter or water-carried waste. All facilities required for the discharge, collection, and treatment of liquid, solid or gaseous waste shall be designed, constructed and operated in accordance with the regulations of the Iowa Department of Natural Resources.

Section 6. **BULK REGULATIONS.** The following minimum requirements shall be observed subject to the modifications contained in Article XVI:(In addition to these bulk regulations, please see Section XVI, Additional Area and Height Regulations)

- 1) Front Yard: Forty (40) feet;
- 2) Side Yards: None required except adjacent to residential districts in which case not less than twenty-five (25) feet;
- 3) Rear Yards: Ten (10) feet, except adjacent to residential districts in which case not less than twenty-five (25) feet;
- 4) Maximum Height: No structure shall exceed in height the distance measured to the center line of the nearest street from any portion of the proposed building or structure, and when adjacent to a residential district there shall be a set-back from the residential district equal to the height of the building above thirty (30) feet plus the appropriate district yard requirement.

Section 7. **OFF-STREET PARKING AND LOADING.** Spaces for off-street parking and loading shall be provided in accordance with the provisions of Articles XVII and XVIII.

Section 8. **ZONING COMPLIANCE PERMITS REQUIRED.** Zoning permits shall be required in accordance with the provisions of Article XX of this Ordinance.

ARTICLE XV/HEAVY INDUSTRIAL DISTRICT (I-2)

Section 1. HEAVY INDUSTRIAL DISTRICT (I-2). The intent of the Heavy Industrial District is to provide for areas of the County for activities and uses of a heavy industrial character.

Section 2. PRINCIPAL USES PERMITTED. Only the use of structures or land listed in this section shall be permitted in the I-2 District. A building or premises may be used for any purpose whatsoever provided the regulations listed in subsections 1, 2, and 3 below are met:

- 1) Any uses permitted in the I-1 District;
- 2) No zoning permit shall be issued for any dwelling, school, hospital, clinic or other institution for human care, except where incidental to a permitted principal use;
- 3) The following use and uses of a like or similar nature shall be considered permitted uses only in the Heavy Industrial District. No zoning permit shall be issued for any of the following uses until and unless the location of such use and suitable enclosure shall have been recommended by the Zoning Commission and approved by the Board of Supervisors after normal public hearing procedures:
 - a) Abattoirs, slaughter houses, meat packing plants and stock yards;
 - b) Acid manufacture or wholesale storage of acids;
 - c) Automobile, tractor, or machinery wrecking and used parts sales, provided that any wrecking operation is carried on within a building completely enclosed with walls and roof, or within a yard completely enclosed with a wall or fence, reasonably, maintained, at least six (6) feet high completely obscuring the activity. There shall be only one (1) opening in the wall or fence facing any public street for every two hundred (200) feet of length;
 - d) Cement, lime, gypsum or plaster of Paris manufacture;
 - e) Distillation of bones;
 - f) Explosive manufacture or storage;
 - g) Fat rendering;
 - h) Fertilizer manufacture including anhydrous ammonia storage;
 - i) Garbage, offal or dead animal reduction or dumping;
 - j) Gas manufacturing and cylinder recharging;
 - k) Glue, size or gelatin manufacture

- l) Junk, iron or rags, storage or baling, and waste paper yards, where the premises upon which such activities are conducted are wholly enclosed within a building, wall or fence not less than six (6) feet in height, completely obscuring the activity;
- m) Petroleum or its products, refining or wholesale storage of, and asphalt plants;
- n) Rubber goods manufacture;
- o) Smelting of tin, copper, zinc or iron ores;
- p) Transmitting stations;
- q) Wholesale storage of gasoline or other flammable liquids.
- r) Wind Towers, Windmills, Wind Energy Conversion Systems (WECS) or similar types of structures.
- s) Mining, extraction and sales of minerals and raw materials, including sand and gravel pits, temporary asphalt and Portland cement plants;

Section 3. SPECIAL USES PERMITTED. The following uses may be permitted in the Heavy Industrial District (I-2) subject to approval by the Board of Adjustment as provided for in Article XXII of this Ordinance:

- 1) Buildings, erected or used by a department of federal, state or local governments;

Before the issuance of any such special use permit, the Zoning Commission shall report to the Board of Adjustment regarding the effect of such building, structure or use upon the character of the neighborhood, traffic conditions and other matters relating to the public health, safety and general welfare. The Zoning Commission shall make such report within sixty (60) days after application has been filed.

Section 4. REQUIRED CONDITIONS.

- 1) The best practical means available for the disposal of refuse matter or water-carried waste, the abatement of noxious or offensive odors, dust, smoke, gas, noise or similar nuisance shall be employed.
- 2) All facilities required for the discharge, collection and treatment of liquid, solid or gaseous wastes shall be designed, constructed and operated in accordance with regulations of the Iowa Department of Natural Resources.

- 3) All principal or accessory structures housing a use permitted only in the I-2 District shall be located at least two hundred (200) feet from any residential district and one hundred (100) feet from any other district except an I-1 District.

Section 5. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted in the I-2 Industrial District:

- 1) Signs as permitted in and as limited by provisions of the C-1 commercial District, except that signs may extend up to fifteen (15) feet above the roof line or parapet where one exists; and
- 2) Accessory uses as customarily incidental and subordinate to a permitted principal use.

Section 6. BULK REGULATIONS. The following requirements shall be observed subject to modifications contained in Article XVI:(In addition to these bulk regulations, please see Section XVI, Additional Area and Height Regulations)

- 1) Front Yard: Fifty (50) feet;
- 2) Side Yards: No side yard is required, except all principal buildings or structures including loading facilities shall be located at least two hundred (200) feet from any residential district boundary and not less than one hundred (100) feet from any other district boundary except the I-1 District;
- 3) Rear Yard: Same as side yards;
- 4) Maximum Height: Same as required in the I-1 Light Industrial District.

Section 7. OFF-STREET PARKING AND LOADING. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Articles XVII and XVIII.

Section 8. ZONING COMPLIANCE PERMITS REQUIRED. Zoning permits shall be required in accordance with the provisions of Article XX of this Ordinance.

ARTICLE XVI/ADDITIONAL AREA AND HEIGHT REGULATIONS

Section 1. ADDITIONAL AREA AND HEIGHT REGULATIONS. The regulations set forth in this Article qualify, supplement or modify the area and height regulations set forth elsewhere in this Ordinance.

Section 2. AREA AND YARD REQUIREMENTS.

- 1) In any district in which residences are permitted and where neither public water supply nor public sanitary sewer is available, the lot area and width requirements shall be either the minimum required for the particular district or as follows, whichever is greater:
 - a) Lot area - 20,000 square feet; lot width one hundred (100) feet; however where a public water supply is available these requirements shall be 15,000 square feet and eighty (80) feet respectively.
 - b) The above requirements shall not apply in subdivision developments providing private water supply and sewage collection and disposal systems which have been approved by the Iowa Department of Natural Resources.
- 2) Visibility at Intersections: On a corner lot in any district, no fence, wall, hedge, tree or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the center line grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed, by connecting the right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines.
- 3) The ordinary projections from buildings including eaves, sills, cornices, or other similar architectural features (but not including uncovered patios, uncovered car ports, or other concrete slab structures) may project or extend not more than three (3) feet into a required yard.
- 4) Buildings on through lots, extending from street to street shall provide the required front yard on both streets.
- 5) Accessory buildings and uses customarily incidental to that of the main building may be erected or established upon any lot or tract of land, provided they comply with the following:
 - a) Accessory buildings which are not a part of the main building may be built in a rear yard within five (5) feet of the rear lot line and within three (3)

feet of the side lot line, but shall not occupy more than thirty-five (35) percent of the rear yard.

- b) If any portion of a detached accessory building is within a side yard of a main building on the same lot, such detached accessory building shall not be nearer to the side lot line, but shall not occupy more than thirty-five (35) percent of the rear yard.
 - c) No detached accessory building is permitted within the limits of a front yard.
 - d) No detached accessory building may be placed in any rear yard or any side yard so that any part of such building is nearer the street line than is permitted for a wall of the main building on the same lot.
 - e) No accessory building shall be used for dwelling purposes.
 - f) In the R-2 and R-3 Districts not more than one (1) vehicle housed in a private garage may be a commercial vehicle or of more than three (3) tons capacity, and not more than three (3) spaces in a private garage may be leased to persons other than the residents on the premises.
 - g) An open unenclosed porch or deck may project into a front yard(except in RL District) for a distance not exceeding ten (10) feet.
- 6) Hedges and Fences: Fences and hedges in residential districts (Except RL District) within three (3) feet of lot lines shall not exceed four (4) feet in height in any required front yard, and shall not exceed seven (7) feet in height in any required side or rear yard, subject to further restrictions of Section 1 above. Fences in excess of seven (7) feet will be allowed in the cases of tennis courts and swimming pools, subject to further restrictions of Section 1 above.

Section 3. HEIGHT REQUIREMENTS. The building height limitations of this Ordinance shall be modified as follows:

- 1) Chimneys, cooling towers, elevator bulk-heads, fire towers, monuments, ornamental towers and spires, radio or television or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted regulations of Clay County; provided, however, that no structure including the above shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of any public airport.

ARTICLE XVII/PARKING REGULATIONS

Section 1. PARKING REGULATIONS. 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; however, no parking area required hereunder shall be less than one thousand (1,000) square feet in area except in the case of dwellings and retail stores and shops having less than one thousand (1,000) square feet:

- 1) Automobile sales and service garages - fifty (50) percent of gross floor area.
- 2) Banks, clinics, business and professional offices - seventy-five (75) percent of gross floor area, but in no case less than (10) spaces.
- 3) Bowling alleys - five (5) spaces for each lane.
- 4) Churches - one (1) space for each six (6) seats in the principal auditorium.
- 5) Dance halls, assembly halls - two hundred (200) percent of floor area used for dancing or assembly.
- 6) Dwellings - two (2) spaces for each family or dwelling unit.
- 7) Funeral homes and mortuaries - one (1) parking space for every five (5) seats in the principal auditorium.
- 8) Furniture and appliance stores, household equipment or furniture repair shops - one hundred (100) percent of gross floor area.
- 9) Hospitals - one (1) space for each four (4) beds.
- 10) Hotels, motels, lodging houses - one (1) space for each bedroom.
- 11) Manufacturing plants - one (1) parking space for each three (3) employees on the maximum working shift.
- 12) Mobile home parks - two (2) spaces for each mobile home lot.
- 13) Nursing, convalescent and retirement homes - one (1) space for each eight (8) beds, plus one (1) space for each three (3) employees, plus one (1) space for each resident staff.
- 14) Restaurants, taverns and night clubs - two hundred (200) percent of gross floor area.
- 15) Retail shops, stores, supermarkets, etc. over two thousand (2,000) square feet of floor area - two hundred fifty (250) percent of gross floor area.

- 16) Retail stores, shops, supermarkets, etc. under two thousand (2,000) square feet of floor area - one hundred (100) percent of gross floor area.
- 17) Schools - one (1) space for each six (6) seats in the principal auditorium. Where no auditorium is involved, one (1) space for each staff member.
- 18) Sports arenas, auditoriums (other than in schools) - one (1) space for each four (4) seats.
- 19) Theaters, assembly halls with fixed seats - one (1) space for each five (5) seats.
- 20) Wholesale establishments or warehouses - one (1) space for each two (2) employees, but in no case less than one (1) space for each one thousand (1,000) square feet of gross floor area.

Where the use of building, structure or premises is not specifically mentioned herein, the provisions for a similar use shall apply.

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 or residential district, except where serving a permitted use in an agricultural or residential district.

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 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 including any commercial parking lot, of more than five (5) spaces shall be surfaced with an asphaltic or Portland cement binder pavement or similar surface, as approved by the County Engineer, so as to provide a durable and dustless 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.

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 spaced, 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 residential district.

ARTICLE XVIII/OFF-STREET LOADING SPACES REQUIRED

Section 1. OFF-STREET LOADING SPACES REQUIRED. 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 a residential district, it shall be set back five (5) feet and be effectively screen-planted.

ARTICLE XIX/NON-CONFORMING USES

Section 1: INTENT. It is the intent of this ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

It is recognized that there exists within the districts established by this ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments.

Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming uses of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.

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

Section 2. NON-CONFORMING USES. Within the various district established by this Ordinance or amendments that may later be adopted there exists 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 provisions of this Ordinance. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that such non-conformities shall not be enlarged upon, expanded, or extended.

Section 3. NON-CONFORMING USES OR STRUCTURES IN ANY "A", "FPC" OR "R" DISTRICTS. No existing structure or premises devoted to a use not permitted by this Ordinance in the district in which such structure or premises is located, except when required by law, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is

changed to a use permitted in the district in which such structure or premises is located, except as follows:

- 1) Substitution. If no structural alterations are made, a non-conforming use of a structure may be changed to another non-conforming use of the same or more restrictive classification. Whenever a non-conforming use has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.
- 2) Discontinuance. In the event that a non-conforming use of any structure or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

Section 4. NON-CONFORMING USES OR STRUCTURES IN ANY DISTRICT OTHER THAN AN "A", "FPC" OR "R" DISTRICTS. The regulations described in Section 2, Subsection 1 above shall also apply to this section with the following exceptions:

- 1) Structural Alterations and Enlargements. Any building in districts other than an "A", "FPC" or "R" Districts devoted to a use made non-conforming by this Ordinance may be structurally altered or enlarged in conformity with the lot area, lot width, yard and height requirements of the district in which situated, 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 prior to the effective date of this Ordinance. In the event of such structural alteration or enlargement of structures, the premises involved may not be used or any non-conforming use other than the use existing on the effective date of this Ordinance, other provisions of this Ordinance notwithstanding.
- 2) Discontinuance. In the event that a non-conforming use of any structure or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

Section 5. REPLACING DAMAGED BUILDINGS. Any non-conforming building or structure damaged more than sixty (60) percent of its replacement value exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot or Act of God shall not be restored or reconstructed and used as before such happening, but if less than sixty (60) percent damaged above the foundation, it may be restored, reconstructed, or used as before provided that it be started within one (1) year of such happening.

Section 6: USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES. Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action, be deemed a conforming use in such district.

Section 7: CHANGE OF TENANCY OR OWNERSHIP. There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination.

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

ARTICLE XX/ENFORCEMENT

Section 1: ADMINISTRATIVE OFFICER. The purpose of this Section is to confirm the existing Zoning Administrative Officer, and it shall be the duty of said officer to enforce this Ordinance. Such officer may be a person holding other appointive office in the County, or in another governmental agency.

Section 2: ZONING COMPLIANCE. 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 permit is issued by the Zoning Administrative Officer, 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 Administrative Officer. No permit shall be issued to make a change unless the changes are in conformity with provisions of this Ordinance.

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

Section 3: APPLICATION FOR COMPLIANCE PERMIT. Compliance permits shall be obtained from the Zoning Administrative Officer before starting or proceeding with the erection, construction, moving into, or the structural alteration of a building or structure, including billboards. Permits shall be kept on file in the office of the Zoning Administrative Officer, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. Compliance permits shall be issued to complying applicants within seven (7) days after application is made.

Section 4: PLATS. Each application for a compliance permit shall be accompanied by a plat in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, the dimensions of the required yards, parking and open spaces, and such other information as may be necessary to provide for the enforcement of this ordinance. This shall include sketches of the proposed water supply and sewage disposal systems which would conform with the Iowa Administrative Code.

Section 5: CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS AND PERMIT. Compliance permits issued on the basis of plans and applications, approved by the Zoning Administrative Officer, authorize only that use, arrangement and construction. Use, arrangement and construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided by Article XXIV.

Section 6: FEES. Fees for the issuance of compliance permits shall be payable to the County treasurer at the time of application. Fees shall be determined by the following schedule:

Zoning Compliance Permit Fees for Residences

Including Additions

<u>Square Feet in Structure</u>	<u>Fee</u>
< 500 Sq. Ft.	\$25.00
500 - 1000	\$50.00
1001 - 1500	\$75.00
1501 - 2000	\$100.00
2001 - 2500	\$125.00
2501 - 3000	\$150.00
3001 - 3500	\$175.00
3501 - 4000	\$200.00
4001 - 4500	\$225.00
>4500	\$250.00

For attached garages include 1/2 of the square footage

<u>Value of Structure, Building or Addition Other than for Residences</u>	<u>Fee</u>
\$0 to \$50,000	\$25.00
\$50,000 to \$100,000	\$50.00
\$100,000 to \$500,000	\$100.00
\$500,000 to \$10,000,000	\$200.00 per million or fraction thereof
Greater than \$10,000,000	\$2,000.00

If application for a compliance permit is made after starting construction, erection, moving in, or structurally altering a building or structure, the fee for said permit shall be equal to two (2) times the amount provided in the above schedule. If application for compliance permit is made after completion of construction, erection, moving in, or structurally altering, the fee for said permit shall be five (5) times the amount provided in the above schedule. This permit fee shall be in addition to any penalty imposed under Article XXV of this Ordinance.

Section 7: SPECIAL EXCEPTIONS. A compliance permit for a special exception may be issued by the Administrative Officer after review by the Planning and Zoning Commission and upon order of the Board of Adjustment.

ARTICLE XXI/AMENDMENT

Section 1. AMENDMENTS. The Board of Supervisors may, from time to time, on its own action or on petition, after public notice and hearings as provided by law; and after report by the County Zoning Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all members of the Board of Supervisors.

Section 2. PROCEDURES. Petitions requesting such changes or amendment shall clearly describe the property and its boundaries as to which the change or amendment is desired. Action can be initiated by one of the following means:

- 1) The Board of Supervisors may initiate action itself;
- 2) The County Zoning Commission may recommend to the board of Supervisors; or
- 3) Affected persons, firms or corporations may submit a petition to the Board of Supervisors.

Whenever any person, firm or corporation desires that any amendment or change be made in this Ordinance, including the text and/or map, as to any property in the County, there shall be presented to the board of Supervisors a petition requesting such change or amendment. Such petition shall be duly signed by the owners of at least fifty (50) percent of the area of all real estate included within boundaries of said tract as described in the petition or that area lying immediately adjacent to said tract but within five hundred (500) feet of the boundaries thereof. Said petition shall contain a legal description of the area for which rezoning is requested, the existing zoning classification and the requested zoning classification. Within thirty (30) days after the filing of such petition, the County Board of Supervisors acting as a Board or through its Chairman, or other authorized agent, shall fix a time, date, and place of hearing on said petition which date shall be no more than sixty (60) days after the filing of said petition. Notice of said hearing shall be published in a newspaper of general circulation with the County at no more less than four (4), nor more than twenty (20) days before the date fixed for such hearing. Such notice shall contain the time, date and place of the hearing, the existing zoning classification, the requested zoning classification and the name of the petitioner or petitioners.

Prior to voting or holding a public hearing upon the petition as submitted, the Board of Supervisors shall refer the petition to the County Zoning Commission requesting their comments and recommendations. The Commission, after public hearing, shall advise the Board of Supervisors of their recommendations and the vote thereon.

In case the proposed amendment, supplement or change be disapproved by the County Zoning Commission, or a protest be presented duly signed by the owners of twenty (20) percent or more of the area included in such proposed change, or, of the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such amendment shall not become effective except by the favorable vote of at least sixty (60) percent of all the members of the Board of Supervisors.

Whenever any petition for an amendment, supplement or change of the zoning districts or regulations herein contained or subsequently established shall have been denied by the Board of Supervisors, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the Board of Supervisors until six (6) months shall have elapsed from the date of filing of the first petition.

Section 3. FILING FEE. Before any action shall be taken as provided in this section, the petitioner or petitioners seeking the change in districts or regulations shall pay to the County Treasurer the sum of one hundred (\$100.00) dollars to cover the costs of the procedure. Under no circumstances shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

ARTICLE XXII/SPECIAL EXCEPTION USES

Section 1: PROCEDURES AND REQUIREMENTS. Allowable special exception uses may be permitted, enlarged, or altered upon application for a special exception use permit in accordance with the rules and procedures of the Board of Adjustment. The Board of Adjustment will grant or deny a special exception use permit in accordance with the standards set forth herein and with the intent and purpose of this Ordinance, In granting a special exception use permit, the Board of Adjustment will authorize the issuance of a special exception use permit and may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the special exception use permit.

Section 2: APPLICATION FOR SPECIAL EXCEPTION USE PERMIT. An application for a special exception use permit may be initiated by a property owner or his authorized agent by filing an application with the Zoning Administrator upon forms prescribed for the purposes. The application shall be accompanied by a form which shows the names and last known addresses of the owners of all property within 500 feet of the property for which the special exception use is requested, a site plan and other such plans and data showing the dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standards set forth herein. The application shall also be accompanied by a fee of one hundred (\$100.00) dollars, which is subject to change by amendment of this Ordinance.

No application for a special exception use permit shall be filed with or considered by the Board of adjustment until the expiration of one (1) year from and after final action denying a previous identical or substantially identical application. The one (1) year period shall begin on the date of final board action denying the application, or on the date of entry of a final court judgment affirming board action denying the application from which no appellate review is taken or can be taken, whichever shall last occur. The filing fee for all second and subsequent applications for a special exception use permit shall, in addition to the basic fee of one hundred (\$100.00) dollars, be one hundred (\$100.00) dollars, for a total of two hundred (\$200.00) dollars.

Section 3: PROCEDURE. A special exception use permit shall not be granted by the Board of Adjustment unless and until the following procedures have been fulfilled:

- A. The Board of Adjustment shall schedule a public hearing in relation to the special exception use request. Notice shall be given to the public hearing as required by State Statute by publication in the official County newspaper(s). Notice shall be given by ordinary mail to all property owners located within 500 feet by mailing such notice to the last known addresses of those to be thus notified by depositing such notice with sufficient postage in the United States mail no less than four (4), nor more than twenty (20) days prior to the public hearing. An affidavit of mailing shall be obtained for each notice mailed;
- B. The Board of Adjustment shall determine that it is empowered under this Ordinance to grant the special exception use as described in the application, and the granting of the

special exception use will not adversely affect the public interest pursuant to testimony presented at the public hearing;

- C. In granting any special exception use, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception use is granted, shall be deemed a violation of this Ordinance and punishable under Article 24 of this Ordinance.
- D. The concurring vote of three (3) members of the Board of Adjustment grants a special exception use permit. An order of the Board of Adjustment granting a special exception use permit shall be valid for a period no longer than six (6) months from the date of such an order, unless the Board of Adjustment specifically grants a longer period of time or a building permit is obtained within the six (6) month period and construction is commenced.

Section 4: STANDARDS. No special exception use permit shall be granted by the Board of Adjustment unless such Board shall find:

- A. That the use shall be in harmony with the intent, purpose and spirit of this Ordinance.
- B. That the use shall be an appropriate use of the land and is necessary or desirable to provide a service or a facility which is in the interest of the public convenience or which will contribute to the general welfare of the vicinity or the County.
- C. That the use shall be located, designed, constructed, arranged and operated so as not to interfere with the development and use of adjoining or surrounding property in accordance with the applicable district regulations.
- D. That the use shall not have a substantial or undue adverse effect upon adjoining or surrounding property, the character of the neighborhood, conditions, parking, utility facilities or other matters affecting the public health, safety and general welfare of persons residing or working in the vicinity.
- E. That the use shall not unduly diminish or impair established property values in adjoining or surrounding properties.
- F. That the use shall be served adequately by essential public facilities and services such as highway, streets, parking spaces, drainage structures, water supply and sewage disposal; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
- G. That the use complies with all conditions imposed on it by the provisions of the district in which such special exception use may be authorized.

Section 5: SUPPLEMENTAL STANDARDS. In addition to the general standards outlined in Section 4 above, specified uses shall adhere to standards as follows:

A. Planned Unit Development (PUD):

1. Purpose. The purpose of PUD regulations is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economical provision of streets, utilities, and public spaces; and to preserve the natural and scenic qualities of open areas.

The procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety, welfare, and convenience both in the use and occupancy of buildings and facilities in planned groups. A planned unit development to be eligible under this Article must be:

- a) In accordance with the Comprehensive Plan of the county and with the regulations of this Ordinance.
 - b) An effective and unified means of treating possible development providing for preservation of scenic features and amenities of the site and the surrounding area.
 - c) So designed in its space allocation, orientation, landscaping, circulation system, materials and other features as to produce an environment of stable and desirable character, complimenting the design values of the neighborhood.
2. Tract Land Use.
 - a) Minimum Area. A PUD containing other than residential uses shall include not less than three (3) acres of contiguous land.
 - b) Open Space. A minimum of 25 percent of planned unit site area shall be developed as common open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.
 - c) Land Use. At least sixty-five (65) percent of the PUD site exclusive of open space shall be devoted to those uses permitted in the zone district in which the PUD is located. Proposed land uses shall not adversely affect surrounding development, and shall be in accordance with the objectives and policies of the Clay County Comprehensive Plan.
 - d) Unity of Control. In order that the purpose of these regulations may be realized, the land and buildings and appurtenant facilities shall be in single

ownership, or under management or supervision of a central authority, or otherwise subject to such supervision lease or ownership control as may be necessary to carry out the provisions herein.

3. Application Procedures. Planned Unit Developments shall be subject to the approval of the County Board of Supervisors based upon review and recommendations by the Planning and Zoning Commission.

a) General Development Plan. The applicant shall file a General Development Plan which shall include the following information:

i) A statement describing the general character of the intended development.

ii) An accurate map of the project area including its relationship to surrounding properties, existing topography, and key features.

iii) A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval:

a. The pattern of proposed land use including shape, size, and arrangement of proposed use areas, density and environmental character.

b. The pattern of public and private streets.

c. The location, size, and character of recreational and open space areas reserved or dedicated for public uses such as schools, parks, greenways, etc.

d. A utility plan.

iv) Appropriate statistical data on the size of the development, ratio of various land uses, percentage of multi-family units by number of bedrooms, expected staging, and any other plans or data pertinent to evaluation by the county

v) General outline of intended organizational structure related to property owners' association, deed restrictions and private provision of common services.

b) Specific Implementation Plan. A specific and detailed plan for implementation of all or a part of a proposed PUD after approval of the General Development Plan must be submitted within one (1) year. The

specific implementation plan shall be submitted for review by the Planning and Zoning Commission and approval or disapproval by the County Board of Supervisors and shall include the following detailed construction and engineering plans and related detailed documents and schedules:

i) An accurate map of the area covered by the plan including the relationship to the total general development plan.

ii) The pattern of public and private roads, driveways, walkways, and parking facilities.

iii) Detailed lot layout and subdivision plat where required.

iv) The arrangement of building groups, and their architectural character;

v) Sanitary sewer and water mains.

vi) Grading plan and storm drainage.

vii) The location and treatment of open space areas and recreational or other special amenities.

viii) The location and description of any areas to be dedicated to the public, if any.

ix) General landscape treatment.

x) Proof of financing capability or performance capability.

xi) A development-schedule indicating (1) the approximate date when construction of the project can be expected to begin, (2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin, (3) the anticipated rate of development of each of the stages will be completed, and 4) the area and location of common open space that will be provided at each stage.

xii) Agreements, bylaws, provisions, or covenants which govern the organizational structure, use, maintenance, and continued protection of the PUD and any of its common services, common open areas, or other facilities;

xiii) Any other plans, documents, or schedules requested by the County Board of Supervisors.

4. Criteria for Approval: As a basis for determining the acceptability of a PUD application, the following criteria shall be applied to the precise development plan for such district with specific consideration as to whether it is consistent with the spirit and intent of this Ordinance, it has been prepared with competent professional advice and guidance, and it produces significant benefits in terms of environmental design.
 - a) Character and Intensity of Land Use. In a PUD, the use proposed and the intensity and the arrangement on the site shall be of visual and operational character which:
 - i) Is compatible to the physical nature of the site with particular concern for preservation of natural features, tree growth, and open space.
 - ii) Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.
 - iii) Would not adversely affect the anticipated provision for school or other municipal services.
 - iv) Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
 - b) Economic Feasibility and Impact. The proponents of a PUD application shall provide evidence satisfactory to the County Board of Supervisors of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the county or the values of surrounding properties.
 - c) Engineering Design Standards. The width of street right-of-way, width and location of street or other paving, location of sewer and water lines, provision for storm water drainage, or other similar environmental engineering consideration shall be in no case less than those necessary to ensure the public safety and welfare of county residents.
 - d) Preservation and Maintenance of Open Space. In a PUD, adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication to the public:
 - i) In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the county as part of the conditions for project approval an open space easement over such open areas restricting the area against any future building or use except as

is consistent with that of providing landscaped open space for the aesthetic and recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan or subsequently, with the express approval of building site and operational plans by the Planning Commission. All easements are subject to acceptance by the Board of Supervisors.

ii) The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the project. The manner assuring maintenance and assessing such cost to individual properties shall be included in a contractual agreement with the county and shall be included in the title to each property.

iii) Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the county and made a part of the conditions of the plan approval.

- e) Implementation Schedule. The proponents of a PUD shall submit a reasonable schedule for the implementation of the development to the satisfaction of the County Board of Supervisors including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effects upon the county as a result of termination at that point.

5. Approval of the Specific Implementation Plan.

- a) Following a review of the specific implementation plans, the Planning and Zoning Commission shall recommend to the County Board of Supervisors that the plans be approved as submitted, approved with modifications, or disapproved.
- b) Upon receipt of the Planning and Zoning Commission recommendation, the Board of Supervisors may approve the plan and authorize the development to proceed accordingly, or disapprove the plan.
- c) In the event of approval of the Specific Implementation Plan, the building, site, and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the county offered or required with regard to project value, character, and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within 90 days in the County Recorder's Office. This shall include posting a performance bond or certified check in an amount determined by the Board of Supervisors with Clay County, Iowa, guaranteeing that required improvements will be constructed according to

the approved implementation schedule. This shall be accomplished prior to the issuance of any compliance permit.

- d) Any subsequent change or addition to the plans or use shall first be submitted for approval to the Board of Supervisors and Planning Commission and if such change or addition constitutes a substantial alteration of the original plan, the procedures in the above shall be required.
- e) If construction of the PUD does not commence within two (2) years of the official recording of the implementation schedule, then the PUD shall be voided.

ARTICLE XXIII/BOARD OF ADJUSTMENT

Section 1: CONFIRMATION OF EXISTING BOARD OF ADJUSTMENT. The members of the existing Board of Adjustment are hereby confirmed to continue their appointed terms of office. Future members of the Board of Adjustment shall be appointed by the Board of Supervisors for a term of five (5) years. Members of the Board of Adjustment may be removed from office by the Board of Supervisors for cause upon written charges and after a public hearing. Vacancies shall be filled by the Board of Supervisors for the unexpired term of the resigning member.

Section 2: PROCEEDINGS OF THE BOARD OF ADJUSTMENT. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his/her absence the acting Chairman, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The Zoning Administrative Officer may be an ex-officio member and act as secretary for the Board of Adjustment.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions of the Administrative Officer. The presence of three (3) members shall constitute a quorum.

Section 3: HEARINGS, APPEALS, NOTICE. Appeals to the Board of Adjustment concerning the interpretation or administration of this Ordinance may be made by any person aggrieved or by any officer or bureau of Clay County affected by a decision of the Administrative Officer. Such appeal shall be made within thirty (30) days of the issuance or denial of the permit, by filing with the Administrative Officer and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The request for appeal shall be accompanied by \$25.00 fee to cover administrative costs of the appeal. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was made.

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

Section 4: STAY OF PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed, unless the Administrative Officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of 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 other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Administrative Officer from whom the appeal is taken and upon due cause shown.

Section 5: POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties:

- A. Administrative Review: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Ordinance.
- B. Special Exception: To hear and decide only such applications for special exception use as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance, and as provided for in Article 21 of this Ordinance.
- C. Variances: To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:
 - 1. A written application for a variance is submitted demonstrating:
 - a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - c) That the special conditions and circumstances do not result from the actions of the applicant.
 - d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
 - 2. A written application for a variance shall be accompanied by a form which shows the names and current addresses of the owners of all property within 500 feet of the property for which the variance is requested.
 - 3. Notice of public hearing shall be given to those property owners by ordinary mail by mailing such notice to the last known addresses of those to be thus notified by depositing such notice with sufficient postage in the United States mail at four (4) no more than twenty (20) days prior to the public hearing. An affidavit of mailing shall be obtained for each notice mailed. Notice shall be given to the public by publication in the official County newspaper(s) no less than four (4), nor more than twenty (20) days prior to the public hearing.

4. The public hearing shall be held. Any Party may appear in person, by agent, or by attorney.
5. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
7. The application for a variance shall be accompanied by a fee of \$100.00 which may be subject to change by amendment of this Ordinance.
8. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations 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 Article 24 of this Ordinance.

Section 6: DECISIONS OF THE BOARD OF ADJUSTMENT. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as ought to be made and to that end shall have powers of the Administrative Officer from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in application of this Ordinance.

Section 7: APPEALS FROM THE BOARD OF ADJUSTMENT. Any person or persons, or any board, taxpayer, department, or bureau of the community aggrieved by any decision of the Board of Adjustment may seek review of such decision of the Board of Adjustment by a court of record in the manner provided by laws of the State and particularly by Chapter 335, Code of Iowa.

ARTICLE XXIV/VIOLATION AND PENALTY

Section 1. VIOLATION AND PENALTY. The violation of any of the provisions of this Ordinance shall constitute a simple misdemeanor. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, upon conviction shall be subject to the maximum penalty allowable by law for a simple misdemeanor. Each day that a violation is permitted to exist constitutes a separate offense

Section 2. RESTRAINING ORDER. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the County Attorney, in addition to other remedies, may institute any proper action or proceed in the name of Clay County, Iowa, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent any illegal act, conduct, business or use in or about said premises.

ARTICLE XXV/SEVERABILITY CLAUSE.

Section 1. SEVERABILITY CLAUSE. 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.

ARTICLE XXVI/ADOPTION

This Ordinance shall be in full force and effect from and after publication as part of the proceedings of the Board of Supervisor's meeting held March 12, 1996.

BE IT ORDAINED BY THE COUNTY OF CLAY

THAT THE CLAY COUNTY ZONING ORDINANCE, ADOPTED MARCH 21, 1977, AND ALL AMENDMENTS THERETO, AND ALL ORDINANCES OR PARTS OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH OF CLAY COUNTY, IOWA, BE, AND THE SAME ARE HEREBY REPEALED IN THEIR ENTIRETY AND THE FOLLOWING ZONING ORDINANCE IS ENACTED IN LIEU THEREOF.

Adopted this 12th day of March, 1996.

CLAY COUNTY BOARD OF SUPERVISORS

Chairman

ATTEST:

Auditor

SUBDIVISION REGULATIONS FOR THE UNINCORPORATED AREA OF CLAY COUNTY, IOWA

A RESOLUTION prescribing minimum requirements for the design and development of new subdivisions and re-subdivisions of land in the unincorporated area of Clay County; providing for the enforcement of these regulations; and for the repeal of all other ordinances or resolutions in conflict herewith.

WHEREAS the Board of Supervisors of Clay County has adopted a zoning ordinance to assist in controlling the future development of the County by regulating the uses of land, the size of lots, the height and bulk of buildings, the size of yards and open spaces around buildings and structures for agriculture, residences, commerce, industry and other purposes; and

WHEREAS it is essential that the subdivisions of land be coordinated with the zoning ordinance for the purpose of guiding the future development of the County; NOW THEREFORE:

BE IT RESOLVED by the Board of Supervisors of Clay County, Iowa, that the following resolution relating to and prescribing rules for the subdivision and platting of land be adopted as follows:

ARTICLE I

Section 1. SHORT TITLE. This resolution may be known and cited as the "Subdivision Regulations" for Clay County, Iowa.

ARTICLE II.

Section 1. DEFINITIONS. For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular; the word "shall" is mandatory, the word "may" is permissive.

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

Board: The Clay County Board of Supervisors.

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

Commission: The Clay County Planning and Zoning Commission.

Cul-de-sac: A dead-end street permanently closed to through traffic being terminated by vehicular turn-around.

Easement: A right-of-way granted for the purpose of limited private, public and quasi-public uses across private land.

Local Residential Street: A local service street used primarily for access to abutting property.

Lot: A portion of a subdivision or other plot or parcel of land which is, or in the future, may be, offered for sale, conveyance, transfer or improvement.

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

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

Subdivision: The divisions 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 resubdivision and when appropriate to the context shall relate to the process of subdividing or to the land subdivided.

ARTICLE III

Section 1. JURISDICTION. It shall be unlawful for any person being the owner, agent or person having control of any land within Clay County and the extra-territorial plat jurisdiction of a municipality to create a subdivision unless by a plat, in accordance with the regulations contained herein. Such plat shall first be submitted to the Board of Supervisors for approval or disapproval. No plat shall be recorded and no lots shall be sold from such plat unless and until approved as herein provided and all public lands and rights dedicated to the governing body having jurisdiction for the area in which it is located.

ARTICLE IV

Section 1. APPLICATION PROCEDURES. The subdivider shall make improvements and shall submit preliminary plans and final plats, all in accordance herewith.

Section 2. ADVISORY MEETING WITH COMMISSION. Whenever the owner of any tract or parcel of land within the unincorporated area of Clay County shall make or intend to make a subdivision of the same, the subdivider shall, before preparing a preliminary plat, meet and consult informally with the County Zoning Commission and County Engineer to become familiar with all the subdivision requirements and all applicable zoning regulations.

Section 3. PRELIMINARY PLAT DATA. After meeting informally with the County Zoning Commission and County Engineer, the subdivider shall cause to be prepared a preliminary plat prior to the making of any street improvements or the installation of any utilities. The Preliminary Plat shall meet the standards of design as set forth in Article V and show the

following information and shall be drawn to a scale of not less than one (1) inch to one hundred (100) feet:

- 1) The title under which the proposed subdivision is to be recorded, with the name and address of the owner and subdivider; also orth point, scale, date, name and address of surveyor and engineer;
- 2) The complete legal description of the property to be platted;
- 3) Existing contour intervals of not more than five (5) feet, provided, however, that a minimum of two (2) contours shall be shown on any plat;
- 4) The location of property lines and all such surface features as buildings, railroads, utilities, water courses and similar items affecting the development. Also the location and size of such sub-surface features as existing or nearest available storm and sanitary sewers, water mains, culverts, gas mains, above and below ground electric transmission lines or cables, and drain tiles;
- 5) A vicinity sketch at a scale of not more than five hundred (500) feet to the inch shall be shown on or accompany the proposed plat. This map shall show how streets and roads in the proposed subdivision may connect with existing and proposed streets and roads in neighboring subdivisions or undeveloped property, to produce the most advantageous development of the entire area. This sketch shall show the location of any nearby parks, schools, or other public facilities that might be affected by the proposed subdivision;
- 6) All existing adjacent subdivisions, streets and tract lines of acreage parcels together with the names of record owners of unsubdivided parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing streets or roads;
- 7) Sites for schools, parks or playgrounds proposed by the subdivider for public or private use;
- 8) The zoning district or districts in which the land to be subdivided is located according to the Zoning Ordinance;
- 9) The location and manner of providing water supply and sewage treatment facilities;
- 10) An attorney's opinion of the abstract covering the property to be included in the final plat shall be submitted in duplicate showing all taxes due shall have been previously paid and that there are not outstanding liens or encumbrances on the property. The names of all record title holders and any other information that might otherwise affect the title of lots in the proposed subdivision shall be shown.

The opinion shall be written by an attorney admitted to the practice of law in the State of Iowa;

- 11) Streets on and adjacent to the tract and their names, widths, approximate grades and other dimensions as may be required;
- 12) Existing and proposed easements and their locations, widths and distances; and
- 13) Acreage of the land to be subdivided.

Section 4. PRELIMINARY PLAT PROCEDURES.

- 1) The subdivider shall file with the County Zoning Commission six (6) copies of the preliminary plat and the required supplementary material. The Zoning Commission shall refer one copy to the County Engineer for review and recommendation. Said plans shall be accompanied by a fee of one hundred dollars (\$100.00) for each subdivision plat and five dollar (\$5.00) for each lot shown on such plat. Checks shall be payable to Treasurer, Clay County, Iowa.
- 2) The County Zoning Commission and the County Engineer shall study the said Preliminary Plat to see if it conforms with the minimum standards and requirements as outlined in Article V of these Regulations. Before approving a preliminary plat, the Commission may at its discretion hold a public hearing, notice of which shall be given by publication in a newspaper of general circulation in the County according to state statute. The Commission shall transmit all copies of the preliminary plat along with its recommendations to the Board of Supervisors within thirty (30) days after the date of submission thereof. Recommendations shall include approval, disapproval or suggestions for modification and reasons thereof. Said recommendations shall be of an advisory nature only. If the Commission does not act within thirty (30) days, the preliminary plat shall be deemed to have been approved, and shall receive due consideration by the Board of Supervisors.
- 3) Following a public hearing with the required notifications, and due consideration of the preliminary plat, the Board of Supervisors shall approve, disapprove or modify the recommendations of the County Zoning Commission and shall impose those requirements or grant those variances in conformance with these regulations deemed necessary and appropriate for final approval. The action of the Board of Supervisors together with all modifications, requirements, variances and reasons thereof shall be noted on all copies of the preliminary plat application. One (1) copy shall be returned to the subdivider and others retained by the County Engineer. The Board of Supervisors shall have approved or rejected the preliminary plat within thirty (30) days after action of the County Zoning Commission; provided that the subdivider may agree to an extension of time for a period not to exceed sixty (60) days. The approval of the preliminary plat by the

Board of Supervisors shall be null and void unless the final plat is presented to the Board within one hundred eighty (180) days after date of preliminary approval.

Section 5. FINAL PLAT DATA. The final plat shall conform substantially to the preliminary as approved, and may constitute only a portion of the preliminary plat which the subdivider proposed to record and develop. The final plat shall be made from an accurate survey by a registered engineer or surveyor and drawn to a scale of one hundred (100) feet to one (1) inch or larger. The final plat shall show the following:

- 1) The boundaries of the property, the lines of all proposed streets with their width, and any other areas intended to be dedicated to public use. The boundaries shall be accurately tied to the nearest section corner.
- 2) The lines of adjoining streets and alleys with their width and names.
- 3) All lot lines, building lines in accordance with the Zoning Ordinance and easements, with figures showing their dimensions.
- 4) All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, streets, alleys, easements, and building line setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in foot and decimals of a foot.
- 5) Radii, arc and chords, points of tangency, central angles for all curvilinear streets, and radii for rounded corners.
- 6) All surveyors' monuments, together with their descriptions including ties to original government corners.
- 7) Title and complete legal description of property subdivided, showing its location and extent, points of compass, date, scale of plat, and certification and name of engineer or surveyor staking the lots.
- 8) Profiles shall be made on "mylar" of all streets and alleys, fifty (50) feet horizontal scale and five (5) feet vertical scale recommended. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of drawing and profiles of north and south streets shall be drawn so that the north end of the profile shall be at the left side of the drawing.
- 9) The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.
- 10) Certification that the subdivider has complied with one of the following alternatives:

- a) All of the improvements have been installed in accordance with the requirements of this Ordinance; or
- b) A performance bond or certified check has been posted with the County Auditor in sufficient amount, as determined by the County Engineer, to assure completion of all required improvements.

Section 6. FINAL PLAT PROCEDURES.

- 1) The subdivider shall submit to the County Zoning Commission for its approval, disapproval or suggestions for modifications, ten (10) copies of a final plat and required supplementary material. The Commission shall refer one (1) copy to the County Engineer for review and recommendation. Said plans shall be accompanied by a fee of one hundred dollars (\$100.00) for each subdivision plat & five dollars (\$5.00) for each lot shown on plat.
- 2) The County Zoning Commission shall study the said final plat to see if it conforms to the minimum standards and requirements herein and as required by the Board of Supervisors. Within thirty (30) days after receipt of the final plat, the Commission shall transmit all copies of the final plat along with its recommendations to the Board of Supervisors. Said recommendations shall include approval, disapproval or suggestions for modifications and reasons thereof. Said recommendations shall be on an advisory nature only. If the Commission does not act within thirty (30) days, the final plat shall be deemed to have received a favorable recommendation in all respects and shall then receive due consideration by the Board of Supervisors.
- 3) The Board of Supervisors shall study the final plat, the recommendations of the County Zoning Commission and recommendations of the County Engineer, and shall approve or disapprove the final plat. 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 is granted.
- 4) When the final plat has been approved by the Board of Supervisors, two (2) copies shall be returned to the subdivider with the approval of the Board certified thereon, one of which is to be filed with the County Recorder.

Section 7. PLATS IN UNINCORPORATED AREAS WITHIN TWO MILES OF THE CORPORATE LIMITS OF CITIES AND TOWNS. With regard to subdivisions located in the corporate limits of cities and towns having planning commissions established in accordance with Chapter 414, Code of Iowa, 1995, the provisions of this ordinance shall not apply. However, the Planning Commission and the City or Town 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 Clay County Board of Supervisors under the provisions of this ordinance. In such instance, the Clay County Board of Supervisors shall furnish the city or town planning commission with a copy of said subdivision, as approved, certifying that all requirements of the Clay 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 towns 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 and towns.

Section 8. AUDITOR'S PLATS. With regard to Auditor's plats as distinguished from proprietor's plats the Board of Supervisors shall have the right to waive provisions governing preliminary approval and public improvements outlined in these regulations providing there is on file with the Board of Supervisors a copy of the request of the Clay County Auditor ordering such plat and a letter from said Auditor stating that the plat as submitted meets the requirements for which he has ordered the plat.

ARTICLE V

Section 1. DESIGN AND DEVELOPMENT STANDARDS. No subdivision plat shall be approved by either the Commission or by the Board of Supervisors unless it conforms to the following minimum standards and requirements, except those plats referred to in Article IV, Section 8, Auditor's plats.

Section 2. ACRE SUBDIVISION. Whenever the area is divided into lots containing one (1) or more acres and there are indications that such lots will eventually be re-subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots.

Section 3. SUITABILITY OF THE LAND FOR SUBDIVISION.

- 1) If the Board of County Supervisors finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations, and other such conditions as may increase the danger of health, life, or property or aggravate erosion or flood hazards; and, if, from adequate investigations, conducted by all the public agencies concerned, it has been determined that in the best interest of the public the land should not be platted and developed for the purpose proposed, the County Board of Supervisors shall not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems that will be created by the subdivision and development of the land.

- 2) The County Board of Supervisors may refuse to approve what it considers to be scattered or premature subdivision of land which would involve danger or injury to the public health, safety, welfare, or prosperity by reason of lack of adequate water supply, schools, proper drainage, or which would necessitate an excessive expenditure of public funds for the supply of such services as undue maintenance costs for adequate roads.

Section 4. STREET ALIGNMENT.

- 1) The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining subdivisions, or for a proper intersection where said streets in the new subdivision shall connect therewith, or their proper projection where adjoining property is not subdivided insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The street arrangement shall also be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
- 2) The platting of half streets shall be discouraged. Whenever there exists a dedicated or platted half street adjacent to the tract to be subdivided, the other half of the street shall be platted.
- 3) Where the parcel of land is subdivided into larger tracts than ordinarily used for building lots, such parcel shall be divided so as to allow for the opening and the ultimate extension of adjacent minor streets. Easements, providing for the future opening and extension of such streets or thoroughfares, may at the discretion of the governing body, be made a requirement of the plat.
- 4) Where a subdivision abuts or contains an existing or proposed major or arterial street, the Commission may require a parallel access street, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- 5) Streets with centerline offsets of less than one hundred and fifty (150) feet shall be avoided.

Section 5. STREET RIGHT-OF-WAY. The dedication of right-of-way for streets measured from lot line to lot line shall meet the following standards:

Arterial Streets	80-120 feet
Collector Streets	80 feet
Residential Streets	60 feet
Frontage Roads	50 feet

Alleys

20 feet

When the subdivision is located on only one side of an existing street, one half (1/2) of the required right-of-way, measured from the center line of the existing roadway shall be dedicated.

Section 6. STREET GRADES AND ELEVATIONS. Street grades shall conform to the following:

<u>Street Type</u>	<u>Percent Grade</u>
Arterial	5
Collector	7
Residential	12

All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall not be less than one half of one percent (0.5%)

The County Board of Supervisors shall not approve the streets which will be subject to inundation or flooding. All streets must be located at elevations which will make them flood-free in order that portions of the subdivision will not be isolated by floods. The County Board of Supervisors shall require profiles and elevations of streets in order to determine the advisability of permitting the proposed subdivision activity.

Section 7. CURVES IN STREETS - HORIZONTAL AND VERTICAL. Horizontal Curves:

- 1) A tangent at least one hundred (100) feet along shall be introduced between reverse curbs on arterial and collector streets.
- 2) Where there is a deflection angle of more than ten (10) degrees in the alignment of a street, a curve with a radius adequate to insure safe sight distance shall be made. The minimum radii of curve shall be:

<u>Street Type</u>	<u>Minimum Curve Radius</u>
Arterial	300 feet
Collector	300 feet
Minor	100 feet

Verticle Curves:

- 1) Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance to two hundred (200) feet, said sight distance being measured from a driver's eyes, which are assumed to be four and one-half (4 1/2) feet above the pavement surface, to an object four (4) inches high on the pavement. Profiles of all streets showing natural and finished grades, drawn to an approved scale, shall be required by the County Board of Supervisors.

Section 8. INTERSECTIONS.

- 1) Streets shall intersect as nearly as possible at right angles, and no intersection shall be at an angle of less than sixty (60) degrees.
- 2) Street curb intersections shall be rounded by radii of at least twenty (20) feet. When the smallest angle of street intersection is less than seventy-five (75) degrees, the County Board of Supervisors may require curb radii of greater length. Wherever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at a street corner shall be rounded or otherwise set back sufficiently to permit such curb construction.
- 3) No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within seventy-five (75) feet of the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located.

Section 9. ALLEYS. Alleys shall be provided to give access to the rear of all lots used for commercial and industrial purposes. Alleys shall not be provided in residential blocks except in cases where the subdivider produces evidence of the need for alleys which is satisfactory to the County Board of Supervisors.

Section 10. FRONTAGE OR MARGINAL ACCESS STREETS. Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant special safety considerations, the County Board of Supervisors may require that marginal access streets be provided in order that no lots front on such existing or proposed arterial street or highway.

Section 11. DEAD-END STREETS (CUL-DE-SACS). Minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turnaround having a radius at the outside of the pavement of at least fifty (50) feet and a radius at the outside of the right-of-way of at least sixty (60) feet.

Section 12. STREET NAMES. Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of such existing streets.

No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the County Board of Supervisors.

Section 13. BLOCKS. No block shall be longer than one thousand three hundred twenty (1,320) feet, or less than three hundred (300) feet except as the County Board of Supervisors deems necessary to ensure efficient use of land or desired features of street layout.

Section 14. LOTS.

- 1) Relationship to Streets. All lots shall front on a public street or road for a minimum distance of fifty (50) feet except that lots which front on the turnarounds of permanent dead-end streets shall front on such turnarounds for a minimum distance of twenty-five (25) feet.
- 2) Arrangement. Each lot in a subdivision shall contain a building site completely free from the danger of flooding. Except where unfeasible, side lot lines shall be at right angles to straight street lines and radial to curved lines.
- 3) Dimensions. The minimum dimensions for lots shall be in accordance with the bulk regulations of the zoning ordinance for the district within which the subdivision is located; provided, however, that the minimum depth for a lot shall be one hundred (100) feet.
- 4) Corner lots. Corner lots shall be of such width as to permit the maintenance of all yard requirements as required by the zoning ordinance.
- 5) Reverse Frontage Lots. Double frontage and reverse frontage lots shall be avoided, except where their use will produce definite advantages in meeting special situations in relation to topography, sound site planning and proper land use.
- 6) Lot Lines. In all lots so far as possible, the side lines shall be at right angles to straight street lines or radial to curved street lines, except where a variation of this rule will provide a better street and lot layout.

Section 15. CHARACTER OF DEVELOPMENT. The Commission shall have the right to agree with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in deed restrictions.

Such regulations shall be intended to protect the character and value of the surrounding development and shall also tend to secure the most appropriate development of the property being subdivided.

Section 16. EASEMENTS ALONG STREAMS. Whenever any stream or major surface water course is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provisions for straightening, widening or otherwise improving the channel so that it will properly carry the surface water. He shall also provide and dedicate to the County an easement along each side of the stream, which easement shall be for the purpose of widening, improving or protecting the streams. The width of such easement shall be adequate to provide for any necessary channel relocation and straightening, but in no case shall such easement be less than thirty (30) feet.

Section 17. UTILITY AND DRAINAGE EASEMENTS.

- 1) Except where alleys are permitted for the purpose, the County board of Supervisors shall require easements at least twelve (12) feet in width centered along all rear lot lines for poles, wires, conduits, storm sewers, sanitary sewers, gas mains, water mains, heat mains, and other utility facilities. Where necessary or advisable in the opinion of the County Board of Supervisors similar easements shall be provided along side lot lines or across lots.
- 2) If the County Board of Supervisors deems it necessary for proper drainage within or through a subdivision, it shall require that a storm water easement or drainage right-of-way be provided.

Section 18. PUBLIC OPEN SPACES. Where a school, neighborhood park, recreation area, or public access to water frontage which is shown on an official map or in a plan for future land use is located in whole or in part in the applicant's proposed subdivision, the County Board of Supervisors may require the dedication or reservation of such open space within the proposed subdivision for school, park, recreation, or other public purposes.

ARTICLE VI

Section 1. IMPROVEMENTS REQUIRED. The subdivider shall install and construct all improvements required by this section. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the County Engineer and all utilities managers and to the satisfaction of the Board of Supervisors.

Section 2. STREET IMPROVEMENTS. The subdivider shall grade and improve all new streets between the right-of-way lines within the subdivided area.

The paving on such new streets shall be built according to the standards and specifications of the County Engineer, but in no case shall it consist of less than a concrete curb and gutter, and asphaltic concrete laid on a stabilized base approved by the County Engineer or six (6) inches of reinforced portland cement concrete with integral curb and gutter. Minimum pavement widths shall be in accordance with the requirements of the County Engineer.

Section 3. PEDESTRIAN WALKWAYS. Sidewalks with a minimum width of four (4) feet and a minimum thickness of four (4) inches of Portland concrete cement shall be installed; provided, however, that where the property is platted in lots having an area of at least 20,000 square feet and a width of at least 100 feet, requirements may be waived. The sidewalks shall be constructed to the grade approved by the County Engineer.

Section 4. GRADING. 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.

Section 5. GENERAL REQUIREMENTS FOR INSTALLATION OF UTILITIES. 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. 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.

Utilities shall be provided in rear lot easements wherever possible. When it is necessary to install utilities in street rights-of-way, the following requirements shall apply:

- 1) After grading is completed and approved and before any pavement base is applied, all of the in-street underground work -- water mains, gas mains, etc., and all service connections -- shall be completely installed and approved through the length of the street and across the flat section. Where the utility mains are outside the pavement area, the subdivider may be allowed to omit the installation of service connections provided that at such time as these service connections are needed, they may be jacked across the street without breaking or weakening the existing pavement.
- 2) Where rock is known to exist beneath the pavement area and at such depth as to interfere with the jacking of service connections, the complete installation of service connections before any base is applied shall be required. In cases where underground utilities must be provided within the right-of-way of streets, they should not be installed under the paved portions of such streets.

Section 6. WATER SUPPLY SYSTEM, AND SANITARY SEWERS.

- 1) **Water Supply.** Where in the opinion of the Board of Supervisors the public water supply is reasonably accessible or available to the proposed subdivision, the subdivider shall construct a complete water distribution system which shall adequately serve all lots and which shall include appropriately spaced fire hydrants, and this system shall be properly connected with the public water supply. Where a public water supply is not within a reasonable distance or otherwise unavailable the subdivider shall normally be required to construct a similar water distribution system and connect it with an alternate supply approved by the County Engineer. If the County Board of Supervisors approves the use of individual wells, lot sizes shall meet its approval.
- 2) **Sanitary Sewers.** Where, in the opinion of the County Board of Supervisors, the public sanitary sewer system is reasonably accessible or available to the proposed subdivision, the subdivider shall construct a subdivision sewer system to adequately serve all lots and connect the subdivision system to the public system after the County Board of Supervisors has approved the size of the lines. Where lots in the area of planning jurisdiction cannot be served by the extension of an

existing public sanitary sewer, the subdivider shall obtain approval of lot sizes for individual septic tanks and disposal fields from the County Engineer. Where a private water supply or sewage system is proposed, the subdivider shall furnish evidence that these facilities have been approved by a registered engineer, licensed in the State of Iowa.

Section 7. STORM DRAINAGE. All necessary improvements, including storm sewers or open drainage ditches, shall be made to provide for the adequate disposal of storm water and to maintain any natural drainage course. All construction shall be in accordance with plans approved by the appropriate County or City Engineer or by other officials having jurisdiction over a drainage district or watershed district.

ARTICLE VII

Section 1. VARIATIONS AND EXCEPTIONS. Whenever the tract proposed to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this ordinance would result in substantial hardships or injustices, the County Board of Supervisors upon recommendation of the Commission may modify or vary such requirements to the end that the subdivider is allowed to develop his property in a reasonable manner; provided, however, that all such variations and

exceptions granted hereunder shall be in harmony with the intended spirit of this ordinance and granted with the view toward protecting the public interest and welfare.

Section 2. ENFORCEMENT AND PENALTIES.

- 1) Enforcement.
 - a) No plat of any subdivision shall be entitled to be recorded in the County Recorder's office or have any validity until it shall have been approved in the manner prescribed herein.
 - b) The zoning administrator shall not issue zoning certificates or 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 this ordinance but which has not been approved in accordance with the provisions contained herein.
 - c) The Board of Supervisors shall not permit any public improvements over which it has any control to be made from the County Road Fund or any money expended for improvements or maintenance in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this ordinance unless such subdivision or street has been approved in accordance with the provisions contained herein. Streets not accepted by the Board of Supervisors for addition to the Secondary Road System shall be considered private roads.

- 2) Penalties. It shall be unlawful for the owner, or the agent of an owner, to transfer or sell any land by reference to or by other use of a plat or description unless such plat has been approved as required herein. Whoever violates any of the rules and regulations prescribed herein, or fails to comply with any order issued pursuant thereto, shall forfeit and pay fifty dollars (\$50) for each lot or part thereof sold, disposed of, leased or offered for sale.

Section 3. CHANGES AND AMENDMENTS. Any regulation or provision of this ordinance 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 accordance with the provisions of the Code of Iowa.

Section 4. REPEALER. All resolutions or parts of resolutions in conflict with the provisions of this ordinance are hereby repealed.

Section 5. SEVERABILITY CLAUSE. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portion of this ordinance which shall remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication.

BE IT ORDAINED BY THE COUNTY OF CLAY:

THAT THE CLAY COUNTY SUBDIVISIONS REGULATIONS, ADOPTED JANUARY 8, 1962, AND ALL AMENDMENTS THERETO, AND ALL ORDINANCES OR PARTS OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH OF CLAY COUNTY, IOWA, BE, AND THE SAME ARE HEREBY REPEALED IN THEIR ENTIRETY AND THE FOLLOWING SUBDIVISION REGULATIONS ORDINANCE IS ENACTED IN LIEU THEREOF.

Presented to the Board of Supervisors of Clay County, Iowa, after a public hearing on 12th day of March, 1996.

PASSED AND APPROVED THIS 12th DAY OF March, 1996 BY THE CLAY COUNTY BOARD OF SUPERVISORS.

Chairman, Clay County Board of Supervisors

ATTEST:

Clay County Auditor