

ZONING ORDINANCE
HARRISON COUNTY, IOWA
2004

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**HARRISON COUNTY
ZONING ORDINANCE**

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ORDINANCE NO.
ZONING ORDINANCE
HARRISON COUNTY, IOWA

PREAMBLE

An ordinance establishing comprehensive zoning regulations for Harrison County, Iowa, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of Chapter 335, Code of Iowa, and for repeal of Harrison County Zoning Ordinance dated February, 1996, and all amendments thereto.

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

WHEREAS, the Board of Supervisors of Harrison County deems it necessary for the purpose of promoting the health, safety, and general welfare of Harrison County to enact such an ordinance, and

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

WHEREAS, the Planning and Zoning Commission has divided the County into districts and has prepared regulations pertaining to such districts in accordance with an approved comprehensive plan, designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns, to lessen congestion on the roads; to secure safety from fire, panic, and other dangers; to promote health and the general welfare, to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy, and to establish adequate provisions for transportation, water, sanitation, schools, parks, and other public requirements, and

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

WHEREAS, the Planning and Zoning Commission has made a preliminary report ***and held a public hearing thereon***, and submitted its final report to the Board of Supervisors, and

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

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

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

SECTION 1. ZONING ORDINANCE of the Harrison County Code, as amended, is hereby amended by repealing and enacting in lieu of the following Zoning Ordinance.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in force and effective after its passage, approval and publication as provided by law.

PASSED BY THE BOARD OF SUPERVISORS ON THE _____ DAY OF _____,
20__, AND APPROVED ON THE _____ DAY OF _____, 20__, AT
HARRISON COUNTY, IOWA.

_____/_____/_____
Board of Supervisors
Chairman

_____/_____/_____
Harrison County Auditor

**ARTICLE I
PURPOSE AND JURISDICTION**

- | | | | |
|-----|-------------------------|-----|-----------------------------|
| 1.1 | Title | 1.4 | Interpretation of Standards |
| 1.2 | Purposes and Objectives | 1.5 | Application of Regulations |
| 1.3 | Jurisdiction | 1.6 | Agricultural Uses Exempt |

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

1.2 PURPOSES AND OBJECTIVES. This Zoning Ordinance is adopted to preserve and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the citizens of Harrison County, Iowa, all in accordance with and as permitted by the provisions of Chapter 335, Code of Iowa, as amended. More specifically, the Ordinance is adopted in order to achieve the following objectives:

- 1.21 To provide a precise plan for the physical development of the County in such a manner as to achieve progressively the general arrangement of land uses depicted in the ***Comprehensive Plan***.
- 1.22 To foster a harmonious, convenient, workable relationship among local uses and a wholesome, serviceable, and attractive living environment.
- 1.23 To promote the stability of existing land uses which conform with objectives and policies of the ***Comprehensive Plan*** to protect them from inharmonious influences and harmful intrusions.
- 1.24 To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the County.
- 1.25 To promote the beneficial development of those areas which exhibit conflicting patterns of use.
- 1.26 To prevent excessive population densities and overcrowding of the land with structures.
- 1.27 To promote a safe, effective traffic circulation system.
- 1.28 To foster the provisions of adequate off street parking and truck loading facilities.
- 1.29 To facilitate the appropriate location of public facilities and institutions.

- 1.210 To protect and promote appropriately located agricultural, commercial, and industrial pursuits in order to preserve and strengthen the County's economic base.
- 1.211 To protect and enhance real property values.
- 1.212 To conserve the County's natural assets ***including terrain, soils, vegetation and waterways, in particular the Loess Hills.***
- 1.213 To coordinate policies and regulations relating to the use of land with such policies and regulations of incorporated municipalities of the County in order to: facilitate transition from county to municipal jurisdiction that land which is first developed in an unincorporated area and is subsequently annexed to a municipality; foster the protection of farming operations in areas of planned urban expansion, and ensure unimpeded development of such new urban expansion that is logical, desirable and in accordance with objectives and policies of the Land Use Plan.

1.3 JURISDICTION. The provisions of this Ordinance shall apply to all of the unincorporated territory of Harrison County, Iowa.

1.4 INTERPRETATION OF STANDARDS. In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Whenever the requirements of this Ordinance are at variance with the requirements of any lawfully adopted rules, regulations, ordinances, deed restrictions, covenants, or other provisions of law, the most restrictive or that imposing the higher standards, shall govern.

1.5 APPLICATION OF REGULATIONS. The regulations set by this Ordinance with each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- 1.51 No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located except agricultural uses as set forth in Section 1.6.
- 1.52 No building or other structure shall hereafter be erected or altered to (a) change its use, (b) accommodate or house a greater number of families, (c) exceed the height, (d) occupy a greater percentage of lot area, (e) have a narrower or smaller rear yards, front yards, side yards or other open spaces or (f) reduce the number of off street parking and loading spaces then herein required, or in any other manner contrary to the provisions of this Ordinance.

- 1.53 No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of the yard, open space or off-street parking or loading space similarly required for any other building.

1.6 AGRICULTURAL USES EXEMPT. In accordance with the provisions of Chapter 335, Code of Iowa, as amended, no regulations or restrictions adopted under the provisions of this Ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes. WHILE SO USED; provided, however, that such regulations or ordinances which relate to any structure, building, dam, obstruction, deposits or excavation in or on the floodplains of any river or stream shall apply thereto.

No Certificate of Zoning Compliance shall be required for the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located.

If a tract of land is less than thirty-five (35) acres, it shall be presumed that the tract is not primarily used for agricultural purposes.

It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.

2. ADULT: As used in this Ordinance refers to a person who has attained the age of eighteen (18) years.

3. ADULT ENTERTAINMENT BUSINESSES: A business which as a part of or in the process of delivering goods and services displays to its patrons specified sexual activities or specified anatomical areas in printed form or through any form of photographic medium or by use of male or female models. In reference to the above, the following definitions shall apply:

A. Specified sexual activities: any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between a finger of one person and the genitalia of another person or by use of artificial sexual organs or substitute therefor in contact with the genitalia or anus.

B. Specified anatomical areas include the following: human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.

C. Substantial: more than twenty-five percent (25%) of the book, magazine, film or video tape inventory are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

D. Adult Art or Adult Modeling Studio: an establishment or business which provides the services of modeling for the purpose of viewing and/or reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise; provided entrance to such establishment and such services are available only to adults.

E. Adult Artist - Body Painting Studio: an establishment or business which provides the services of applying paint or other substance whether transparent or non-transparent to or on the human body when such body is wholly or partially nude; provided entrance to such establishment and such services are available only to adults.

F. Adult Bath House: an establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy; provided entrance to such establishment and such services are available only to adults; and not including such services provided by a medical practitioner or professional physical therapist licensed by the State of Iowa.

G. Adult Book Store: *an establishment or business having a substantial part of its stock in trade, books, magazines, photographs, pictures and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein and limited in sale of such sexual materials to adults.*

H. Adult Cabaret: *a cabaret which features go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.*

I. Adult Motel: *a motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas".*

J. Adult Motion Picture Arcade: *any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas".*

K. Adult Motion Picture Theater: *an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.*

L. Adult Mini Motion Picture Theater: *an enclosed building with a capacity for less than 50 persons used for presenting motion pictures, slides or photographic reproductions distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.*

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

N. Adult Massage Establishment: any establishment having a fixed place of business where massages are administered for any form of consideration or gratuity, including but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include an establishment employing (1) persons licensed by the State of Iowa under the provisions of Chapters 148, 148A, 148B, 1509, 150A, 151, 152, 157 or 158 of the Iowa Code, when performing massage services as a part of the profession or trade for which licensed; (2) persons performing massage therapy or massage services under the direction of a person licensed as described in (1) above; (3) persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician; (4) nurses, aides, technicians and attendants at any hospital or health care facility licensed pursuant to Chapter 135B, 135C or 145A of the Iowa Code, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in (1) above; (5) an athletic coach or trainer (i) in any accredited public or private secondary school, junior college, college or university, or (ii) employed by a professional or semi-professional athletic teams or organization, in the course of his or her employment as such coach or trainer. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad or a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, or recreational and athletic facilities, and facilities for the welfare of the residents of the area.

O. Juice Bar: any establishment where alcoholic beverages are prohibited and where for any form of consideration or gratuity, models, dancers, strippers, and similar entertainers perform in nude or semi-nude for observation by patrons therein.

P. Model Studio: any establishment where for any form of consideration or gratuity, models who display specified anatomical areas are provided to be observed, or subject to lawful tactile conduct, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude or semi-nude dancing, readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas are provided for observation by or communication to persons paying such consideration or gratuity.

Q. Model: any person who for consideration or gratuity appears either nude or semi-nude to be either viewed, photographed, sketched, drawn, sculptured; to dance; to provide reading or counseling sessions; for body painting; to deliver a service or in connection with the sale of merchandise; or to present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

R. Nude Encounter Parlor means an establishment having a fixed place of business where any person, therein engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on, any business of viewing any person or persons or the actual encounter of any person or persons depicting, describing or relating to "specified sexual activities" as defined herein.

S. Nude Photographic Parlor means an establishment having a fixed place of business, where any person, association, firm or corporation therein engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on any business of photographing any person or persons depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein.

T. Any one or more of the above or similar uses, which are customarily not open to persons who have not attained the age of eighteen (18) years.

4. AGRICULTURE: The use of land for agriculture purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, aquatic farming, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce: provided, however, that the operation of such accessory use shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal used for agricultural purposes. If the tract of land is less than thirty-five (35) acres, it shall be presumed that the tract is not primarily used for agricultural purposes.
5. ALLEY: A dedicated public *right-of-way*, other than a *street* which provides only a secondary means of access to abutting property.
6. ALTERATION, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

7. AUTOMOBILE SALVAGE YARD: (see Junk Yard also) Dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot, parcel or tract of land, of six (6) or more vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been removed or are to be removed for reuse, salvage, or sale, shall constitute prima facie evidence of an automobile salvage yard.
8. BASEMENT: That portion of a *building* having part but not more than one-half (1/2) of its height below *grade*. A basement is counted as a story for the purpose of height requirements.
9. BED AND BREAKFAST HOME: A private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than two guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.
10. BILLBOARD: An advertising sign for a business, commodity, or service located or offered elsewhere than upon the premises where such sign or billboard is located.
11. BOARD: The Board of Adjustment of Harrison County, Iowa.
12. BOARDING OR LODGING HOUSE: A building other than a hotel where, for compensation and by pre-arrangement for definite periods, lodging and/or meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons. Individual cooking facilities are not provided.
13. BORROW PIT: Any place or premises where dirt, soil, sand, gravel, or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.
14. BUFFER ZONE: An area of land used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.
15. BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
16. BUILDING HEIGHT: The vertical dimension measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof, or to the average height between the plate and ridge of a gable, hip or gambrel roof.

17. BUILDING LINE: The extreme overall dimensions of a building as determined from its exterior walls or any part of a structural support or component which is nearest to the property line, other than usual uncovered steps, patios and decks. Horizontally projecting roof overhangs and chimneys into the setback up to two (2) feet shall be permitted, provided no part of a side of a building for residential occupancy which is not attached to another building shall be closer than fifteen (15) feet to a lot line or within ten (10) feet of another building.
18. BULK STATIONS: Distributing stations commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids, or liquefied petroleum products where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.
19. CAMPGROUND, COMMERCIAL AND RECREATIONAL VEHICLE PARK: Any premises where two (2) or more camping units are parked/placed for camping purposes, or any premises used or set apart for supplying to the public, camping space for two (2) or more camping units for camping purposes, which include any buildings, structures, vehicles, or enclosure used or intended wholly or in part for the accommodation of transient campers.
20. CAMPING UNIT: Any recreational vehicle or other vehicle, tent, or other movable shelter used for camping purposes.
21. CAR WASH: An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.
22. CELLAR: That portion of a building having more than one-half (1/2) of its height below grade. A cellar is not counted as a story for the purpose of height requirements.
23. CHURCH OR PLACE OF RELIGIOUS WORSHIP: An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.
24. CLINIC, MEDICAL OR DENTAL: A building or buildings in which physicians, dentists, or allied professional assistants are associated for the purpose of carrying on their professions.
25. CLUSTER DEVELOPMENT: A development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.

26. COCKTAIL LOUNGE: Any place of business, other than a "night club", located in and accessory to a hotel, motel, or restaurant, where liquor, beer or wine is sold for consumption on the premises, where music or other entertainment is limited to a piano bar or other one person performance.
27. COMMISSION: The Planning and Zoning Commission of Harrison County, Iowa.
28. COMMON SEWER SYSTEM: A central sewer collecting system available to each platted lot and discharged into a treatment plant; the construction and location of which is approved by the appropriate County and/or State agency, and which does not include individual septic systems.
29. COMMON WATER SYSTEM: A central water system available to each platted lot from one single source approved by the appropriate County and/or State agency.
30. COMPREHENSIVE PLAN: The Comprehensive Plan for unincorporated Harrison County, Iowa which sets forth the County's long range plans for land use and transportation management and development policies to guide the County's growth and on which the County's zoning regulations shall be based.
31. CONDOMINIUM: An estate in real property as regulated by Chapter 499B of the Code of Iowa consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.
32. CONSERVATION EASEMENT: An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, wooded, or topographic condition, retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing slopes and land use.
33. CONVENIENCE STORE: Any retail establishment offering for sale food products, household items and other goods commonly found in grocery stores, as well as retail gas sales, and having a gross floor area of more than 1,200 square feet but less than 5,000 square feet.
34. CONFINEMENT OPERATION: The feeding, raising or breeding of livestock, poultry or other animals in confined feedlots, dry lots, pens, cages, ponds, or buildings when not in conjunction with a farming operation.
35. COUNTY: The unincorporated portions of Harrison County, Iowa.
36. COUNTY BOARD: The Board of Supervisors of Harrison County, Iowa.

37. COUNTY INFRACTION: A civil offense punishable by a civil penalty and issued by means of a citation.
38. DAY CARE NURSERY OR NURSERY SCHOOLS: Any public or private agency, institution, establishment or place which provides **supplemental** parental care and/or educational work, other than lodging overnight, for six (6) or more unrelated children of preschool age, for compensation.
39. DISTRICT: A part or parts of the unincorporated area of Harrison County in which regulations governing the use of buildings or premises or the height and location of buildings are uniform.
40. DISTRICT, OVERLAY: An **overlay** district which acts in conjunction with the underlying zoning district.
41. DRIVE-IN FACILITY: An establishment that, by design of physical facilities or by service or packaging procedures, permits customers to receive a service or obtain a product while remaining in a motor vehicle or to be entertained while remaining in a motor vehicle.
42. DWELLING: Any building or portion thereof which is designed for or used exclusively for residential purposes. For the purpose of this Ordinance, dwelling does not include mobile homes or mobile homes converted to real estate except as hereinafter provided. **All dwelling units shall have a minimum side elevation width of twenty-two (22) feet, and a minimum overall area of 720 square feet.**
43. DWELLING, CONDOMINIUM: A multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units, with each owner having an undivided interest in the common real estate.
44. DWELLING, ROW: Any one (1) of two (2) or more horizontally attached dwelling units in a continuous row. Also referred to as a townhouse. See definition of Townhouse.
45. DWELLING, SINGLE-FAMILY: A building designed for or occupied by one (1) family.
46. DWELLING, TWO-FAMILY: A building designed for or occupied exclusively by two families living independently of each other.
47. DWELLING, MULTIPLE FAMILY: A building or portion thereof designed for or occupied by three or more families.

48. DWELLING UNIT: One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner-occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms, or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.
49. EASEMENT: A grant by the property owner to the public, a corporation, or persons of the use of a tract of land for a specific purpose(s).
50. FAMILY: One (1) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel. A family as defined herein, shall include not more than four (4) unrelated persons.
51. FAMILY HOME **OR GROUP CARE FACILITY**: A community based residential home licensed as a residential care facility to provide a family environment for not more than eight (8) developmentally disabled persons and any necessary support personnel.
52. FARM: An area of land comprising thirty-five (35) acres of land or more used for the growing of the usual farm products such as vegetables, fruits and grains and their storage in the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term "farming" includes the operation of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce, provided; however, that the operation of any such accessory uses, shall be secondary to that of the normal farming activities.
53. FARM DWELLING, PRINCIPAL: A dwelling located on a farm and occupied by the owner or operator of the farm on which it is located.
54. FARM DWELLING, SECONDARY: A dwelling located on a farm that is under the same ownership as the principal farm dwelling and other buildings and lands used in conjunction with the farming operation and occupied by a person or family employed thereon, or by a retired owner of the farm or his family. Secondary farm dwellings shall include mobile homes and mobile homes converted to real estate as herein defined.
55. FARMSTEAD: The principal center of farming operations and consists of the farm dwelling, associated farm buildings and adjacent service areas of a farm.
56. FARMSTEAD SITE: The farmhouse or site of a previously existing farmhouse and any existing out buildings that are or were used for farming purposes and adjacent service areas of a farm. Minimum evidence of the existence of the "site of a previously existing farmhouse" shall include:

- A. Previous tax records establishing the existence of the farmhouse;
and/or
 - B. Existence of 75% or more of the farmhouse's foundation or conclusive
evidence from aerial photographs of the farmhouse's previous existence.
57. FEEDLOT: Any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs or sheep. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.
58. FENCE: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
59. FENCE, SIGHT-OBSCURING: A fence or planting arranged in such a way as to obstruct vision.
60. FLOOD PLAIN: Those areas contiguous to a river, stream or other drainage course which have been inundated by flood waters or where inundation by flood waters can be expected to occur at a frequency of at least once in one hundred (100) years.
61. FLOODWAY: The channel of a river, stream, or watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood water.
62. FLOODWAY FRINGE: Those portions of the flood plain, other than the floodway, which can be filled, levee, or otherwise obstructed without causing substantially higher flood levels or flood velocities within the floodway.
63. FLOOR AREA: The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages or space in a basement or cellar which is used for storage or incidental use.
64. FRONTAGE: All the property on one (1) side of a street (road) 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.
65. GARAGE, PRIVATE: An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle of not more than two (2) ton capacity.

66. GARAGE, PUBLIC: A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.
67. GRADE: The average level of the finished surface of the ground adjacent to the exterior walls of the building.
68. GRAIN ELEVATOR: A structure or group of structures whose purpose is limited to the receiving, processing, storage, drying and transporting of bulk grain.
69. GREENHOUSE: A building or accessory structure constructed chiefly of glass or other translucent material, which is devoted to the protection or cultivation of flowers or other tender plants.
70. HIGHWAY: An officially designated state or federal numbered highway, or other major street or road designated by the county as a thoroughfare.
71. HOME OCCUPATION: A business, profession, occupation or trade conducted for gain or support as an accessory use entirely within a dwelling, or a structure, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building.
72. HOMEOWNERS OR PROPERTY OWNERS ASSOCIATION: A formally constituted non-profit association or corporation made up of the property owners and/or residents of a definitive area; who collectively may take permanent responsibility for costs and upkeep of commonly owned or designated community property.
73. INOPERABLE MOTOR VEHICLE: Shall mean any motor vehicle which lacks (a) current registration or (b) two (2) or more wheels or other component parts, the absence of which renders the vehicle totally unfit for legal use on highways.
74. JUNK: Shall mean all old or scrap copper, brass, lead, or other nonferrous metal; old rope, rags, batteries, paper, trash, rubber debris, water, dismantled or inoperable vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron steel or other old or scrap ferrous materials; old discarded glass, tinware, plastic, or old discarded household goods or hardware.

75. JUNK YARD: Shall mean any place not fully enclosed in a building, used in whole or in part for the storage, salvage or deposit of junk, used lumber or salvaged wood, whether in connection with a business or not, which encompasses an area of two hundred (200) square feet or more, or any place where **six (6) or** more inoperable motor vehicles, or used parts and materials thereof when taken together equal the bulk of **six (6)** motor vehicles, are stored and deposited. For the purposes of this Ordinance, junk yard shall include salvage yard, wrecking yard, used lumber yard and places for storage of salvaged wood.
76. KENNEL, COMMERCIAL: The term "Commercial Kennel" shall apply to any person who keeps or maintains more than **five (5)** dogs and/or any person who shall raise, sell, trade or transfer more than **ten (10)** offspring during any calendar year. The term shall also include any kennel for dogs and/or cats which performs one or more of the following activities:
- A. Board of such animals not owned by the proprietors;
 - B. Breeding of such animals for sale, whether or not such animals are raised, trained, groomed or boarded by proprietors;
 - C. Grooming and training services of such animals.
77. KENNEL, PRIVATE: A noncommercial kennel at, in or adjoining a private residence where dogs are kept for hobby of the householder, in using them for hunting or practice training or for exhibiting them in shows of field or obedience trials or for guarding or protecting the householder's property and from which offspring with a total value in excess of one hundred (100) are sold, traded, or exchanged during a calendar year. The keeper of a private kennel may keep or maintain **not more than five (5)** dogs, six (6) months old or older of either sex per year and may raise or sell not more than **ten (10)** offspring during any calendar year without changing the status of the kennel. If the keeper of a private kennel sells, trades or transfers more than **ten (10)** offspring during any calendar year, he shall be subject to the regulations of a commercial kennel.
78. LAUNDRY, SELF-SERVICE: A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.
79. LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off street parking spaces are filled. Required off street loading space is not to be used as off street parking in computation of required off-street parking spaces.

80. LOESS HILLS: A land form including thick loess deposits with unique topographic and ecological characteristics. For purposes of this Ordinance, the boundaries of Loess Hills in Harrison County correspond to the boundaries of the LH Loess Hills (Overlay) District.
81. LOESS HILLS, WEST FACE: For the purpose ***of this Ordinance, the west face of Loess Hills includes the area of Loess Hills located between the westerly boundary of the Loess Hills (Overlay) District and approximately one mile easterly following a boundary as shown on the LH Loess Hills (Overlay) District.***
82. LOT: For the purpose of this Ordinance, a lot is a parcel of land at least sufficient size to meet the minimum zoning requirements for use, coverage and area to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or on a private street approved prior to the effective date of this Ordinance 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; and (d) a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance. In no case shall a parcel of land conveyed under a lease be construed as a lot, unless said lot has been platted as a lot in an approved subdivision.
83. LOT FRONTAGE: That portion of a lot or parcel of land which abuts a street. Each side of a lot so abutting a public street shall be considered as a separate lot frontage. The frontage of a lot or lots shall be measured along the street line.
84. LOT LINES: The property lines bounding a lot.
- A. FRONT LOT LINE: The lot line separating the front of the lot from the street. However, for purposes of determining lot requirements in cases where the front lot line is located within a street or highway right-of-way or easement, the street line shall be used.
- B. REAR LOT LINE: The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or odd shaped lot, it shall mean a straight line ten feet (10') in length which (a) is parallel to the front lot line or its chord and (b) intersects the two (2) other lot lines at points most distant from the front lot line.
- C. SIDE LOT LINE: Any lot line other than a front or rear lot line. A side lot line separating a lot from a front or rear lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.
85. LOT MEASUREMENTS: For the purposes of this Ordinance the following lot measurements apply:

- A. LOT AREA: The gross horizontal area within the lot lines of a lot, exclusive of any area contained within a street or highway right-of-way or easement.
 - B. LOT DEPTH: The mean horizontal distance between the front and rear lot lines. In the case of an irregular, triangular or odd shaped lot, the depth shall be the horizontal distance between the midpoints of the front and rear lot lines.
 - C. LOT WIDTH: The horizontal distance between the side lot line as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front yard setback. Where the lot width is decreasing from front to rear, the horizontal distance between the side lot lines as described above shall be measured at its point of intersection with the required minimum rear yard setback.
86. LOT OF RECORD: A lot which is a part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
87. LOT TYPES: For the purpose of this Ordinance the following types of lots are defined:
- A. CORNER LOT: A lot located at the intersection of two (2) or more streets, having the street right-of-way abut the front and one (1) or more side lines of the lot. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
 - B. DOUBLE FRONTAGE LOT: A lot, other than a corner lot, having frontage on two (2) or more non-intersecting streets.
 - C. **FLAG LOT: A lot with access provided to the bulk of the lot by means of a narrow corridor which does not meet the minimum permitted lot width requirements at the minimum setback distance from the public street.**
 - D. INTERIOR LOT: A lot, other than a corner lot, having frontage on only one (1) street.

- E. **LOT OF RECORD:** A lot which is a part of a subdivision recorded in the office of the County Recorder of Harrison County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
88. **MARINA:** *A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure water craft that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.*
89. **MINI-WAREHOUSE:** A building or group of buildings not more than one (1) story or twenty feet (20') in height and not having any dimension greater than one hundred fifty feet (150') per building, containing varying sizes of individualized, compartmentalized, and controlled access stalls or lockers for the dead storage of customer's goods or wares, excluding junk, explosive, or flammable materials, and other noxious or dangerous materials, including, if any, caretaker or supervisors' quarters as an accessory use. No business activities other than rental of storage units shall be conducted on the premises.
90. **MOBILE HOME:** Any vehicle which at any time was used or maintained for use as a conveyance upon highways or public streets, or waterways, and duly licensed as such; and so designed and constructed as to permit occupancy thereof as a dwelling unit or sleeping place for one (1) or more persons.
- A. This definition shall refer to and include portable and potentially 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.
- B. This definition shall also include and apply to such vehicles or structures that are located on a permanent or temporary foundation but shall not include mobile homes converted to real estate as defined herein.
91. **MOBILE HOME CONVERTED TO REAL ESTATE:** A mobile home which has been attached to a permanent foundation on real estate owned by the mobile homeowner, which has had the vehicular frame modified or destroyed, rendering it impossible to reconvert to a mobile home and which has been inspected by the County Assessor, the mobile home title, registration and license plates collected from the owner and the property entered on the tax rolls of Harrison County, Iowa. Mobile homes converted to real estate shall not be considered as portable or potentially portable structures, but rather shall be considered single-family dwellings for the purpose of this Ordinance.

92. MOBILE HOME PARK OR TRAILER PARK: Shall mean any site, lot, field or tract of land open which three or more mobile homes, manufactured homes, or modular homes, or a combination of any of these homes are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.
93. MANUFACTURED HOME: A factory-built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site built dwelling. For the purposes of these regulations, manufactured home shall be considered the same as any site built single-family detached dwelling.
94. MODULAR HOME: Factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, and must display the seal issued by the state building code commissioner. If a modular home is placed in a mobile home park, the home is subject to the annual tax as required by Section 435.22, Code of Iowa. If a modular home is placed outside a mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate.
95. MOTEL OR MOTOR HOTEL: A building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with parking facilities conveniently located to each such unit, and may include such accessory facilities such as swimming pools, restaurant, meeting room, and etc.
96. NIGHT CLUB: A place of business located within a building or establishment, established and operated for the purpose of supplying entertainment or music and a dance floor and providing meals and/or refreshments prepared for consumption on the premises.
97. NOISE DISTURBANCE: Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.
98. NONCONFORMING STRUCTURE: Any structure or building lawfully constructed prior to the effective date of this Ordinance (or amendment thereto) which does not conform with the bulk regulations of the district in which it is located.

99. NONCONFORMING USE: The lawful use of any structure or land that was established prior to the effective date of this Ordinance (or amendment thereto) which does not conform with the regulations of the district in which it is located.
100. OBJECTIONABLE ODOR: An odor that is of such frequency, duration, quality, and intensity as to be harmful or injurious to human health and welfare, or so as the unreasonably interfere with the comfortable use and enjoyment of life and property of individuals or the public.
101. PARKING AREA OR LOT, OFF-STREET: An area which includes the parking plus the maneuvering space required for the parking of motor vehicles. Space for maneuvering incidental to parking or unpacking, shall not encroach upon any public right-of-way. Off-street parking requirements will be considered to be met only when actual spaces meeting the zoning requirements are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the County.
102. PARKING SPACE: An area of not less than 9 feet by 19 feet on a lot and/or within a building intended for the use of parking of a personal vehicle. This term is used interchangeably with parking stall.
103. PERMANENT FOUNDATION: An assembly of material constructed at and not intended to be removed from its installation site, which is designed to support the structure and engineered to resist the imposition of external nature forces; which complies with existing state and local building codes; and which is compatible with foundations on conventional dwellings in the area. A permanent foundation shall not under any circumstances be construed as a conventional mobile home skirting.
104. PLANNED UNIT DEVELOPMENT (PUD): Any development in which the proposed land use, transportation elements, population densities, building arrangement and types are set out in a unified, contiguous plan.
105. PORCH, UNENCLOSED: A roofed projection which has no more than fifty percent (50%) of each outside wall area enclosed by a building or siding material other than meshed screens.
106. PRINCIPAL BUILDING: A building in which the principal use of the lot on which the building is located is conducted.
107. PRINCIPAL USE: A principal use is the main use of the premises permitted outright in a particular zoning district as distinguished from a conditional use.

108. PRIVATE ROAD: A right-of-way open to vehicular ingress and egress established as a separate tract for the common use and benefit of certain, adjacent properties. This definition shall not apply to individual driveways.
109. QUARTER-QUARTER SECTION: The northeast, northwest, southeast or southwest quarter of a quarter section delineated by the United States Government system of land survey and which is approximately forty (40) acres in size.
110. RECREATIONAL VEHICLE: A vehicular type camping unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping or tent trailer, truck camper, and motor home or coach.
111. RECREATIONAL VEHICLE SITE: A plot of ground within a recreational vehicle park intended for the accommodation of **two or more** recreational **vehicles, tents,** or other individual camping **units** on a temporary basis.
112. REPEAT OFFENSE: A recurring violation of the same section of the Harrison County, Iowa, Zoning Ordinance.
113. RESTAURANT: An establishment that prepares and serves food and beverages to persons for immediate consumption.
- A. *Dine-in: a restaurant where the patron consumes foods and beverages while seated at tables or counters located on the premises.***
- B. *Drive-in: a restaurant that delivers prepared food and/or beverages to patrons in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption on or off the premises.***
- C. *Carry-out: a restaurant which prepares food and/or beverages which are packaged and delivered to the patrons or are picked up at the establishment by the customer, there is no consumption of food or beverages on the premises by patrons.***
114. RIGHT-OF-WAY: The land area, the right to possession of which is secured or reserved for public purposes.
115. ROADSIDE STAND: A structure used seasonally for the sale of neighborhood agricultural products or other products grown or produced on the premises and so constructed that it might be readily moved.
116. ROOF LINE: The juncture of the roof and the perimeter wall of the structure.

117. SERVICE STATION: Any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories and other items customarily associated with the sale of such products; for the rendering of service and making of adjustments and replacements to motor vehicles, and the washing, waxing, and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repairs, major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires. A service station is not a commercial garage nor a body or fender shop.
118. SETBACK: The required minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building respectively for a particular zoning district. Setback may also be referred to as required yard.
119. SHOPPING CENTER: A grouping of retail businesses and service uses within a single Master Planned Complex of one or more buildings with common parking facilities, access and open space.
120. SIGN: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:
- A. Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
 - B. Flags and insignia of any government except when displayed in connection with commercial promotion.
 - C. Legal notices, identification, informational or directional signs erected or required by governmental bodies.
 - D. Signs directing and guiding traffic and parking on public or private property but bearing no advertising matter.
 - E. Warning signs, no trespassing, no hunting and similar signs not to exceed four (4) square feet in area located on the premises.
 - F. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

121. SIGN, AREA: The sign shall be that area determined by the Zoning Administrator using actual dimensions where practicable, or approximate dimensions when irregularity of sign shape warrants. Such area shall include the extreme points or edges of sign, excluding the supporting structure which does not form part of the sign proper or of the display. The area of a sign composed of characters or words attached directly to a building or wall surface shall be the smallest rectangle which encloses the whole group. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than twenty-four inches (24") from one another. In this instance the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.
122. SIGN, FREE-STANDING: A sign which is supported by structures or supports in or upon the ground and independent of support from any building or wall.
123. SIGN, INTERSTATE: An on-premise pole sign which is constructed to attract the attention of interstate travelers, and identifies or advertises the use of the principal building(s) and location and size complies with Federal and State regulations.
124. SIGN, OFF-PREMISE: Signs identifying location or direction to a specific development or facility that is located on premise or off premise of the development or facility site not to exceed 32 square feet in area.
125. SIGN, PORTABLE: A free-standing sign which is not permanently anchored secure to the ground.
126. SIGN, PROJECTING: A sign, other than a wall sign, which is supported or attached to any building or wall and which extends more than one foot (1') out from the building or wall.
127. SIGN, ROOF: A sign which is erected upon or above the roof or parapet of any building.
128. SIGN, TEMPORARY: A sign which is intended only for a limited period of display.
129. SIGN, WALL: A sign which is painted on or attached to and erected parallel to the face of the outside wall of any building and supported by such building or wall and which displays only one (1) advertising surface.

130. ***SITE IMPROVEMENTS***: Shall include all improvements to a site plan in addition to proposed buildings, and including but not limited to utilities, stormwater management, parking, loading areas, landscaping, buffers, and free standing signs.
131. ***SITE PLAN***: A plan, prepared to scale, showing accurately and with complete dimensions the boundaries of a site and the location of all buildings, structures, uses, and principal site development features including contours proposed for a specific parcel of land as required by these regulations.
132. **SPECIAL EXCEPTION**: A use or structure that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provisions for such special exceptions are made in this Zoning Ordinance.
133. **STABLE, COMMERCIAL AND RIDING ACADEMY**: A building or structure used or intended to be used for the housing of horses which are let, hired, used or boarded on a commercial basis and for compensation. Riding instruction may be given in connection with a commercial stable or riding academy.
134. **STABLE, PRIVATE**: An accessory building or structure used or intended to be used for the housing of horses owned by the occupant of the property or temporary guests of the occupant on a noncommercial basis and not for compensation.
135. **STABLE, RIDING CLUB**: A building or structure used or intended to be used for the housing of horses owned by a group of persons on a noncommercial basis.
136. **STORY**: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.
137. **STORY, HALF**: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four feet (4') above the top floor level.
138. **STREET**: The entire width between the boundary lines of every way intended for public use for the purpose of vehicular and pedestrian traffic and for the placement of utilities. The term "street" shall include avenue, circle, drive, highway, lane, place, thoroughfare, or any other similar designation.
139. **STREET, HARD SURFACE**: A street which has a full-depth surfacing consisting of concrete, or asphalt with a structural capacity equivalency of concrete, constructed in accordance with appropriate local, county or state regulations.

140. STREET LINE: A dividing line between a lot, tract or parcel of land and the contiguous street. The boundary line of a street.
141. STRUCTURAL ALTERATIONS: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders beyond ordinary repairs and maintenance.
142. 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 including buildings, mobile homes, billboards, signs, towers, sheds, storage bins, and gas and liquid storage tanks, but excluding driveways, parking areas, patios, and public items such as utility poles, street light fixtures, street signs, sidewalks and paving on streets.
143. SUBDIVISION: A division of a lot, tract, or parcel of land into three (3) or more lots, building plots or sites, or other subdivisions of land for the purpose, whether immediate or future, of sale, transfer for building development, or other use, provided, however, this definition of a subdivision shall not include divisions of land into aliquot forty (40) acres or more in size parcels of land for agricultural purposes.
144. SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
145. SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions.
146. SUBTERRANEAN HOME: A dwelling which has all but one (1) wall completely covered and landscaped with earth including the roof.
147. TAVERN: An establishment in which the primary function is the public sale and serving of alcoholic beverages for consumption on the premises, including establishments commonly known as key clubs, which are open and in which alcoholic beverages are served only to members and their guests.

148. TOURIST CABIN: A small single family dwelling of simple construction used as one of the units of a tourist park.
149. TOURIST PARK: Any lot or plot of real property upon which two (2) or more tourist cabins or two (2) or more recreational vehicles, camp sites, travel trailers or any combination of tourist cabins, recreational vehicles, camp sites are located and maintained for seasonal temporary occupancy.
150. TOWNHOUSE: A dwelling unit which is attached horizontally, and not vertically to one or more other dwelling units, wherein the land or lot beneath each dwelling is individually owned by the owner of the dwelling. A townhouse subdivision shall have common elements which are specified in or determined under the rules and regulations set forth by recorded covenants. Covenants for a townhouse subdivision shall establish the guidelines for maintenance of common elements and permit free movement through common areas by members of the homeowners association (council of co-owners) to assure access to the structural exterior of each townhouse unit by the individual unit owner.
151. TRAVEL TRAILER OR CAMPING TRAILER: A vehicle with or without motive power used or so constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicle to be used as a place of human habitation by one or more persons. Said vehicle may be up to eight feet (8') in width and any length provided its gross weight does not exceed 4,500 pounds, which shall be the manufacturer's shipping or the actual weight of the vehicle fully equipped, or any weight provided its overall length does not exceed twenty-eight feet (28'). Such vehicle shall be customarily 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, regardless of the size and weight limitation provided herein. This definition shall also include house cars and camp cars having motive power and designed for temporary occupancy as defined herein.
152. TRUCK STOP: A service station which is designed principally for the servicing and temporary parking of trucks.
153. TRUCK TERMINAL: Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term storage. The terminal facility may include storage areas for trucks, and buildings or areas for the repair of trucks associated with the terminal.
154. WAREHOUSE: ***A building used primarily for the storage of goods and materials.***

155. YARD: An open space unoccupied and unobstructed by any portion of a structure from two and one-half feet (2-1/2') above the general ground level of the graded lot upward; provided however, that fences, walls, yard recreational and laundry drying equipment, arbors and trellises, flagpoles, yard lights, statuary and similar decorative items, and other customary yard accessories may be permitted in any yard subject to height limitations and requirements limiting obstruction or visibility. 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 principal 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.
- A. FRONT YARD: A yard extending between side lot lines and measured horizontally and at right angles from the front lot line to the nearest point of the principal building or structure.
- B. REAR YARD: A yard extending between side lot lines and measured horizontally and at right angles from the rear lot line to the nearest point of the principal building or structure.
- C. SIDE YARD: A yard extending between the front and rear yard and measured horizontally and at right angles from the side lot line to the nearest point of a permitted building or structures.
156. ZERO LOT LINE: The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.
157. ZONING CERTIFICATE/BUILDING PERMIT: A written statement issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of the Zoning Ordinance and for the purpose of carrying out and enforcing its provisions.

**ARTICLE III
GENERAL PROVISIONS**

- | | | | |
|------|---------------------------------------|-------------|--|
| 3.1 | Not a Licensing Regulation | 3.9 | Vision Clearance |
| 3.2 | Licenses to Conform | 3.10 | Lot Frontage Required |
| 3.3. | Proposed Use Not Covered in Ordinance | 3.11 | Minimum Ground Floor Area for Dwellings |
| 3.4 | Existing Farm Dwellings | 3.12 | Accessory Buildings - Residential District |
| 3.5 | Use of Public Right-of-Way | 3.13 | Nuisances |
| 3.6 | Severability Clause | 3.14 | <i>Fences and Walls</i> |
| 3.7 | Number of Uses on One Lot | 3.15 | <i>Permits Previously Issued</i> |
| 3.8 | Corner Lot | | |

Subject to Article XXII the following provisions, regulations, or exceptions shall apply equally to all districts except hereinafter provided:

3.1 NOT A LICENSING REGULATION. Nothing contained in these regulations shall be deemed to be a consent, license or permit to use any property or to locate, construct, or maintain any structure or facility or to carry on any trade, industry, occupation, or activity.

3.2 LICENSES TO CONFORM. All departments, officials, and employees of Harrison County who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of these regulations and shall issue no permit or license for a use, building, or purpose where the same would be in conflict with the provisions contained herein.

3.3 PROPOSED USE NOT COVERED IN ORDINANCE. Any proposed use not covered in this Ordinance as a permitted use or special exception shall be referred to the ***Planning and Zoning Commission*** for a recommendation as to the proper district in which such use should be permitted and the Ordinance amended as provided in Article ***XXVI*** before a permit is issued for such proposed use.

3.4 EXISTING FARM DWELLINGS. Nothing in this Ordinance shall require any person or persons occupying a principal or secondary farm dwelling at the date of passage of this Ordinance to sever it from the remainder of the farm. If the dwelling is voluntarily severed from the farm to be used and maintained as a residence by the occupant or for sale or lease to others, it shall conform to the lot area and yard requirements of the district in which it is located, provided, however, that the Board of Adjustment may, upon receipt of application, grant a variance in the event such lot does not conform to the requirements of this Ordinance.

3.5 USE OF PUBLIC RIGHT-OF-WAY. No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structures for storage or display purposes, or to provide any parking or loading space required by this Ordinance, or for any other purpose that would obstruct the use or maintenance of the public right-of-way.

3.6 SEVERABILITY CLAUSE. Should any article 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.

3.7 MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT. In any district, *except single family residential districts*, more than one (1) principal use may be erected on a single lot provided that the area, yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

3.8 CORNER LOT. After the effective date of this Ordinance, the front yard setback requirement for a particular district shall apply equally to each yard of a corner lot which abuts a street other than an alley.

3.9 VISION CLEARANCE. On a corner lot in any district, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two and one half feet (2-1/2') and ten feet (10') above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by connecting the right-of-way lines at points which are twenty-five feet (25') distance from the intersection of the right-of-way lines, and measured along the right-of-way lines, or within the triangular area formed by connecting the centerlines of the intersecting streets at points which are one hundred feet (100') from their point of intersection, whichever is greater.

3.10 LOT FRONTAGE REQUIRED. Lots containing any building used in whole or in part for residence purposes shall abut for at least forty feet (40') on at least one (1) street, or have an exclusive unobstructed private easement of access or right-of-way at least twenty feet (20') wide to a street; and there shall be only one (1) single-family dwelling for such frontage or easement.

3.11 MINIMUM GROUND FLOOR AREA FOR DWELLINGS. A one-story dwelling shall contain not less than 600 square feet of usable ground floor area, exclusive of open porches, garages, or steps.

3.12 ACCESSORY BUILDINGS AND STRUCTURES. The following regulations shall govern the placement and use of accessory buildings and structures:

3.121 Accessory buildings, except buildings housing animals and fowl, may be erected as an integral part of the principal building or may be connected thereto by a breezeway or similar structure; or may be erected detached from the principal building. Any accessory building attached to the principal building shall be considered as part of the principal building and shall meet the requirements as specified for the principal building in said district.

3.122 Detached accessory buildings may be erected as provided below:

A. Detached accessory buildings may be located in the side yards but shall not be located in the required side yards.

B. Detached accessory building may be located in the rear yard and may occupy not more than thirty (30) percent of the required rear yard. Such buildings erected in a rear yard shall not be located closer than four (4) feet to any property line and on corner lots shall also comply with the setback requirements for side street yards as specified in the respective district for which the application is made.

C. Unless otherwise specifically permitted, any detached accessory building requiring direct access from an alley shall be located a minimum of fifteen feet (15') from the said alley line.

D. Regardless of its location, a detached accessory building shall maintain a distance of **ten feet (10')** (wall to wall) from any principal building or structure, or other detached accessory building situated on the same lot.

3.123 No accessory building shall be used for dwelling purposes unless specifically permitted.

3.124 No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the principal building on the lot is also being used.

3.13 NUISANCES. No nuisance will be permitted to exist in any district. A nuisance is defined as any structure or use in violation of this Ordinance and in addition any use or structure which injures or endangers health, safety or welfare or constitutes or creates a fire hazard or obstructs or endangers the use of streets or public ways or is offensive to the senses.

A nuisance created prior to and maintained after the effective date of this Ordinance shall not be considered a nonconforming use as specified in Article XX. The following structures and uses of property are declared to be a nuisance:

3.131 Storage, accumulation, keeping, or allowing to remain of trash, garbage, junk, scrap and wrecked, worn out, broken or inoperative or partially destroyed or disassembled personal or real property of any kind, including motor vehicles, tractors, trailers, machinery and equipment.

3.132 Open privies, vaults or cesspools.

3.133 Accumulation of any matter which produces a foul or noxious odor, or serves as a haven for rats, or is so unsightly as to depreciate property values or create a fire hazard.

3.134 Owning, possessing or harboring any dog or other animal which frequently, or for continued duration, howls, barks, meows, squawks, or makes other sounds

which creates a noise disturbance across a boundary between the hours of 11:00 p.m. to 6:00 a.m.

3.14 FENCES AND WALLS

- 3.141** *In any "R" Residential districts or any lot or tract allowed for residential purposes, fences and walls not to exceed six feet (6') in height are permitted within the limits of the side and rear yards. In the front yard a fence not exceeding four feet (4') in height is permitted subject to visibility clearances applicable to corner lots.*
- 3.142** *In any "B" Commercial, "I" Industrial and "I-S" Interchange districts, fences or walls not to exceed eight feet (8') in height are permitted subject to visibility clearances applicable on corner lots. Fences greater than eight feet (8') in height may be permitted when authorized in accordance with the requirements of Article XXV.*
- 3.143** *No fence or wall shall be installed until a permit has been obtained from the zoning administrator except for chain link and wire fences and all other fences four feet (4') or less in height.*
- 3.144** *Fence or wall shall be installed a minimum of one foot (1') from the adjoining property line. The fences shall be constructed with the best side facing the adjoining property.*
- 3.145** *A fence adjoining an A-1 Agricultural District shall be a minimum five feet (5') in height.*

3.15 PERMITS PREVIOUSLY ISSUED

- 3.151** *Nothing herein contained shall require any change in the overall layout of subdivision, plans, construction, size or designated use of any building, or part thereof, for which approvals and required permits have been granted before the enactment of this ordinance; the construction of which in conformance with such approved plans shall have been started prior to the effective date of this ordinance, and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control. All new construction of undeveloped lots of previously approved subdivision plats and site plans for which approvals and required permits have not been granted prior to the effective date of this ordinance, shall meet the provisions of this ordinance.*

**ARTICLE IV
ZONING MAP AND DISTRICT REGULATIONS**

- | | | | |
|-----|---------------------------------------|-----|-----------------------------------|
| 4.1 | Official Zoning Map | 4.5 | Zoning District Dividing Property |
| 4.2 | Identification of Official Zoning Map | 4.6 | Vacated Streets or Roads |
| 4.3 | Amendments to Official Zoning Map | 4.7 | Zoning of Additional Territory |
| 4.4 | Interpretation of District Boundaries | 4.8 | Districts |

4.1 OFFICIAL ZONING MAP. The official zoning map and the explanatory material thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

4.2 IDENTIFICATION OF OFFICIAL ZONING MAP. The official zoning map shall be identified by the signature of the Chairman of the Board of Supervisors and attested to by the County Auditor under the following statement:

"This is to certify that this is the official zoning map referred to in Article IV of the Harrison County, Iowa Zoning Ordinance as adopted this _day of _____, 20 ____"

The official zoning map shall be on file in the office of the County Auditor and shall be the final authority as to the current zoning status of the land, buildings and other structures in the County.

4.3 AMENDMENTS TO OFFICIAL ZONING MAP. No changes in the official zoning map shall be made except by amendment to this Ordinance as provided for under Article XXVI herein. Such changes shall be promptly made and the ordinance number, nature of change and date of change shall be noted on the map, with the signature of the Chairman of the Board of Supervisors approving such change. No amendment to this Ordinance which involves matter portrayed on the official zoning map shall become effective until after such change and entry has been made on said map.

4.31 Any unauthorized change of any kind whatsoever in the official zoning map by any person or persons shall constitute a violation of this Ordinance and be punishable as provided for in Article XXIV of this Ordinance.

4.4 INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

4.41 Boundaries indicated as approximately following centerlines of streets, highways or alleys shall be construed to follow such centerlines.

4.42 Boundaries indicated as approximately following platted lot lines, township lines or section lines shall be construed as following such lines.

- 4.43 Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- 4.44 Boundaries indicated as following shore lines of streams or other bodies of water shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines, and in the event of change in the centerline, shall be construed as moving with the actual centerlines.
- 4.45 Boundaries indicated as parallel to or extensions of features indicated in subsections 4.41 through 4.44 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- 4.46 Where the location of district boundaries are indicated by dimension, such dimension shall govern.
- 4.47 Where physical features existing on the ground are at variance with those shown on the official zoning map or in other circumstances not covered by subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.

4.5 ZONING DISTRICT DIVIDING PROPERTY. Where one (1) parcel of property is divided into two (2) or more portions by reason of different zoning district classifications, each portion shall be used independently of the other in its respective zoning classification, and for the purpose of applying the regulations of this Ordinance, each portion shall be considered as if in separate and different ownership.

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

4.7 ZONING OF ADDITIONAL TERRITORY. Any addition to the unincorporated territory of the County resulting from disconnection by municipalities or otherwise shall automatically be designated as a Class "A-1" District until otherwise classified by amendment.

4.8 DISTRICTS. In order to carry out the purpose and intent of this Ordinance, the following Zoning district classifications are hereby established:

Floodplain (Overlay) District	F-1
Conservation District	C-1
Agricultural District	A-1
Rural Residential	R-1
Agriculture Commercial Service (Floating) District	ACS
Urban Residential District	R-3
Loess Hills (Overlay) District	LH
Residential Mobile Home Park	R-5
Planned Residential Development District	R-6
Business District	B-1
Industrial Service District	I-1
Planned Mixed Use Area Development District	1-2
Interchange Service Districts	I-S

The locations and boundaries of these districts are shown on the official zoning map and the schedules of district regulations are presented herein.

**ARTICLE V
F-1 FLOODPLAIN (OVERLAY) DISTRICT**

5.1	Statement of Intent	5.5	Special Exception Uses Permitted in <i>Floodway</i> Fringe Portion of Floodplain District
5.2	Principal Uses		
5.3	Special Exception Uses		
5.4	Special Exception Uses Permitted in Floodway Portion of Floodplain District	5.6	Special Exception Use Permits
		5.7	General Regulations

5.1 STATEMENT OF INTENT. The F-1 District is designed and intended to be applied by the County to properties which lie within areas where special regulations are necessary in order to minimize the danger to life and property which results from flood waters. These regulations are further intended to protect the floodplain from encroachments or developments which would obstruct, contain, or divert the passage of flood waters. This district and the regulations herein shall apply to all lands in addition to the regulations of any other zoning districts which now, or in the future, may lie within the boundaries of this district.

5.2 PRINCIPAL USES. The following uses shall be permitted in a Class F-1 District:

- 5.21 General agricultural uses such as farming, pasture, grazing, outdoor nurseries, horticulture, truck farming, forestry, sod farming, crop harvesting and such like uses.
- 5.22 Industrial-commercial uses such as loading and parking areas and other open area uses.
- 5.23 Public and private recreational uses such as parks, swimming areas, golf courses, driving ranges, picnic grounds, wildlife and nature areas, game farms, fish hatcheries, target, trap and skeet ranges, provided that no permanent or temporary structure shall be required.
- 5.24 Open space uses such as lawns, gardens, parking areas and play areas.
- 5.25 Uses permitted in the underlying zoning districts provided that no permanent structures are constructed or moved or provided to house a use so permitted.

5.3 SPECIAL EXCEPTION USES. All uses other than those specified in Section 5.2 are permitted only upon application to the Administrative Officer and the issuance of a Special Exception Use Permit by the County Board of Adjustment as provided in Article 24.

The Floodplain District is comprised of a ***floodway*** area and a fringe area. The Board of Adjustment shall determine whether the proposed use would be located in either the floodway or the ***floodway*** fringe. If the site location of the proposed use is found to be situated within the floodway area, the provisions of Section 5.4 shall apply. However, if it is determined that the proposed site is located in the ***floodway*** fringe area, the provisions of Section 5.5 shall apply. All uses shall be subject to the provisions of this ordinance.

5.31 Procedure. Upon receiving an application for a Special Exception Use permit involving the use of fill, construction of structures, or storage of materials, the Board of Adjustment shall, prior to rendering a decision thereon:

5.311 Require the applicant to furnish much of the following information as is deemed necessary by the Board of Adjustment for determining the regulatory flood protection elevation, whether the proposed use is located in the floodway or flood fringe, and other factors necessary to render a decision on the suitability of the particular site for the proposed use.

A. Plans in triplicate drawn to scale showing the nature, location dimensions and elevation of the lots, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the channel.

B. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

C. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types and other pertinent information.

D. Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred feet (500') in either direction from the proposed development.

E. Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

5.4 SPECIAL EXCEPTION USES PERMITTED IN THE FLOODWAY PORTION OF THE FLOODPLAIN DISTRICT.

Other uses are allowed only as Special Exception Uses within the floodway provided they comply with the provisions of this section, other standards established in this ordinance, and any conditions attached by the Board of Adjustment to the issuance of the Special Exception Use Permit. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other use shall be permitted which acting along or in combination with existing or reasonably anticipated uses unduly affects the efficiency or the capacity of the floodway or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. Special Exception Uses include:

- A. Uses or structures accessory to open space or Special Exception Uses.
- B. Circuses, carnivals and similar transient amusement enterprises.
- C. Drive-in theaters, new and used car lots, road side stands, signs and billboards.
- D. Extraction of sand, gravel, and other materials.
- E. Marinas, boat rentals, docks, piers, wharves, and water control structures.
- F. Railroad, streets, bridges, utility transmission lines and pipelines.
- G. Storage yards for equipment, machinery and materials.
- H. Kennels and stables.

5.41 Fill

5.411 Any fill or materials proposed to be deposited in the floodway will be allowed only upon issuance of a Special Exception Use Permit. The fill or materials must be shown to have some beneficial purpose, and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.

5.412 Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover, or bulkheading.

- 5.42 Structures accessory to the Special Exception uses listed in Section 5.4, subject to the following:
- 5.421 Structures shall not be designed for human habitation.
 - 5.422 Structures shall have a low flood damage potential.
 - 5.423 The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
 - A. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and
 - B. So far as practicable, structures shall be placed approximately on the same flood flow lines as those adjoining structures.
 - C. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction bridge openings and other narrow sections of the stream or river.
 - D. Service facilities such as electrical and heating equipments shall be placed at or above the regulatory flood protection elevation for the particular area or adequately floodproofed.
- 5.43 Storage of Materials and Equipment
- 5.431 The storage or processing of materials that in time of flooding are buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
 - 5.432 Storage of other material or equipment may be allowed upon issuance of Special Exception Use Permits if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.
- 5.44 Garbage and Solid Waste Disposal
- 5.441 No Special Exception Use Permits for garbage and waste disposal sites shall be issued for floodway area.

5.45 Structural Works for Flood Control

5.451 Structural works for flood control such as dams, levees, dikes, and floodwalls shall not be allowed within the floodway except upon issuance of a Special Exception Use Permit. In addition, any proposed structural work in the beds of public waters as defined in Iowa Statutes 455A.8, which will change the course, current or cross-section of the waters shall be subject to the provisions of Iowa Statutes 455A.8 and other applicable statutes.

5.5 SPECIAL EXCEPTION USES PERMITTED IN THE *FLOODWAY* FRINGE PORTION OF THE FLOODPLAIN DISTRICT.

5.51 Structural or other uses shall be permitted within the flood fringe as Special Exception Uses to the extent they are not prohibited by any other ordinance and they meet the following applicable standards:

5.511 Residential Uses

Residences shall be constructed on fill with the first floor or basement floor at or above the regulatory flood protection elevation. The finished fill elevation shall be no more than one foot below the regulatory flood protection elevation for the particular area and shall extend at such elevation at least fifteen feet (15') beyond the limits of any structure or building erected thereon. Where existing streets or utilities are at elevations which make compliance with this provision impractical or in other special circumstances the Board of Adjustment may authorize other techniques for protection.

5.512 Non-Residential Uses

Structures other than residences shall ordinarily be elevated on fill as provided in Section 5.41(A & B), but may, in special circumstances, be protected as provided in Section 5.51 (G) to a point at or above the regulatory flood protection elevation.

5.513 Commercial Uses

Commercial structures generally must be constructed on fill with no first floor or basement floor below the flood protection elevation. Accessory land uses, such as yards, railroad tracks and parking lots, may be at lower elevation. However, a permit for such facilities to be used by the general public shall not be granted, in the absence of a flood warning system, if the area is inundated to a depth greater than two feet or subject to flood velocities greater than four feet per second upon the occurrence of the regional flood.

5.514 Manufacturing and industrial uses manufacturing and industrial buildings, structures and appurtenant works shall be protected to the flood protection elevation. Measures shall be taken to minimize interference with normal plant operations especially for streams having protected flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations. In considering permit applications, the Board shall give due consideration to needs of an industry whose business requires that it be located in floodplain areas.

5.515 Utilities, Railroad Tracks, Streets and Bridges

Public utility facilities, roads, railroad tracks and bridges within the floodplain shall be designed to minimize increases in flood elevations and shall be compatible with local comprehensive floodplain development plans. Protection to the regulatory flood protection elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Where failure or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor auxiliary roads, railroads, or utilities.

5.516 Waste Treatment and Waste Disposal

A. No new construction, addition, or modification to existing waste treatment facilities shall be permitted within the floodplain unless emergency plans and procedures for action to be taken in the event of flooding are prepared, filed with, and approved by the Iowa Department of Natural Resources. The emergency plans and procedures must provide for measures to prevent introduction of any pollutant or toxic material into the flood waters.

B. There shall be no disposal of garbage or solid waste materials within flood fringe areas except upon issuance of a Special Exception Use Permit at sites approved by the Iowa Natural Resources Council.

5.517 Flood Control Works

Flood Control Works shall be subject to the provisions of Section 5.45 and the following provisions:

A. The minimum height and design of any dikes, levees, floodwalls or similar structural works shall be based upon the flood profile of the regional flood confined between the structures subject to the following:

(1) For urban areas the minimum height and design of structural works shall be at least three feet (3') above the elevation of the regional flood or at the elevation of the standard project flood, whichever is greater.

(2) Modifications and additions to existing structural works shall assure that the work will provide a means of decreasing the flood damage potential in the area. Any existing structural work which potentially threatens public health or safety shall be modified or reconstructed in order to meet the standards contained herein within a period of one year of the effective date of this ordinance.

B. Flood protection elevations and floodway limits which reflect proposed measures for flood control shall not be effective until such measures are constructed and operative unless the proposed measures will increase flood heights, in which event, the regulatory flood protection elevations and floodplain limits shall reflect the anticipated increases.

C. Detailed plans shall be submitted to the Board for any new developments placed on the floodplain landward from dikes and levees. The plans must provide against flooding from internal drainage.

5.6 SPECIAL EXCEPTION USE PERMITS. All Special Exception Use applications will be evaluated against the following criteria by the Board of Adjustment.

5.61 The danger to life and property due to increased flood heights or velocities caused by encroachments.

- 5.62 The danger that materials may be swept onto other lands or downstream to the injury of others.
- 5.63 The proposed water supply and sanitation system and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- 5.64 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- 5.65 The importance of the services provided by the proposed facility to the community.
- 5.66 The requirements of the facility for a waterfront location.
- 5.67 The availability of alternative locations not subject to flooding for the proposed use.
- 5.68 The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- 5.69 The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- 5.610 The safety of access to the property in times of flood for ordinary and emergency vehicles.
- 5.611 The expected heights, velocity, durations, rate of rise and sediment transport of the flood waters expected at the site.
- 5.612 Such other factors which are relevant to the purposes of this ordinance.
- 5.613 Conditions that may be attached to Special Exception Use Permits.
- 5.6131 Modification of waste disposal and water supply facilities.
- 5.6132 Limitations on period of use and operation.
- 5.6133 Imposition of operational controls, sureties, and deed restrictions.
- 5.6134 Requirements for construction of channel modifications, dikes, levees and other protective measures.

5.614 Floodproofing Measures. Floodproofing measures shall be designed consistent with the floor protection elevation for the particular areas, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Planning **and Zoning** Commission shall require that the applicant submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures may be required without limitation because of specific enumeration:

A. To resist flotation and lateral movement, either anchor or add mass or weight to structures.

B. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction to resist rupture or collapse caused by water pressure or floating debris.

C. Reinforcement of walls to resist water pressures.

D. Use of paints, membranes, or mortars to reduce seepage of water through walls.

E. Construction of water supply and waste treatment systems to prevent the entrance of flood waters.

F. Install pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures as well as lower water levels in structures.

G. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the building or structures. Gravity draining of basements may be eliminated by mechanical devices.

H. Location of all electrical equipment circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and provide protection from inundation by the regional flood.

I. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and welfare above the flood protection elevation or provision of adequate floodproofing to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters.

5.615 First Floor Elevations

All structures shall be constructed with their first floor elevations at or above the Regulatory Flood Protection Elevation. Any fill shall not be more than one (1) foot below the same elevation for the particular area, and shall extend at least fifteen feet (15') beyond the limits of any structure or building erected thereon.

5.7 GENERAL REGULATIONS. The following general regulations shall apply to a Class F-1 District:

5.71 The Zoning Administrator shall forward to the Natural Resources Council a copy of any application for a variance or conditional use permit where a hearing is to be held to consider such application. The Commissioner of the N.R.C. shall receive the copy of the application at least ten (10) days in advance of the hearing. Such notice shall specify the time, place, and subject matter of the hearing and shall be accompanied by such supporting information as necessary to indicate the nature and effect of the proposed use.

5.72 Disclaimer of Liability

5.721 The F-1 Floodplain District herein established is intended to provide a reasonable approach to flood control based on present information. As additional information becomes available, the extent of the various boundaries shall be so altered to maintain this reasonableness. This ordinance does not imply that areas beyond the district limits will be free from flooding or that uses within the districts will be free from flooding; nor shall this ordinance, or district established herein, create a liability on the cause action against the County or any officer or employee thereof, for any flood damage that may result from reliance upon this ordinance or flood district so established.

5.73 Certification of Compliance

5.731 No vacant floodplain land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until the applicant submits to the appropriate local official a certification by a registered professional engineer, land surveyor, or other qualified person designated by the local governing body that the finished fill and building floor elevations or other flood protection measures are in compliance with appropriate floodplain zoning provisions and other floodplain regulations.

5.74 Removal of Lands From a Floodplain District

5.741 The floodplain designation on official zoning maps shall not be removed from floodplain areas adjacent to and outside of floodways unless it can be shown that the areas are filled to an elevation at or above the flood protection level and are contiguous to other lands lying outside the floodplain district.

5.75 Variance From Standard

5.751 No variance shall be granted which provides for a lesser degree of flood protection than stated in these regulations.

5.76 Non-Conforming Uses

5.761 If any non-conforming use is destroyed by floods, to the extent of fifty percent (50%) or more of its assessed value, it shall not be reconstructed except in conformity with the provisions of this ordinance. However, the Board of Adjustment may permit reconstruction if the use is located outside the floodway and, upon reconstruction, is adequately floodproofed, elevated, or otherwise protected in conformity with Section 5.62 of this article.

5.762 Alterations or additions to any non-conforming use which would result in any substantial increase in its flood damage potential shall be protected by measures pursuant to Section 5.62 of this article.

5.763 The Zoning Administrator shall prepare a list of those non-conforming uses which have been floodproofed or otherwise adequately protected in conformity with Section 5.62 of this article.

**ARTICLE VI
C-1 CONSERVATION DISTRICT**

- | | | | |
|-----|------------------------|------|---|
| 6.1 | Statement of Intent | 6.7 | Setback Requirements |
| 6.2 | Principal Uses | 6.8 | Height Requirements |
| 6.3 | Special Exception Uses | 6.9 | Parking |
| 6.4 | Accessory Uses | 6.10 | Additional Requirements,
Exceptions, and Modifications |
| 6.5 | Signs | | |
| 6.6 | Lot Size | | |

6.1 STATEMENT OF INTENT. The Class C-1 District is intended to provide for the retention of unique, scenic or other natural environments; to conserve certain areas of historical value, bluffs, virgin prairie, natural ground cover, forests and agricultural lands; to protect natural spawning grounds, feeding grounds and wildlife habitats; to protect natural watercourses, drainage basins and watershed areas; to reserve or protect appropriately located public recreation facilities within or proximate to the county's scenic natural recreation areas.

6.2 PRINCIPAL USES. The following principal uses shall be permitted in a Class C-1 District:

- 6.21 Any customary agricultural use, including agronomy, horticulture, animal husbandry, poultry husbandry, greenhouses, nursery gardens, truck gardens excluding confinement operations.
- 6.22 Forests and production of woodland products including portable sawmills for cutting timber grown on the site.
- 6.23 Water conservation works including water supply works, flood control and watershed protection works, fish and game hatcheries and preserves, etc.

6.3 SPECIAL EXCEPTION USES. The following special exception uses shall be permitted in a Class C-1 District, when authorized in accordance with the requirements of Article **XXV**:

- 6.31 Essential governmental structures and uses other than sanitary landfills or uses similar in the scope or effects, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances.

- 6.32 Transformer stations, booster stations, utility stations, and radio or television transmitter and towers, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and front yard setback may be waived by the Board only on finding that the waiver will not create a detrimental effect on adjacent properties.
- 6.33 Public and private noncommercial recreational areas and facilities including parks, playgrounds, golf courses, hunting and fishing preserves, boat docks, piers, landings, camps, campgrounds, summer camps, and similar uses provided that any principal or accessory building in connection therewith shall be located not less than two hundred feet (200') from any lot in an "R" District.
- 6.34 Sanitary landfills, in accordance with county and state regulations except that no sanitary landfill shall be operated within 1,320 feet of any "R" District.
- 6.35 Removal and loading of minerals, sand or gravel, including equipment, buildings or structures for screening, crushing, mixing, washing, or storage located not less than five hundred feet (500') from any "R" District and suitably distant or properly screened from any designated Scenic Highway.

6.4 ACCESSORY USES. The following accessory uses shall be permitted in a Class C-1 District:

- 6.41 Accessory uses and structures normally incidental and subordinate to one of the permitted principal or special exception uses, unless otherwise excluded.
- 6.42 Agricultural buildings and structures including dams, equipment sheds, outbuildings and other buildings, structures or erections which are primarily adapted for use for agricultural purposes.
- 6.43 Private parking facilities including garages, carports and other parking spaces.
- 6.44 Roadside stands for the sale of agricultural produce grown on the site, but only when adequate off street parking is provided.

6.5 SIGNS. See Article XXII.

6.6 LOT SIZE AND COVERAGE REQUIREMENTS. The minimum lot size and maximum lot coverage for uses in a Class C-1 District shall be as follows:

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE
6.61 Public Recreational Facilities	5 acres	300'	300'	5%
6.6.2 Other Permitted Structures and Uses	1 are	150'	150'	30%

6.7 SETBACK REQUIREMENTS. The setback requirements for buildings and structures in a Class C-1 District shall be as follows:

6.71 The front yard setback shall be a minimum of fifty feet (50').

6.72 The side yard setback shall be a minimum of twenty-five feet (25').

6.73 The rear yard setback shall be a minimum of fifty feet (50').

6.8 HEIGHT REQUIREMENTS. The maximum height of buildings and structures in a C-1 District shall be as follows:

6.81 Principal Structures----- 30 feet

6.82 Accessory Structures-----15 feet

6.9 PARKING REQUIREMENTS. See Article XVIII.

6.10 ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS. See Article XXI.

**ARTICLE VII
A-1 AGRICULTURAL DISTRICT**

- | | | | |
|-----|------------------------------------|------|---|
| 7.1 | Statement of Intent | 7.7 | Setback Requirements |
| 7.2 | Principal Uses | 7.8 | Height Requirements |
| 7.3 | Special Exception Uses | 7.9 | Off-Street Parking |
| 7.4 | Accessory Uses | 7.10 | Additional Requirements,
Exceptions, and Modifications |
| 7.5 | Signs | | |
| 7.6 | Lot Size and Coverage Requirements | | |

7.1 STATEMENT OF INTENT. The Class "A-1" District is intended to preserve the land best suited for agricultural production by protecting prime agricultural lands in farmable tracts from the encroachment of scattered residential, commercial and industrial development; to promote efficiency and economy in the delivery of public services by restricting non-farm development in unincorporated areas of the County that are without existing or planned services, and encourage development in areas where services are provided or can efficiently be provided. Furthermore, this District is intended to preserve those areas which are suited for eventual non-farm development until economical and practical provisions can be made for streets, utilities, schools and other facilities, and to manage land use for the achievement of reasonably compact development with the support capacities of the incorporated areas existing and planned facilities and services. ***The A-1 District allows limited opportunity for development of non-farm dwellings provided that lots so created do not require a subdivision plat.***

7.2 PRINCIPAL USES. The following principal uses shall be permitted in a Class A-1 District:

- 7.21 Any customary agricultural use, including agronomy, horticulture, animal and poultry husbandry, greenhouses, nursery gardens, truck gardens and aquatic farming.
- 7.22 Confinement operations, however, such operations shall be subject to prior approval from the ***Iowa*** Department of Natural Resources.
- 7.23 Single-family non-farm dwellings.
- 7.24 Sanitary landfills, such to approval by the Iowa Department of Natural Resources and the County Board, provided that no such use or structure shall be located closer than 1,320 feet to any Class "R" District or dwelling other than that of the lessee or owner of the site.

7.3 SPECIAL EXCEPTIONS USES. The following conditional uses shall be permitted in a Class "A" District, when authorized in accordance with the requirements of Article **XXV**.

- 7.31 Essential governmental structures and uses, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances.
- 7.32 Transformer stations, booster stations, utility stations, and radio or television transmitter and towers, and broadcasting stations, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and setback may be waived by the Board only on finding that the waiver will not create a detrimental effect on adjacent properties.
- 7.33 Sewage disposal facilities, subject to approval by the Iowa Department of Natural Resources, provided that no such structure shall be located closer than seven hundred fifty feet (750') to any Class "R" District or dwelling other than that of the lessee or owner of the site.
- 7.34 Commercial stables, riding academies and clubs, provided that no such structure shall be closer than fifty feet (50') to any property line.
- 7.35 Commercial kennels and veterinary hospitals or clinics, provided that no such structure or exercising runway shall be located closer than two hundred feet (200') from any Class "R" District or dwelling other than that of the lessee or owner of the site.
- 7.36 Churches and other places of worship, including parish houses and Sunday school buildings.
- 7.37 Cemeteries, including mausoleums and crematories, provided that no such mausoleum and crematory shall be located closer than two hundred feet (200') from any property line, and further provided that any new cemetery shall contain an area of five (5) acres or more.
- 7.38 Public schools and college, and private schools and colleges having equivalent curriculum.

- 7.39 Day care nurseries and nursery schools, provided that for each child there shall be a minimum of thirty-five (35) square feet of usable floor space, exclusive of wash rooms, toilets, kitchens and hallways; and further provided that for each child there shall be a minimum of one hundred (100) square feet of usable outdoor play space, which space shall be confined to the rear yard of the property and be completely enclosed by a fence.
- 7.310 Mines, quarries, sand and gravel pits, portable sawmills and related facilities required for obtaining, processing, storing and transporting minerals, raw materials and timber at their point of origin, subject to approval of the **Iowa Department of Agriculture and Land Stewardship** and the Iowa Department of Natural Resources; provided that no such use shall be located closer than five hundred feet (500') from any Class "R" District, or dwelling other than that of the lessee or owner of the site. Any such use existing at any time prior to the adoption of the ordinance may be reopened, expanded or extended, and continue to operate provided that where any part of the operation is closer than the distance specified above, the operation may be extended parallel to such other uses, but such extension shall not become closer than such other uses. Where any such use is closer than twenty-five feet (25') to a street, and has a depth of greater than thirty feet (30'), and the side adjacent to the street has a slope steeper than two feet (2') horizontally for each foot of depth, a fence, retaining wall, embankment or other suitable protective barrier approved by the County Engineer shall be constructed along that portion of the excavation parallel to the street.
- 7.311 Private light plane landing strips including crop dusting strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Agency and when situated on a site containing not less than thirty (30) acres.
- 7.312 Temporary establishments or enterprises involving large assemblages of people or automobiles including, but not limited to, carnivals, circuses, rodeo grounds, show rings, livestock auction barns and yards, music festivals, sports festivals and similar uses.
- 7.313 Bed and breakfast homes, subject to the provisions of Section 2.3(6).

7.314 Wind generators.

7.4 ACCESSORY USES. The following accessory uses shall be permitted in a Class A-1 District:

- 7.41 Accessory uses and structures normally incidental and subordinate to one of the permitted principal or special exception uses, unless otherwise excluded.

- 7.42 Agricultural buildings and structures including dams, equipment sheds, outbuildings and other buildings, structures or erections which are primarily adopted for use for agricultural purposes.
- 7.43 Private recreational facilities including swimming pools, tennis courts, and other recreational facilities commonly accessory to a dwelling.
- 7.44 Private parking facilities including garages, carports and other parking spaces.
- 7.45 Private stables, kennels, and other structures for raising and keeping animals and fowl, provided that no such structure shall be located closer than fifty feet (50') to any property line, nor closer than twenty-five feet (25') to any dwelling on the site. The area devoted to such uses shall be kept in a clean and sanitary condition, and shall be maintained so as drainage will not effect the health and safety of adjacent property owners.
- 7.46 All-weather school bus shelters permitted in the front yard subject to the provisions of Section 3.9 and 3.14.
- 7.47 Bathhouses, tool or storage sheds, and non-habitable playhouses when located in the rear yard.
- 7.48 Fences, walls and hedges, subject to the provisions of Sections 3.9 and 3.14.
- 7.49 Home occupations and home professional offices, subject to the provisions of Article XX.
- 7.410 Roadside stands for the sale of agricultural produce grown on the site, but only when adequate off street parking is provided.

7.5 SIGNS. See Article XXII.

7.6 LOT SIZE AND COVERAGE REQUIREMENTS. The minimum lot size and maximum lot coverage for uses in a Class A-1 District shall be as follows:

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE
7.61 Farm Dwelling	35 acres	600'	600'	1%
7.62 Single-Family Dwellings	10.0 acres	300'	500'	10%
7.63 Churches	2.0 acres	200'	200'	30%
7.6.4 Commercial Kennels and Veterinary Hospitals	3.0 acres	300'	300'	15%
7.65 Commercial Stables	5.0 acres	300'	300'	5%
7.66 Mineral Extraction and Sanitary Landfill	10 acres	500'	500'	1%
7.67 Other Permitted Structures and Uses	1.0 acres	150'	150'	20%

7.7 SETBACK REQUIREMENTS. The setback requirement for buildings and structures in a Class A-1 District shall be as follows:

- 7.71 The front yard setback shall be a minimum of fifty feet (50').
- 7.72 The side yard setback shall be a minimum of twenty-five feet (25').
- 7.73 The rear yard setback shall be a minimum of fifty feet (50').
- 7.74 The minimum setback for any yard which abuts a highway or county road shall be **fifty feet (50')**.

7.8 HEIGHT REQUIREMENT. The following maximum height restrictions shall apply in a Class A-1 District, subject to the provisions of Article XXI:

- 7.81 Principal Structure ----- 30 feet
- 7.82 Accessory Structure-----15 feet

7.9 OFF-STREET PARKING. See Article XVIII.

7.10 ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS. See Article XXI.

ARTICLE VIII
R-1 RURAL RESIDENTIAL DISTRICT

8.1	Statement of Intent	8.7	Setback Requirements
8.2	Principal Uses	8.8	Height Requirements
8.3	Special Exception Uses	8.9	Parking - Off Street
8.4	Accessory Uses	8.10	Additional Requirements, Exceptions, and Modifications
8.5	Signs	8.11	<i>Separation Distance</i>
8.6	Lot Size and Coverage Requirements	8.12	<i>Fence</i>

8.1 STATEMENT OF INTENT. The Class R-1 District is intended to provide the limited opportunity for development of non-farm dwellings on land in the unincorporated area of the county, ***provided that the lot so created does not require a subdivision plat. It is recognized that the R-1 District would be dispersed through the A-1 District.***

8.2 PRINCIPAL USES. The following principal uses shall be permitted in the Class R-1 District:

8.21 Agricultural uses including agronomy and horticulture specialties but excluding animal and poultry husbandry as principal uses.

8.22 Single family dwellings.

8.23 *Single-family dwellings of farmsteads and farmstead sites.*

8.24 *Family homes as defined in Article II.*

8.3 SPECIAL EXCEPTION USES. The following conditional uses shall be permitted in a Class R-1 District, when authorized in accordance with the requirements of Article **XXV**:

8.31 Essential governmental structures and uses other than sanitary landfills or uses similar in their scope or effects, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances.

- 8.32 Transformer stations, booster stations, utility stations, and radio or television transmitter and towers, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and front yard setback may be waived by the Board only on finding that the waiver will not create a detrimental effect on adjacent properties.
- 8.33 Roadside stands for the sale of agricultural produce grown on the site, but only when adequate off street parking is provided.

8.4 ACCESSORY USES. The following accessory uses shall be permitted in a Class R-1 District:

- 8.41 Accessory uses and structures normally incidental and subordinate to one of the permitted principal or conditional uses, unless otherwise excluded.
- 8.42 Private recreational facilities including swimming pools, tennis courts, and other recreational facilities commonly accessory to a dwelling.
- 8.43 Private parking facilities including garages, carports and other, parking spaces.
- 8.44 Private stables and other structures for raising and keeping horses and other common farm animals, provided that not more than one (1) animal and its immature offspring per acre for the first two (2) acres and two (2) animals per each additional acre shall be permitted and further provided that no such structure shall be located closer than fifty feet (50') to any property line, nor closer than twenty-five feet (25') to any dwelling on the site. The area devoted to such uses shall be kept in a clean and sanitary condition, and shall be maintained so as drainage will not effect the health and safety of adjacent property owners.
- 8.45 Private kennels, provided the dogs are confined at all times and are controlled in such a manner that they do not interfere with the health and well being of adjacent property owners. No such structure shall be located closer than fifty feet (50') to any property line, no closer than twenty-five feet (25') to any dwelling on the site. The area devoted to such use shall be kept in a clean and sanitary condition, and shall be maintained so as drainage will not effect the health and safety of adjacent property owners.

8.46 Private structures and adjoining confinement areas for the raising and keeping of birds, rabbits, chinchillas, hamsters, or other small animals and fowls on a domestic scale, provided that such structures and confinement areas shall not cover more than four hundred (400) square feet per acre to a maximum area of twelve hundred (1,200) square feet.

No structure shall be located closer than fifty feet (50') to any property line, nor closer than twenty-five feet (25') to any dwelling on the site, and no such confinement area shall be located closer than ten feet (10') to any property line. The area devoted to such use shall be kept in a clean and sanitary condition and shall be maintained so as drainage will not effect the health and safety of adjacent property owners.

8.47 All-weather school bus shelters permitted in the front yard subject to the provisions of Section 3.9 and 3.14.

8.48 Bathhouses, tool or storage sheds, and non-habitable playhouses when located in the rear yard.

8.49 Fences, walls and hedges, subject to the provisions of Section 3.9 and 3.14.

8.410 Home occupations and home professional offices, subject to the provisions of Article XX.

8.5 SIGNS. See Article XXII.

8.6 LOT SIZE AND COVERAGE REQUIREMENTS. The minimum lot size and maximum lot coverage for uses in a Class R-1 District shall be as follows:

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE
8.61 Single Family Dwellings	2.0 acres	150'	200'	10%
8.62 Other Permitted Structures and Uses	2.0 acres	150'	200'	20%

8.7 SETBACK REQUIREMENTS. The setback requirement for builds and structures in a Class R-1 District shall be as follows:

8.71 The front yard setback shall be a minimum of fifty feet (50').

8.72 The side yard setback shall be a minimum of twenty-five feet (25').

8.73 The rear yard setback shall be a minimum of fifty feet (50').

8.74 The minimum setback for any yard which abuts a highway or county road shall be ***fifty feet (50')***.

8.8 HEIGHT REQUIREMENTS. The maximum height of buildings and structures in a Class R-1 District, shall be thirty-five feet (35') or two and one-half (2-1/2) stories, whichever is lower, and an accessory building shall not exceed a height of twenty-two feet (22') or two (2) stories, whichever is lower.

8.9 OFF-STREET PARKING. See Article XVIII.

8.10 ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS. See Article XXI.

8.11 SEPARATION DISTANCE. *The R-1 District shall be located a minimum of two hundred (200) yards from public lands where hunting is permitted.*

8.12 FENCE.

8.12.1 *When an R-1 District adjoins an A-1 District, a fence shall be installed along the lot boundary by the developer/property owner.*

ARTICLE IX
ACS AGRICULTURE COMMERCIAL SERVICE (FLOATING) DISTRICT

- | | | | |
|-----|------------------------|------|------------------------------------|
| 9.1 | Statement of Intent | 9.6 | Lot Size and Coverage Requirements |
| 9.2 | Principal Uses | 9.7 | Setback Requirements |
| 9.3 | Special Exception Uses | 9.8 | Height Requirements |
| 9.4 | Accessory Uses | 9.9 | Parking Requirements |
| 9.5 | Signs | 9.10 | Additional Requirements |

9.1 STATEMENT OF INTENT. It is intended that Agriculture Commercial Service District serve the agriculture community by allowing agriculture commercial service uses, generally not compatible with urbanized areas, to locate in certain areas zoned in A-1 and I-1 Districts except for districts located within the LH Loess Hills Overlay District, and the F-1 Floodplain Overlay District.

9.2 PRINCIPAL USES.

- 9.21 Agriculture feed mixing and blending, seed sales, and grain handling operations.
- 9.22 Retail outlet for fertilizer and pesticides including mixing, blending and storage.
- 9.23 Storage and distribution of anhydrous ammonia.
- 9.24 Large animal veterinary businesses.
- 9.25 Livestock transfer station.
- 9.26 Livestock sale and auction barn.

9.3 SPECIAL EXCEPTION USES. None.

9.4 ACCESSORY USES. The following accessory uses shall be permitted in a Class ACS District.

- 9.41 Accessory uses and structures normally incidental and subordinate to one of the permitted principal uses.
- 9.42 Pole barns, garages, agriculture service vehicles and trailers.
- 9.43 Storage and sale of liquid petroleum products and LP gas for agriculture equipment and vehicles.

9.44 Fences, walls and hedges, subject to the provisions of Section 3.9 and 3.14.

9.5 SIGNS. See Article XXII.

9.6 LOT SIZE AND COVERAGE REQUIREMENTS. The minimum lot size in a Class ACS District shall be as follows:

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE
Any Permitted Use	5 Acres	300'	300'	70%

9.7 SETBACK REQUIREMENTS. The setback requirements for buildings and structures in a Class ACS District shall be as follows:

9.71 The front yard setback shall be a minimum of fifty feet (50'). When such yard abuts a Class "R" District or an existing dwelling, the front yard shall be 200 feet and separation distance to an existing dwelling 400 feet.

9.72 The side yard setback shall be a minimum of fifty feet (50'). When such yard abuts a Class "R" District or an existing dwelling, the side yard shall be 200 feet and separation distance to an existing dwelling 400 feet.

9.73 The rear yard setback shall be a minimum of fifty feet (50'). When such yard abuts a Class "R" District or an existing dwelling, the rear yard shall be 200 feet and separation distance to an existing dwelling 400 feet.

9.74 The minimum separation between buildings located on the same site shall be twenty feet (20').

9.8 HEIGHT REQUIREMENTS. The maximum height of buildings and structures in an ACS District shall be seventy-five feet (75'), provided that no building or structure within four hundred feet (400') of any Class "R" District or existing dwelling shall exceed forty-five feet (45') in height.

9.9 PARKING REQUIREMENTS. See Article XXIII.

9.10 ADDITIONAL REQUIREMENTS

9.101 The ACS site shall have the main entrance ***from a public road***. The main entrance shall have a minimum sight distance of 1,000 feet in both directions on the public road, or greater in accordance with the Iowa Department of Transportation standards. The County Engineer will approve the location and sight distance of the main entrance.

9.102 Rezoning procedure to ACS ***District*** shall be in accordance with Article XXV.

9.103 Each rezoning request shall be accompanied by a site plan and all state and federal permits that are applicable to the development.

9.104 Procedure for reuse of land zoned to ACS.

1. If the land zoned to ACS is sold and maintains the same approved use no changes to the ACS District are required.

2. If the site is enlarged from previously zoned ACS, or the use is intended to be changed to a different allowed ACS District use, a rezoning to ACS District for the new use is required.

**ARTICLE X
R-3 URBAN RESIDENTIAL DISTRICT**

- | | | | |
|------|------------------------------------|-------|---|
| 10.1 | Statement of Intent | 10.7 | Setback Requirements |
| 10.2 | Principal Uses | 10.8 | Height Requirements |
| 10.3 | Special Exception Uses | 10.9 | Parking |
| 10.4 | Accessory Uses | 10.10 | Additional Requirements,
Exceptions, and Modifications |
| 10.5 | Signs | 10.11 | Density |
| 10.6 | Lot Size and Coverage Requirements | | |

10.1 STATEMENT OF INTENT. The Class R-3 District is intended to provide for residential development within the unincorporated limits of Beebeetown, California Junction, and River Sioux ***and for continued development of R-3 Districts that have been established prior to the effective date of this ordinance. It is further intended that no new R-3 Districts will be established in the unincorporated County after the effective date of this ordinance except for unincorporated communities of Beebeetown, California Junction and River Sioux.*** This district is intended to facilitate the orderly expansion of ***unincorporated*** communities by limiting the density of development pending the planned extension of public or common water and sewer services.

10.2 PRINCIPAL USES. The following principal uses shall be permitted in the Class R-3 District:

- 10.21 Single-family dwellings.
- 10.22 Two-family dwellings.
- 10.23 Platted subdivisions for single-family and two-family dwellings only, provided the development of lots conforms to the density limits specified herein.
- 10.24 Churches and other places of worship, including parish houses and Sunday school buildings.
- 10.25 Public schools and private schools having equivalent curriculum.
- 10.26 Public recreational areas and facilities including parks, playgrounds, golf courses, community centers and similar uses.
- 10.27 Mobile homes converted to real estate.
- 10.28 Family homes as defined in Article II.

10.3 SPECIAL EXCEPTION USES. The following conditional uses shall be permitted in a Class R-3 District, when authorized in accordance with the requirements of Article **XXV**:

- 10.31 Essential governmental structures and uses other than sanitary landfills or uses similar in the scope or effects, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances.
- 10.32 Transformer stations, booster stations, utility stations, and radio or television transmitter and towers, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and front yard setback may be waived by the Board only on finding that the waiver will not create a detrimental effect on adjacent properties.
- 10.33 Private noncommercial recreational areas and facilities including parks, playgrounds, golf courses, country clubs, tennis clubs, swim clubs and similar uses.
- 10.34 Day care nurseries and nursery schools, provided that for each child there shall be a minimum of thirty-five (35) square feet of usable floor space, exclusive of wash rooms, toilets, kitchens and hallways; and further provided that for each child there shall be a minimum of one hundred (100) square feet of usable outdoor play space, which space shall be confined to the rear yard of the property and be completely enclosed by a fence.

10.4 ACCESSORY USES. The following accessory uses shall be permitted in a Class R-3 District:

- 10.41 Accessory uses and structures normally incidental and subordinate to one of the permitted principal or special exception uses, unless otherwise excluded.
- 10.42 Private recreational facilities including swimming pools, tennis courts, and other recreational facilities commonly accessory to a dwelling.
- 10.43 Private parking facilities including garages, carports and other parking spaces.
- 10.44 Bathhouses, tool or storage sheds, and non-habitable playhouses when located; in the rear yard.
- 10.45 Fences, walls and hedges, subject to the provisions of Section 3.9 and 3.14.
- 10.46 Home occupations and home professional offices, subject to the provisions of

Section XX.

- 10.47 Gardening and private greenhouses, but not on a scale that would be obnoxious to adjacent lots because of noise, odor or dust.
- 10.48 Parking and storage of major recreational equipment, when located completely within a side or rear yard enclosed on all sides with a sight obscuring fence; provided that such equipment may be parked anywhere on the premises for a period not to exceed twenty-four (24) hours during loading and unloading; and further provided, that such equipment shall not be used for dwelling purposes.
- 10.49 Parking of commercial vehicles with a manufacturer's rated weight or more than one and one-half (1-1/2) tons, when located in a completely enclosed building or within a side or rear yard enclosed on all sides with a sight obscuring fence.

10.5 SIGNS. See Article XXII.

10.6 LOT SIZE AND COVERAGE REQUIREMENTS. The minimum lot size and maximum lot coverage for uses in a Class R-3 District shall be as follows:

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE
10.61 Single Family Dwellings				
A. Lots with sewer & water				
- interior lot	6,000 sf	60'	100'	35%
- corner lot	7,500 sf	75'	100'	35%
B. Lots with sewer or water	30,000 sf	100'	100'	35%
C. Lots with septic systems and wells	1.0 acres	125'	100'	35%
10.62 Two-Family Dwellings and Other Permitted Uses				
A. Lots with sewer & water	10,000 sf	100'	100'	35%
B. Lots with sewer or water	20,000 sf	125'	100'	35%
C. Lots with septic systems and wells	60,000 sf	150'	100'	35%
10.63 Other Permitted Structures and Uses	1.0 acres	150'	150'	20%

10.7 SETBACK REQUIREMENTS. The setback requirement for buildings and structures in a

Class R-3 District shall be as follows:

- 10.71 The front yard setback shall be a minimum of twenty-five feet (25').
- 10.72 The side yard setback shall be a minimum of ten feet (10').
- 10.73 The rear yard setback shall be a minimum of twenty-five feet (25').
- 10.74 The minimum setback for any yard which abuts a highway or county road shall be fifty feet (50').

10.8 HEIGHT REQUIREMENTS. The maximum height of buildings and structures in a Class R-3 District, shall be thirty-five feet (35') or two and one-half (2-1/2) stories, whichever is lower, and an accessory building shall not exceed a height of sixteen feet (16') or one and one-half (1-1/2) stories, whichever is lower.

10.9 OFF-STREET PARKING. See Article XVIII.

10.10 ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS. See Article XXI.

10.11 DENSITY. Where common water and/or sewer facilities are not available, subdivisions may be platted with lots of 6,000 square feet or greater, but smaller than the minimum lot area specified in Section 10.60, provided that for each lot built upon, additional adjoining lots sufficient to constitute the required minimum lot area shall not be built upon until such facilities are provided. Building on adjoining lots shall be controlled by deed restriction and shall be made a part of the final plat.

**ARTICLE XI
LH LOESS HILLS (OVERLAY) DISTRICT**

- | | | | |
|------|---|-------|--|
| 11.1 | Statement of Intent | 11.7 | Prairie |
| 11.2 | Special Requirements | 11.8 | Soil Erosion and Sedimentation
Control |
| 11.3 | Site Plans | 11.9 | Communications Towers |
| 11.4 | Protection of Mature Woodlands
and Young Woodlands | 11.10 | Billboards |
| 11.5 | Drainageways | 11.11 | Mines, Quarries, Gravel Pits, Soil
Extraction Sites |
| 11.6 | Wetlands | | 11.12 <i>Wind Generators</i> |

11.1 STATEMENT OF INTENT. It is the intent of the Loess Hills Overlay District to provide standards that limit development on the hillsides in order to minimize the danger to life and property which results from development undertaken without full realization of such danger, and to preserve and protect the heavily wooded areas, drainageways, and the visual and environmental qualities, and to prevent ecological degradation of such areas.

11.2 SPECIAL REQUIREMENTS.

- 11.21 With the exception of agricultural uses allowed in an A-1 District, resource protection and site performance standards shall apply to all development in all districts located in the designated Loess Hills Overlay District and are applied to each plat and to each site at the time a zoning compliance permit and/or subdivision plat is reviewed by Harrison County.
- 11.22 All natural resources defined herein shall be protected by the standards of this district.
- 11.23 It is not intended by this district to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this district imposes greater restrictions, the provisions of this district shall prevail.
- 11.24 In their interpretation and application, the provisions of this district shall be held to be minimum requirements and shall not be deemed a limitation of any other powers granted by state statutes. If two or more resources subject to protection are present on the same area of land, only the most restrictive provisions of this district shall apply.
- 11.25 *The provisions of Article XI shall be applicable unless exceptions are allowed when authorized with the requirements of Article XXV.***

11.3 SITE PLANS. Site plans shall be required for all uses except agricultural uses.

11.4 PROTECTION OF MATURE WOODLANDS AND YOUNG WOODLANDS.

11.41 Definitions.

- A. Mature Woodland. An area of mature deciduous and/or evergreen trees covering a lot or a portion of a lot and consisting of thirty percent (30%) or more largely deciduous canopy of trees having a ten inch (10") or greater caliper, or any grove of deciduous trees consisting of eight (8) or more trees having an eighteen inch (18") or greater caliper, except cedar trees.
- B. Young Woodland. An area of deciduous or evergreen trees covering a lot or a portion of a lot and consisting of seventy percent (70%) or more of canopy of trees having a three inch (3") caliper or greater, except cedar trees.
- C. Canopy of Trees. The maximum perimeter of vegetation of any tree or group of trees growing together as viewed from overhead.

11.42 Determination of woodland and woodland boundaries shall be based on a field survey compiled by a registered surveyor, architect, engineer, landscape architect, conservationist or forester and/or from most recent Harrison County aerial photographs or official plat books.

11.43 Protection levels. In all developments, the level of protection provided woodlands shall be in accordance with this district. Mature woodlands shall be provided with seventy-five percent (75%) protection and young woodlands with fifty percent (50%) protection, except as provided herein under mitigation. That is, on each development, the appropriate level of protection is to be provided by leaving the identified wooded areas undisturbed.

11.44 Development area shall include the sum of all areas disturbed by construction and adjoining street right-of-way area. The development area shall not exceed the minimum resource protection levels required for a lot or a portion of a lot. (See Attachment A for development area illustration.)

A. All rights-of-way shall be included as part of the development area. Woodland areas preserved within any rights-of-way shall not be counted as part of resource protection area.

B. All streets, drives, parking areas, septic tanks, tile fields, utility lines, and buildings shall define the development area. The development area's maximum size shall be determined by the following:

- (1) From the building foundation. The dimensions of the development area may extend a maximum of 20 feet (20') beyond the foundation of structures.

(2) Other boundaries. For the parking area, the septic system area, utility lines, and drives, a maximum distance to the edge of the development area shall be five feet (5') from the outermost line or edge of the septic system area, utility line trench, driveway, or parking area.

C. All grading, fill storage, and ground disturbance shall be strictly confined to the development area.

D. For each lot, a development area shall be shown on the site plan and on preliminary and final subdivision plats. The size of the area shall be limited by the minimum required level of protection for the resource for the entire parcel. A deed restriction shall appear on the plat indicating that no clearing shall be permitted beyond the development area of the lot.

11.45 Mitigation. A certain amount of additional disturbance to woodlands may be permitted, but only if the developer mitigates the disturbance according to the following requirements:

A. The level of protection given woodlands shall not be less than fifty-five percent (55%) for mature woodlands, or twenty-five percent (25%) for young woodlands.

B. The land on which the mitigation is to take place shall be deed restricted as permanent open space, with a protective easement running in favor of Harrison County.

C. Mitigation shall include the planting of new trees for which mitigation is required.

D. Mitigation shall include the replacement of woodlands that have been disturbed with new woodlands, using the following number of plants per acre or in proportion to:

(1) Four (4) canopy trees, minimum four inch (4") caliper for deciduous trees and twelve feet (12') high for evergreen trees.

(2) Eight (8) canopy trees, minimum two and a half inch (2-1/2") caliper for deciduous trees and six feet (6') high for evergreen trees.

(3) Sixty (60) canopy trees, minimum five feet (5') high.

(4) Twenty (20) understory trees, minimum five feet (5') high.

(5) Twenty-five (25) shrubs, minimum eleven inches (11") high.

- E. The species of plants used in mitigation should be similar to those to be destroyed.

11.5 DRAINAGEWAYS.

11.51 Definitions.

Drainageway. Watercourses which are defined either by the presence of intermittent or perennial streams or by topography which indicates a swale where surface stormwater runoffs join. The following areas are drainageways:

A. The land, except where areas are designated as floodplain, in the F-1 Floodplain District, on either side or and within fifty feet (50') from the edge of each embankment of any intermittent or perennial stream shown on the U.S. Geological Survey seven and one half minute (7-1/2) quadrangle sheets and/or on the Harrison County soil survey maps provided by the Soil Conservation Service.

B. The land, except where areas are designated as floodplain on either side of and within twenty-five feet of the centerline of any swale identified by topography having a minimum of five acres of upstream area tributary to it, or the width of the swale based on storm drainage computation for a 100 year storm occurrence by a registered engineer.

11.52 Determination. Drainageway areas shall be determined by reference to one or a combination of the following sources:

- A. USGS topographic maps or other topographic maps.
- B. Soil maps provided in the Harrison County Soil Survey.
- C. Topographic field survey or aerial topographic survey.

11.53 Protection level. Drainageway protection requires that seventy-five percent (75%) of the drainageway be maintained as open space. Drainageways shall be protected such that the entire length can continue to function and be used for drainage purposes. In no case shall stormwater flows be impeded.

11.54 Design Standards. New developments shall be designed so that there is a continuous strip of open space along the course of the drainageway. Since the purpose of this protection is to preserve the natural storm drainage system, drainage improvements and retention or detention structures shall be located in these areas. In order to permit this, the open space portions of the drainageway areas may be disturbed, but only if such construction is part of an approved stormwater system that meets the following criteria:

- A. The time of concentration of stormwater flows remains unchanged or is lengthened;
- B. Stormwater storage capacity is unchanged or increased;
- C. Vegetation is replaced in accordance with provisions of woodland mitigation and as required by Harrison County.
- D. The resultant new drainageway has less velocity than pre-existed or reduces stream bank erosion through the provision of erosion control measures.
- E. Additional water is not backed up onto adjoining properties.

11.55 The drainageways open space shall be deed restricted as drainageway easement, with a protective easement running in favor of Harrison County.

11.6 WETLANDS.

11.61 Definitions.

Wetland. An area of 10,000 square feet or more where standing water is retained periodically and hydric vegetation has adapted to the area. Wetlands include all areas designated as "marsh" and/or "swamp" or "wetland" on USGS maps, all areas designated as intermittent ponds, "springs", "marsh", or "swamp", "wet spot", and "depressions" on Harrison County soils maps prepared by the **Natural Resources Conservation Service**, and all areas identified by the U.S. Fish and Wildlife Service and shown on the National Wetland Inventory Map (NWI).

11.62 Determination. Wetland areas shall be determined by reference to the following sources. If the first source is considered inaccurate or inappropriate, the succeeding source may be used.

- A. U.S. Geological Survey topographic maps.
- B. Soil maps provided by the Harrison County Soil Survey.
- C. National Wetland Inventory Map (NWI).
- D. Field survey of plant material by a botanist, landscape architect, or engineer.
- E. Soil borings provided by a registered soil engineer.

11.63 Protection level. One hundred percent (100%) of all wetland areas shall

- remain undisturbed.
- 11.64 Disruption and/or modification. All development proposals which will disrupt wetlands shall, in addition to the provisions of this ordinance, provide proof of mitigation measures and approval by the U.S. Corps of Engineers and the Iowa Department of Natural Resources.
- 11.65 The wetlands open space shall be deed restricted as wetlands easement, with a protective easement running in favor of Harrison County.

11.7 PRAIRIE REMNANT

11.71 Definition

Prairie Remnant. An area containing an ecosystem mostly of grasses and flowering plants with other fauna, fungi soil and geology. A prairie remnant is a pre-settlement native plant community that has survived on a site to the present day.

- 11.72 Determination. Prairie remnant areas shall be determined by reference to the following sources. If the first source is considered inaccurate or inappropriate, the succeeding source may be used.
- A. Soil maps provided by the Harrison County Soil Survey.
 - B. Natural Resources Conservation Service (NRCS).
 - C. Golden Hills RC&D.
 - D. Field survey of plant material by a botanist, landscape architect or conservationist.
 - E. Soil borings provided by a registered soil engineer.
- 11.73 Protection level. One hundred percent (100%) of all prairie remnant areas shall remain undisturbed.
- 11.74 Disruption and/or modification. All development proposals which will disrupt prairie remnants shall in addition to the provisions of this ordinance, provide proof of prairie restoration or reconstruction under supervision of a botanist, landscape architect or conservationist. ***Disruption or modification of prairie remnant is subject to appeal to the Board of Adjustment in accordance with the requirements of Article XXV.***

11.8 SOIL EROSION AND SEDIMENTATION CONTROL. In order to prevent both soil erosion and sedimentation, a soil erosion and sedimentation control plan shall be required as a part of a site plan and/or subdivision plat whenever a development involves any of the conditions or activities as specified in sections 11.4, 11.5, 11.6 and 11.7, and for all other uses whenever a site development is one (1) acre or larger and subject to National Pollutant Discharge Elimination (NPDES) General Permit No. 2 issued by the Iowa Department of Natural Resources.

11.81 Definitions for the purposes of this section:

A. Soil erosion shall mean any removal and/or loss of soil by the action of water, ice, gravity, or wind. Erosion includes both the detachment and transport of soil particles.

B. Sedimentation shall mean the settling out of the soil particles which are transported by water or wind. Sedimentation occurs when the velocity of water or wind in which soil particles are suspended is slowed to a sufficient degree and for a sufficient period of time to allow the particles to settle out of suspension or when the degree of slope is lessened to achieve the same result.

C. Erodible slope shall mean all slopes with inclines in excess of four percent (4%).

D. Large exposed area shall mean an area which consists of more than five thousand (5,000) square feet of exposed soil.

11.82 Movement of land - plan required. A soil erosion and sedimentation control plan is required whenever a development involves disturbing land by movement of earth, including the mining of minerals, sand, and gravel (to the extent that such mining is subject to regulation by Harrison County). Any one of the following descriptions shall be considered movement of land:

A. Excavation, fill, or any combination thereof exceeding five hundred (500) cubic yards.

B. Filling activities exceeding three feet (3') in vertical depth at the deepest point, as measured from the natural ground surface.

C. Excavating exceeding four feet (4') in vertical depth at the deepest point, as measured from the natural ground surface.

D. Excavation, fill, or any combination thereof exceeding an area of five thousand (5,000) square feet.

- E. Any large exposed area of more than five thousand (5,000) square feet of exposed soil created by land clearing activities.
- 11.83 Streams and water bodies - plan required. Whenever any land located in a drainageway, stream, stream channel, stream bank, lake shoreline, or body of water is disturbed, a soil erosion and sedimentation control plan (Pollution **Prevention** Plan) and permits by the Iowa Department of Natural Resources and U.S. Corps of Engineers shall be required.
- 11.84 The land included within Loess Hills with slopes greater than seventeen percent (17%) shall remain undisturbed as mapped on the Harrison County soil survey maps of the **Natural Resources** Conservation Service.
- 11.85 Land with slopes greater than seventeen percent (17%) shall be deed restricted as slope protection easement, with a protective easement running in favor of Harrison County.
- 11.86 Exemptions. Specifically exempted from the requirement for a soil erosion and sedimentation control plan are farming or other agricultural uses.
- 11.87 Objectives of soil erosion and sedimentation control plan. A soil erosion and sedimentation control plan shall contain specific control measures for each condition or activity described in parts 11.82 and 11.83 of this section. Control measures shall be provided for all areas disturbed by stormwater runoff, and shall retain sedimentation within the development site as early as possible following disturbances. A soil erosion and sedimentation control plan should include the following control measures:
- A. Movement of land: control measures for excavation, fill, borrow and stockpile areas or combinations thereof; divert water runoff from erodible slopes which are exposed in the excavation, stockpiling, or filling process; provide stable channels to convey runoff water to a table outlet; excavation, fill, borrow areas, and temporary stockpiles shall be left in a stable condition to prevent detachment and transportation of soil particles. **Stabilized temporary stockpiles may remain not to exceed a period of one year.**
- B. Streams, streambeds, stream banks, bodies of water, and lake shorelines: prevent detachment and transportation of soil particles, and siltation or pollution of water.
- C. Drainageways and land adjacent to streams, wetlands, and bodies of water: prevent detachment and transportation of soil particles and provide for deposition or sedimentation control to prevent sedimentation in these areas, or pollution of adjacent or receiving waters.

D. Enclosed drainage structure: prevent sedimentation in structure, erosion at outfall of system, and deposit of sediment loads within a system or beyond it.

E. Impervious surfaces: prevent the detachment and transportation of soil (in response to an increase in the rate and/or volume or runoff at the site or its concentration caused by impervious surfaces).

F. Adjacent properties: prevent erosion and/or sedimentation on adjacent properties.

G. Meet requirements of the Iowa Department of Natural Resources, NPDES, General Permit No. 2.

11.9 COMMUNICATIONS TOWERS

11.91 Communications towers may be permitted in the LH Overlay District as a conditional use when authorized in accordance with the requirements of Article **XXV**, subject to the following height limitations.

1. **Commercial Districts ("B"): 180 feet.**

2. Industrial Districts ("I"): 360 feet.

3. Agricultural Districts ("A"): 500 feet.

11.92 The communication towers shall meet the **minimum** requirements of camouflaged towers as defined in Article XXI, Section 21.6, **and shall not be permitted on slopes greater than ten percent (10%).**

11.93 Communication towers shall be prohibited along the West Face of Loess Hills as defined in this ordinance.

11.10 BILLBOARDS

11.101 Billboards shall be prohibited along the Loess Hills Scenic Byway roads and excursion loops as identified in the Comprehensive Plan, except off-premise directional signs to orchards, bed and breakfast homes, tree farms, schools and similar uses, and signs used for public purposes.

11.11 MINES, QUARRIES, GRAVEL PITS, SOIL EXTRACTION SITES.

11.111 Mines, quarries, sand and gravel pits, soil extraction sites and landfills may be permitted in the LH Overlay District, in accordance with the requirements of Article XXV, except along the West Face of Loess Hills.

11.112 *Mines, quarries, sand and gravel pits, soil extraction sites and landfills shall be prohibited along the West Face of Loess Hills as defined in this ordinance.*

11.12 WIND GENERATORS

11.121 *Wind generators, windmills, wind turbines and similar wind energy systems shall be prohibited along the West Face of Loess Hills as defined in this Ordinance.*

ARTICLE XII
R-5 MOBILE HOME PARK RESIDENTIAL DISTRICT

- | | | | |
|------|----------------------------|-------|------------------------------------|
| 12.1 | Statement of Intent | 12.6 | Application for Tentative Approval |
| 12.2 | Principal Uses | 12.7 | Application for Final Approval |
| 12.3 | Accessory Uses | 12.8 | Adherence to Approved Plan |
| 12.4 | Project Size and Density | 12.9 | Modification of Approved Plan |
| 12.5 | Standards and Requirements | 12.10 | Revocation |

12.1 STATEMENT OF INTENT. The Class R-5 District is intended and designed to provide for the *continued* development of *existing* mobile home parks in those areas of the County *where R-5 Districts have been established prior to the effective date of this ordinance*. It is also intended that such *existing* Mobile Home Park Residential Districts be designed and developed in substantial conformity with the standards of the *Comprehensive* Plan and with recognized principals of the civic design, land use planning, and landscape architecture. It is further intended that such Mobile Home Park Residential Districts be designed and developed to promote public health, safety, morals, and general welfare; to reasonably prevent and minimize undue injury to adjoining areas; and to encourage appropriate land use. *It is further intended that no new R-5 Districts will be established in the unincorporated County after the effective date of this ordinance.*

12.2 PRINCIPAL USES. The following principal uses shall be permitted in the Class R-5 District; subject however, to the provisions hereinafter set forth in the Chapter:

- 12.21 Mobile home parks, in accordance with the regulations of the County Board of Health and applicable state statutes; but not including mobile home sales and display areas. No part of any park shall be used for nonresidential purposes except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park. This shall in no way prohibit the sale by the resident owner of the mobile home located on a mobile home stand and connected to the pertinent utilities.
- 12.22 Churches and other places of worship, including parish houses and Sunday school buildings.
- 12.23 Public schools and private schools having equivalent curriculum.
- 12.24 Public recreational areas and facilities including parks, playgrounds, golf courses, community centers and similar uses.

12.3 ACCESSORY USES. The following accessory uses shall be permitted in a Class R-5 District:

- 12.31 Accessory uses and structures normally incidental and subordinate to one of the permitted principal or special exception uses, unless otherwise excluded.
- 12.32 Private recreational facilities including swimming pools, tennis courts, and other recreational facilities.
- 12.33 Private parking facilities including garages, carports, and other parking areas.
- 12.34 Display signs, subject to the provisions of Article XXII.
- 12.35 Private storage buildings commonly accessory to a mobile home park for storage of boats, trailers, campers and similar private recreational vehicles and equipment, and for furniture, appliances and household goods.

12.4 PROJECT SIZE AND DENSITY. The following requirements shall govern the size and density of a Class R-5 District:

- 12.41 A tract of land considered for a mobile home park shall comprise an area of not less than ten (10) acres of gross development area.
- 12.42 The maximum density allowed for the gross development area shall be eight (8) mobile home lots per gross acre.

12.5 STANDARDS AND REQUIREMENTS. The following standards and requirements shall govern the design and development of a mobile home park:

- 12.51 Perimeter yards of a mobile home park which abuts a street shall have a minimum depth of fifty feet (50'); provided however, interior park streets may be located within the setback area. All other perimeter yards shall be a minimum depth of twenty-five feet (25'). Perimeter yard requirements may be increased where the Commission may recommend and the County Board deems necessary.
- 12.52 A minimum of two hundred fifty (250) square feet for each mobile home lot shall be provided for one or more recreation areas which shall be easily accessible to all park residents. The required recreational area shall be computed in addition to the minimum lot area specified herein.
- 12.53 The minimum area for a mobile home lot shall be 4,500 square feet.
- 12.54 The minimum depth for a mobile home lot shall be ninety feet (90').

12.55 The front yard setback for a mobile home shall be a minimum of fifteen feet (15') measured from the edge of the park street to the closest point of the lower face of the mobile home. Side and rear yard setbacks shall be established and maintained so as to provide a separation at the nearest point between mobile homes, and other buildings and structures on adjoining lots of at least twenty-five feet (25'). Nothing in this ordinance shall prevent the construction of entrance-ways, rooms, breeze-ways, or other integral parts of the existing mobile home.

12.56 The limits of each mobile home shall be clearly marked on the ground by permanent steel or iron rods driven into the ground with the top of said rods flush with the finish lot grade. Location of lot limits on the grounds shall be approximately the same as shown on the approved plans. The degree of accuracy obtainable by the working with a scale on the plan and then a tape on the ground is acceptable.

Precise engineering of lot limits is not required either on the plans or on the ground. This is not to be construed as permitting lots of a lesser size than the required minimum, or permitting lesser yard or separation dimensions than set forth elsewhere in this chapter.

12.57 The maximum height of buildings and structures in a Class R-5 District shall be thirty-five feet (35') or two (2) stories, whichever is lower, and an accessory building shall not exceed a height of sixteen feet (16') or one and one-half (1-1/2) stories, whichever is lower.

12.58 Off street parking and loading spaces shall be provided in accordance with the requirements of Article XVIII in addition to the following provisions:

A. A minimum of two (2) off-street parking spaces shall be provided for each mobile home. These required parking spaces, or parking areas, shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of two hundred feet (200') from the mobile home that it is intended to serve.

B. Off street parking and storage shall be provided for storing of park resident's boats, boat trailers, travel trailers, pickup coaches, truck tractors, trucks over three-quarter ton pickup size, and items of a similar nature, if permitted in the development, in addition to and separate from the parking required above in Paragraph "A". Temporary mobile home storage may be permitted prior to permanent placement on the mobile home stand, but shall not exceed seven (7) days.

12.59 All streets within a mobile home park shall be designed and constructed in accordance with the following provisions:

A. Entrance streets shall have a minimum pavement width of thirty-one feet (31'), measured from back to back of curbs.

B. Interior streets shall have a minimum pavement width of twenty-six feet (26'), measured from back to back of curbs.

C. The location and design of all intersections of entrance streets with public streets shall be approved by the County Engineer. If turning lanes or other forms of traffic controls are deemed necessary by the County Board, the developer shall provide the necessary improvements, subject to approval of their location and design by the County Engineer.

D. All streets shall be constructed with curbs, approved by the County Engineer, to provide for drainage.

E. All street shall be constructed of either Portland cement concrete or hot mix asphaltic concrete to specifications approved by the County Engineer and shall be maintained free of cracks, holes and other hazards.

12.510 All parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets, and all community facilities provided for park residents. Sudden changes in alignment and gradient should be avoided. All sidewalks shall be constructed of Portland cement concrete or other equivalent material approved by the County Engineer, and shall be a minimum of four inches (4") in depth.

A. Common sidewalks shall be at least four feet (4') wide and shall be provided along all entrance streets and in areas of high pedestrian traffic such as in the vicinity of community buildings and recreational facilities.

B. Individual walks shall be at least two feet (2') wide, and shall be provided to connect all mobile home stands to common sidewalks, to paved streets, or to paved driveways or parking spaces connected to a paved street.

12.511 Adequate provisions shall be made to handle all surface and storm drainage water as determined by the County Engineer.

- 12.512 The area of the mobile home stand shall be improved to provide an adequate and approved foundation for the placement and tie-down of the mobile home to secure the super-structure against uplift, sliding, rotation, or over-turning. The mobile home stand shall be made of incombustible materials and shall not shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting upon the super-structure.
- 12.513 The mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men" eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors or other devices securing the stability of the mobile home. The tie-down device shall be compatible with the foundation system provided for the mobile home such that the tie-downs are designed to resist the action of frost in the same manner as the foundation system.
- A. Over-the-top ties be provided at each of the four (4) corners of the mobile home with two (2) additional ties per side at the intermediate locations and mobile home less than fifty feet (50') long requiring one (1) additional tie per side.
- B. Frame ties be provided at each corner of the mobile home with five (5) additional ties per side at intermediate points and mobile homes less than fifty feet (50') long requiring four (4) additional ties per side.
- 12.514 Skirting of a permanent type material and construction with the design and color of the mobile home shall be installed within ninety (90) days after the placement of the mobile home to enclose the open space between the bottom of the mobile home floor and the grade level of the mobile home stand. Such skirting shall not attach the mobile home, permanently to the ground, but shall be constructed to provide substantial resistance to withstand high winds and shall not provide a harborage for junk or rodents, nor create a fire hazard. Such skirting shall be provided with removable access panels sufficient to provide easy access for inspection and maintenance of all utility riser connections. The skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and the appearance of the mobile home park.
- 12.515 Exposed ground surfaces in all parts of every mobile home park shall be paved, covered with stone screening, or other solid material, or protected with a vegetative growth capable of preventing soil erosion and objectionable dust.

- 12.516 All areas not used for access, parking circulation, buildings or service shall be completely and permanently landscaped and the entire site maintained in good condition. Planting of trees and shrubs is required to the extent needed to provide for (a) screening of objectionable views, (b) adequate shade, (c) a suitable setting for the mobile homes in the park as well as neighboring uses.
- 12.517 Every park shall contain an electrical and telephone wiring system consisting of necessary wiring, fixtures, and equipment which shall be installed and maintained in accordance with applicable state and local codes and regulations. All electrical and telephone distribution lines shall be constructed underground.
- 12.518 Public or common sewer and water facilities shall be provided for each mobile home lot in accordance with the requirements of the Iowa Department of Natural Resources.
- 12.519 The requirements of this subsection shall apply to service buildings, recreation buildings, and other community service facilities such as management offices, repair shops and storage areas, sanitary facilities, laundry facilities, indoor recreation areas and storm shelter facilities.
- A. All buildings other than mobile homes and their appurtenances, shall be constructed in compliance with applicable state and local codes and regulations.
- B. Cooking shelters, barbecue pits, and fireplaces shall be located, constructed, maintained, and used so as to minimize fire hazards and smoke nuisances both on the property on which it is used, and on neighboring property. No open fire shall be permitted except in facilities provided; no open fire shall be left unattended, and no fuel shall be used or material burned which emits dense smoke or objectionable odor.
- C. Each mobile home park shall construct and maintain in association with other facilities if appropriate, one (1) or more basement or underground storm shelter facilities, adequate in the aggregate to protect all residents of the park from the effects of high winds, including tornadoes. Such facilities shall be provided with water and sanitary facilities.
- 12.520 In addition to the foregoing, other conditions, requirements or limitations concerning the design and development of such mobile home park may be deemed necessary for the protection of adjacent properties and the public interest.

12.6 APPLICATION FOR TENTATIVE APPROVAL. The owner or owners of any tract of land comprising an area of not less than ten (10) acres may apply for a change to a Class R-5 District. The application together with the filing fee as specified in Article XXVI, shall be accompanied by evidence that the proposed development is compatible with the surrounding area, evidence of the feasibility of providing adequate storm and surface water drainage and sanitary sewer for the proposed development, evidence that the developer is capable of successfully completing the proposed development and a preliminary plan of the proposed mobile home park.

12.61 The proposed preliminary development plan shall include the following information at a sufficient size and scale to permit easy interpretation:

- A. A vicinity map of the area showing the location and size of the site;
- B. The total number and density of mobile home lots;
- C. Buildings, other than garages and other buildings accessory to particular mobile home lots, and their proposed height, use and exterior design;
- D. Site topographic features including a generalized preliminary grading and drainage plan;
- E. Location of all existing streets abutting the site, proposed entrance and interior park streets, and proposed parking facilities;
- F. Walls, fences, and walkways;
- G. Lighting facilities, but not including type and design;
- H. Required perimeter yards and recreation areas. The location and size of recreation areas defined as total open space, minus paved areas in streets, walks, and driveways, but including tennis courts, swimming pools, and floor area of recreation facilities;
- I. Generalized landscaping plan, but not including a detailed planting plan or size of plants at time of installation and at maturity;
- J. Water, gas, electric, storm and sanitary sewer facilities and lines and other necessary utilities;
- K. Water hydrant and other fire-fighting equipment;
- L. Location of solid waste receptacles; and

M. A schedule showing the proposed phasing and times within which applications for final approval of all phases of the mobile home park are intended to be filed.

12.62 The application, accompanying evidence and preliminary development plan shall be referred to the Commission for study and report after public hearing. The Commission shall conduct its public hearing in accordance with the regulations set forth in Article XXV. The Commission shall review the conformity of the proposed development with the standards of the Land Use Plan and with recognized principles of civic design, land use planning and landscape architecture. After a public hearing, the Commission may approve or disapprove the request for rezoning and the preliminary development plan as submitted, or require that the applicant amend the plan to preserve the intent of this ordinance to promote public health, safety, morals and general welfare.

12.63 The application and preliminary development plan as approved by the Commission, along with the Commission's recommendation on the request for rezoning, shall then be referred to the County Board. The County Board shall conduct its public hearings in accordance with the regulations set forth in Article XXV. The County Board may approve or disapprove the request for rezoning and preliminary development plan as reported or may require such changes in the plan as necessary to preserve the intent and purpose of this ordinance to promote public health, safety, morals and general welfare. If the request for rezoning is denied by reason of the conceptual design portrayed in the preliminary development plan, then a new application may be submitted sooner than one (1) year.

12.7 APPLICATION FOR FINAL APPROVAL. In the event the County approves the request for rezoning, and the preliminary development plan, either as submitted or with modifications, the applicant shall submit a final development plan of not less than one (1) stage of the proposed development for approval within one (1) year. After one year, the applicant must resubmit an original application in order to be eligible for further consideration.

12.71 The final development plan shall include the final forms and specifications of all information previously submitted as part of the preliminary development plan. The final development plan shall be accompanied by a covenant to run with the land, in favor of the County and all persons having a proprietary interest in any portion of the mobile home park, that the owner or owners of the park or their successors in interest, will maintain all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the County, in compliance with County ordinances and the final development plan as approved by the County Board, which covenant shall be recorded in the office of the County Recorder.

- 12.72 After having held a public hearing on the request for final approval, and having reviewed the final development plan and required documents for compliance with the standards of this chapter and substantial compliance with the preliminary development plan, the Commission shall refer its report to and recommendation to the County Board.
- 12.73 The County Board shall also hold a public hearing on the request for final approval, and shall review the final development plan and approve it by resolution if it complies with the standards of this chapter and is in substantial compliance with the preliminary development plan.

12.8 ADHERENCE TO APPROVED PLAN. No building permit for any mobile home or other structure within a Class R-5 District shall be issued until the final development plan is approved by the County Board. The Administrative Official shall not issue a Zoning Permit or Certificate of Zoning Compliance for any mobile home or other structure within a Class R-5 District which is in variance with the approved final development plan or authorized modification.

12.9 MODIFICATION OF APPROVED PLAN. Any proposed changes or modification of the approved final development plan as to land use, density and street location or size shall be resubmitted and considered in the same manner as the original proposal. Other changes or modifications, such as location of buildings, parking lots, common areas, except streets, etc., may be made upon application to and approval of the Commission.

12.10 REVOCATION. In the event of a failure to comply with the approved plan or any prescribed conditions of approval, inclusive to comply with the stage development schedule, the County Board may, after notice and hearing, revoke its approval of a final development plan.

ARTICLE XIII
R-6 PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

- | | | | |
|------|---------------------------------------|-------|---|
| 13.1 | Statement of Intent | 13.8 | Setback Requirements |
| 13.2 | Procedure | 13.9 | Height Requirements |
| 13.3 | Final Plan | 13.10 | Off-Street Parking |
| 13.4 | Principal Uses | 13.11 | Additional Requirements,
Exceptions, and Modifications |
| 13.5 | Special Exception Uses | 13.12 | Additional Standards |
| 13.6 | Accessory Uses | 13.13 | Separation Distance |
| 13.7 | Lot Size and Coverage
Requirements | 13.14 | Fence |

13.1 STATEMENT OF INTENT. R-6 Planned Residential Development Districts are intended for the development of tracts of land for single family residential dwellings on a unit basis and for conventional single lot subdivisions.

13.2 PROCEDURE. The owner or owners of any tract of land comprising an area which requires a subdivision plat may petition the Board of Supervisors for a change to the R-6 Zoning District Classification. The petition shall be accompanied by evidence that the proposed development is compatible with the surrounding area, evidence showing how the owner or owners propose to maintain any common ground included within the development, evidence of the feasibility of providing adequate storm and surface water drainage, water supply, water mains and sanitary sewerage facilities for the proposed development, and evidence that the developer is capable of successfully completing the proposed development. A preliminary plan or plat as required by subdivision ordinance of the proposed development shall be submitted in triplicate, showing the location of all proposed (a) layout and number of lots; (b) streets abutting or within the proposed development; (c) site topographic features; (d) landscaping and planting areas; (e) required yards; (f) common land, recreation areas and parks; (g) existing utility or other easements and existing and proposed utilities; and (h) development stages and timing. The petition and all attachments shall be referred to the County Planning and Zoning Commission for study and report after public hearing. The Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan and with recognized principles of urban design, land use planning and landscape architecture. After public hearing, the Commission may approve or disapprove the preliminary plan or plat and request for rezoning as submitted, or require that the petitioner amend the plan or plat to preserve the intent and purpose of the Zoning Ordinance to promote public health, safety and the general welfare. The petition and preliminary plan or plat along with the Commission's recommendations on the request for rezoning shall then be referred to the Board of Supervisors.

The Board, after public hearing, may approve or disapprove the preliminary plan or plat and request for rezoning, as reported, or may require such changes as are necessary to preserve the intent and purpose of the Zoning Ordinance to promote public health, safety and the general welfare. If the Board approves the preliminary plan or plat and request for rezoning, the applicant shall submit within 270 days, or such longer period as may be approved by the Board after recommendation by the Commission, to the Commission a final development plan of not less than one stage of the proposed development showing in detail the location of all proposed: (a) layout and number of lots; (b) streets abutting or within the proposed development, (c) site topography; (d) landscaping and plant material; (e) required yards; (f) common land, recreation areas and parks; (g) existing and proposed utilities and public easements; (h) proposed signs and their area and dimensions; (i) storm and sanitary sewer lines; (j) water mains; and (k) development stages and timing as applicable. The final development plan shall be accompanied by the following required documents:

- 13.21 If the proposed development includes common land which will not be dedicated to the County, and the proposed development will not be held in single ownership, proposed bylaws of a homeowner's association fully defining the functions, responsibilities and operating procedures of the association shall be provided to the County. The proposed bylaws shall include but not be limited to provisions (1) automatically extending membership in the association to all owners of dwelling units within the development; (2) limiting the uses of the common property to those permitted by the final development plan; (3) granting to each owner of a dwelling unit within the development the right to the use and enjoyment of the common property; (4) placing the responsibility for operation and maintenance of the common property in the association; (5) giving every owner of a dwelling unit voting rights in the association; and (6) if the development will combine rental and for sale dwelling units, stating the relationship between the renters and the homeowner's association and the rights renters shall have to the use of the common land.
- 13.22 Performance bond or bonds, in accordance with the requirements of the current Subdivision Ordinance, which bond or bonds shall insure to the County that the dedicated public streets and utilities, including sewers and water mains, located therein and other common development facilities shall be completed by the developer within the time specified on the final development plan.
- 13.23 Covenant to run with the land, in favor of the County, and all persons having a proprietary interest in any portion of the development premises, that the owner or owners of the land or their successors in interest will maintain all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the County, in compliance with this Article.

- 13.24 Any additional easements and/or agreements required by the Board of Supervisors at the time of preliminary plan or plat approval.
- 13.25 A final plat shall be submitted with each stage of the final development plan. The plat shall show building lines, lots and/or blocks, common land, public and private streets, easements and other applicable items required by the Subdivision Ordinance. Following approval of the final plat by the Commission and Board, the plat shall be recorded with the Harrison County Auditor and Recorder.

13.3 FINAL PLAN. The final development plan and required documents shall be reviewed by the Commission, for compliance with the standards of this section and substantial compliance with the preliminary plan. The Commission's recommendations and report on the final development plan shall be referred to the Board. The Board shall review the final development plan and approve it if it complies with the standards of this section and is in substantial compliance with the preliminary development plan. No building permits or zoning compliance certificates shall be issued until the final development plan and final plat have been approved by the Board of Supervisors.

13.4 PRINCIPAL USES. The following principal uses shall be permitted in the Class R-6 District:

- 13.41 Platted subdivisions for single-family dwellings.
- 13.42 Clustered dwellings developed on unit basis.
- 13.43 Churches and other places of worship, including parish houses and Sunday school buildings.
- 13.44 Public schools and private schools having equivalent curriculum.
- 13.45 Public recreational areas and facilities including parks, playgrounds, golf courses, community centers and similar uses.
- 13.46 Family homes as defined in Article II.

13.5 SPECIAL EXCEPTION USES. The following special exception uses shall be permitted in a Class R-6 District, when authorized in accordance with the requirements of Article **XXV**:

- 13.51 Essential governmental structures and uses including booster stations and utility stations other than sanitary landfills and transmission towers or uses similar in their scope or effects, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not

- objectionable as to noise, odor, vibration or other disturbances.
- 13.52 Private noncommercial recreational areas and facilities including parks, playgrounds, golf courses, country clubs, tennis clubs, swim clubs and similar uses.
- 13.53 Day care nurseries and nursery schools, provided that for each child there shall be a minimum of thirty-five (35) square feet of usable floor space, exclusive of wash rooms, toilets, kitchens and hallways; and further provided that for each child there shall be a minimum of one hundred (100) square feet of usable outdoor play space, which space shall be confined to the rear yard of the property and be completely enclosed by a fence.

13.6 ACCESSORY USES. The following accessory uses shall be permitted in a Class R-6 District:

- 13.61 Accessory uses and structures normally incidental and subordinate to one of the permitted principal or conditional uses, unless otherwise excluded.
- 13.62 Private recreational facilities including swimming pools, tennis courts, and other recreational facilities commonly accessory to a dwelling.
- 13.63 Private parking facilities including garages, carports and other parking spaces.
- 13.64 Private stables and other structures for raising and keeping horses and other common farm animals, provided that not more than one (1) animal and its immature offspring per acre for the first two (2) acres and two (2) animals per each additional acre shall be permitted and further provided that no such structure shall be located closer than fifty feet (50') to any property line, nor closer than twenty-five feet (25') to any dwelling on the site. The area devoted to such uses shall be kept in a clean and sanitary condition, and shall be maintained so as drainage will not effect the health and safety of adjacent property owners.
- 13.65 Private kennels, provided the dogs are confined at all times and are controlled in such a manner that they do not interfere with the health and well being of adjacent property owners. No such structure shall be located closer than fifty feet (50') to any property line, no closer than twenty-five feet (25') to any dwelling on the site. The area devoted to such use shall be kept in a clean and sanitary condition, and shall be maintained so as drainage will not effect the health and safety of adjacent property owners.
- 13.66 Private structures and adjoining confinement areas for the raising and keeping of birds, rabbits, chinchillas, hamsters, or other small animals and fowls on a domestic scale, provided that such structures and confinement areas shall not cover more than four hundred (400) square feet per acre to a maximum area

of twelve hundred (1,200) square feet.

No structure shall be located closer than fifty feet (50') to any property line, nor closer than twenty-five feet (25') to any dwelling on the site, and no such confinement area shall be located closer than ten feet (10') to any property line. The area devoted to such use shall be kept in a clean and sanitary condition and shall be maintained so as drainage will not effect the health and safety of adjacent property owners.

- 13.67 Bathhouses, tool or storage sheds, and non-habitable playhouses when located in the rear yard.
- 13.68 Fences, walls and hedges, subject to the provisions of Section 3.9 and 3.14.
- 13.69 Home occupations and home professional offices, subject to the provisions of Article XX.

13.7 LOT SIZE AND COVERAGE REQUIREMENTS. The minimum lot size and maximum lot coverage for uses in a Class R-6 District for conventional single lot subdivisions shall be as follows:

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE
13.71 Single Family Dwellings				
A. Lots with sewer & water				
- interior lot	6,000 sq ft.	60'	100'	35%
- corner lot	7,500 sq ft.	75'	100'	35%
B. Lots with sewer or water	1.0 acre	150'	150'	20%
C. Lots with septic systems and wells	2.0 acres	150'	200'	10%
13.72 Churches	2.0 acres	200'	200'	30%
13.73 Other Permitted Structures and Uses	1.0 acre	150'	150'	20%

13.8 SETBACK REQUIREMENTS. The setback requirement for buildings and structures in a Class R-6 District shall be as follows:

- 13.81 The front yard setback shall be a minimum of **twenty-five feet (25')**.
- 13.82 The side yard setback shall be a minimum of **ten feet (10')**.
- 13.83 The rear yard setback shall be a minimum of **twenty-five feet (25')**.
- 13.84 The minimum setback for any yard which abuts a highway or county road

shall be **fifty** feet (**50'**).

13.9 HEIGHT REQUIREMENTS. The maximum height of buildings and structures in a class R-2 district, shall be thirty-five feet (35') or two and one-half (2-1/2) stories, whichever is lower, and an accessory building shall not exceed a height of twenty-two feet (22') or two (2) stories, whichever is lower.

13.10 OFF-STREET PARKING. See Article XVIII.

13.11 ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS. See Article XXI.

13.12 ADDITIONAL STANDARDS. Permitted principal and accessory land uses, lot area, yard and height requirements shall be as set out in the previous sections for the R-6 District which shall prevail for conventional single lot subdivisions.

13.121 For single family residential developments on a unit basis including groups or clusters of single family dwellings, the minimum lot and yard requirements of the R-6 Zoning District shall not apply, except that minimum yards specified in the R-6 District shall be provided around the boundaries of the development.

13.122 The height requirements of the zoning district in which the development is located shall apply.

13.123 All public and private streets, water mains, sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of the County Board of Health, the Iowa Department of Natural Resources and the County Engineer.

13.124 "Common land" as used in this section refers to land retained in private ownership for the use of the residents of the development or to land dedicated to the general public.

13.125 Any land gained within the development because of the reduction in lot sizes, below minimum Zoning Ordinance requirements, shall be placed in common land to be dedicated to the County or retained in private ownership to be managed by a homeowner's association.

13.13 SEPARATION DISTANCE

13.131 The R-6 District shall be located a minimum of 200 yards from public lands where hunting is permitted.

13.14 FENCE

13.141 When an R-6 District adjoins an A-1 District, a fence shall be installed along the plat boundary by the developer, **and subject to the provisions of Sections 3.9 and 3.14.**

**ARTICLE XIV
B-1 BUSINESS DISTRICT**

- | | | | |
|------|------------------------------------|-------|---|
| 14.1 | Statement of Intent | 14.7 | Setback Requirements |
| 14.2 | Principal Uses | 14.8 | Height Requirements |
| 14.3 | Special Exception Uses | 14.9 | Special Requirements |
| 14.4 | Accessory Uses | 14.10 | Off Street Parking |
| 14.5 | Signs | 14.11 | Additional Requirements,
Exceptions, and Modifications |
| 14.6 | Lot Size and Coverage Requirements | | |

14.1 STATEMENT OF INTENT. This district is intended to provide convenient commercial goods and services to specific areas of the county where sufficient population exists to economically support such services.

14.2 PRINCIPAL USES. The following principal uses shall be permitted in Class B-1 District:

14.21 *Agricultural retail-service outlets.*

14.22 Animals, hospitals, or veterinary clinics.

14.23 *Antique/used furniture shops.*

14.24 *Appliance store.*

14.25 *Art shop and galleries (including classes).*

14.26 Automotive, truck, farm implement, or mobile home display sales, service, or repair.

14.27 *Auto parts store.*

14.28 *Bakery (retail sales only).*

14.29 *Barbershop and beauty parlor.*

14.210 Bait shops.

14.211 *Banks, satellite.*

14.212 *Bicycle store (sales, rental, and repair).*

14.213 *Billiard parlors and pool halls.*

14.214 *Book binding.*

- 14.215 *Book, flower and gift shops.***
- 14.216 *Bowling alley, indoor recreation.***
- 14.217 *Camera store.***
- 14.218 *Car/service station (no repair or body shop).***
- 14.219 *Car wash.***
- 14.220 *Carpet store.***
- 14.221 *Catering establishment.***
- 14.222 *Clinics (medical, dental, or similar).***
- 14.223 *Clothes dry cleaning.***
- 14.224 *Clothing retail and service.***
- 14.225 *Confectionary store, dairy store (including ice cream).***
- 14.226 *Convenience stores and drive-in restaurants.***
- 14.227 *Dance studios.***
- 14.228 *Day nurseries.***
- 14.229 *Delicatessens.***
- 14.230 *Department store.***
- 14.231 *Drug store.***
- 14.232 *Employment agencies.***
- 14.233 *Florist shops.***
- 14.234 *Furniture store.***
- 14.235 *Grocery store.***
- 14.236 *Hardware stores.***

- 14.237 Health clubs, gymnasiums.**
- 14.238 Hobby, craft and decorating stores.**

- 14.239 Home furnishings stores.**

- 14.240 Hotels and motels.**

- 14.241 Insurance agency.**

- 14.242 Jewelry stores, including clock and watch repair.**

- 14.243 Landscaping nursery.**

- 14.244 Laundromat or coin operated dry cleaning.**

- 14.245 Lawn mower repair shop.**

- 14.246 Liquor stores.**

- 14.247 Locksmith.**

- 14.248 Massage establishment.**

- 14.249 Mail order house.**

- 14.250 Meat market.**

- 14.251 Music store or school.**

- 14.252 Mini-storage warehouse.**

- 14.253 Motorcycle, boat, and recreational vehicle display, sales, and service.

- 14.254 Office supply store (computers).**

- 14.255 Offices (business and professional).**

- 14.256 Pet shop, including aquariums.**

- 14.257 Photographic studio.**

- 14.258 Plumbing, heating, or electrical retail outlet.**

- 14.259 Real estate office.**

14.260 Recreational and amusement activities such as bowling alleys, miniature golf courses, driving ranges, skating rinks, and dance halls.

14.261 Restaurants and fast food outlets.

14.262 Shoe store and hat repair store.

14.263 Sporting goods store.

14.264 Small appliance sales and service.

14.265 Tailor and dressmaker shops.

14.266 Taverns and night clubs.

14.267 Theater.

14.268 Toy store.

14.269 Travel agency.

14.270 Variety store.

14.271 Video store.

14.3 SPECIAL EXCEPTION USES. The following special exception uses shall be permitted in a Class B-1 District subject to the provisions of Article **XXV**:

14.31 Communication stations and towers provided that they are not closer to a dwelling or place of public assembly than a distance equal to **150% of** their height, that they will not interfere with the operation of any airport or landing strip, and that one (1) off-street parking space per employee and one (1) off-street space for each company vehicle be provided.

14.32 Commercially operated campgrounds or tourist camps or sites of not less than three (3) acres provided that no campsite shall be located within fifty feet (50') of a residential district and that water supply and sewage disposal facilities shall be approved by the County Health Department and the **Iowa** Department of Natural Resources.

14.33 Wind generators.

14.4 ACCESSORY USES. The following accessory uses shall be permitted in a Class B-1 District:

- 14.41 Accessory uses and structures normally incidental and subordinate to one of the permitted principal or special exception uses unless otherwise excluded.
- 14.42 Caretaker quarters.
- 14.43 Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.
- 14.44 Storage warehouses in conjunction with the permitted principal uses or special exception uses of this district.

14.45 Fences, walls and hedges subject to the provisions of Sections 3.9 and 3.14.

14.5 SIGNS. See Article XXII.

14.6 LOT SIZE AND COVERAGE REQUIREMENTS. The minimum lot size and maximum lot coverage for uses in a Class B-1 District shall be as follows:

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE
14.6.1 Any Permitted Use	1.0 acre	150'	100'	50%
14.6.2 Campgrounds	5 acres	300'	300'	5%

14.7 SETBACK REQUIREMENTS. The setback requirements for buildings and structures in a Class B-1 District shall be as follows:

- 14.71 The front yard setback shall be a minimum of thirty feet (30').
- 14.72 **The side yard setback shall be a minimum of ten feet (10').** The side yard setback shall be a minimum of twenty-five feet (25') when such yard abuts a Class a District and shall be a minimum of fifty feet (50') when such yard abuts a Class R District.
- 14.73 The rear yard setback shall be a minimum of **thirty feet (30').** **The rear yard setback** shall be a minimum of fifty feet (50') when such yard abuts a Class R District.
- 14.74 The minimum setback between buildings situated on the same site shall be ten feet (10').

14.8 HEIGHT REQUIREMENTS. The following height requirements shall apply in a Class B-1 District:

14.81 Principal Structures-----40 feet.

14.82 Accessory Structures-----30 feet.

14.9 SPECIAL REQUIREMENTS. The following special requirements shall apply in a Class B-1 District:

14.91 Lighting shall be located and focused so as to avoid casting direct light upon any adjacent residential property.

14.92 Prior to the issuance of a permit for any use in this district, the applicant shall submit plans for water supply and sewage disposal systems and shall provide evidence to the Administrative Official that such facilities, where needed, are adequate for the proposed use.

Water supply and sewage disposal facilities shall be approved by the County Health Department and, where applicable the Iowa Department of Natural Resources.

14.10 OFF-STREET PARKING. See Article XVIII.

14.11 ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS. See Article XXI.

**ARTICLE XV
I-1 INDUSTRIAL SERVICE *DISTRICT***

- | | | | |
|------|------------------------------------|-------|---|
| 15.1 | Statement of Intent | 15.7 | Setback Requirements |
| 15.2 | Principal Uses | 15.8 | Height Requirements |
| 15.3 | Special Exception Uses | 15.9 | Parking |
| 15.4 | Accessory Uses | 15.10 | Additional Requirements,
Exceptions, and Modifications |
| 15.5 | Signs | | |
| 15.6 | Lot Size and Coverage Requirements | | |

15.1 STATEMENT OF INTENT. The Class I-1 District is intended and designed to accommodate industrial uses only and as such, no residences or commercial uses are permitted, except those incidental to the specific industry, such as residences for night watchmen and caretakers and commercial services for employees.

15.2 PRINCIPAL USES. The following principal uses shall be permitted in a Class I-1 District:

15.21 The following uses if located not less than one hundred feet (100') from any "R" District, provided any such operations are enclosed by a solid fence or wall not less than six feet (6') in height:

- A. Bag, carpet, and rug cleaning; provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.**
- B. *Bottling plants.***
- C. Builder's or contractor's plant or storage yard.
- D. Building material sales and storage yard, including concrete mixing.
- E. *Cooperage works.***
- F. *Creameries, including wholesale manufacturing of ice cream.***
- G. *Foundry casting lightweight non-ferrous metals, or electric foundry not causing noxious fumes or odors.***
- H. *Garages for general motor vehicle repair, including major body and fender work, and overall, painting and upholstering, but not including motor vehicle wrecking or used parts yards or outside storage of component parts.***
- I. Indoor gun clubs, rifle ranges, and skeet or trap shooting ranges.

- J. Laboratories - experimental, film or testing.
- K. Laboratories, research, experimental, and control or testing; provided no operation shall be conducted, or equipment employed, which would create hazardous, noxious or offensive conditions.
- L. Lumber yard, including millwork.
- M. Mortuaries, funeral homes and funeral chapels.
- N. Open yard for storage and sale of feed, fertilizer or fuel.
- O. Printing and/or publishing houses.
- P. Sawmill, planing mill; including manufacture of wood products not involving chemical treatment.
- Q. Secondary airports and private light plane landing strips, and helicopters, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Agency, and when situated on a site containing not less than thirty (30) acres.
- R. Service stations, including dispensing of diesel fuels and complete truck service and car washes.
- S. Sheet metal shops, including the forming of heating and ventilating ducts, eaves, cornices, and similar light metal products, not involving the use of drop hammers and other noise producing machine-operated tools.
- T. The manufacturing, assembling, painting and repair of electric and neon signs, and outdoor advertising signs and structures.
- U. The manufacturing, assembling, packaging and other comparable treatment of drugs, general pharmaceutical products, cosmetics, perfume, and toiletries.
- V. The manufacturing, processing, packaging and other comparable treatment of pottery, figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
- W. Transportation passenger terminals, including bus stations, railroad passenger stations, or other passenger terminals, provided that vehicle storage and repair areas are conducted either (a) within a completely enclosed building or buildings or (b) within area completely enclosed on all sides by a

site obscuring fence not less than six feet (6') high.

X. Truck and motor freight stations or terminals including cartage and express hauling and similar establishment, provided such uses are conducted either (a) within a completely enclosed building or buildings or (b) within an area completely enclosed on all sides by a sight obscuring fence not less than six feet (6') high.

Y. Truck terminal or yard, including repair.

Z. Veterinary hospitals or clinics, provided all phases of the business are conducted upon the premises be within an enclosed building where noises and odors are not evident to adjacent properties.

15.22 The following uses, providing that no part of a building occupied by such uses shall have openings other than stationary windows or required fire exits within one hundred feet (100') of any "R" District:

A. Automobile repair garage doing major repair, including tire retreading or recapping, battery service and repair.

B. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceutical, toiletries, milk, and food products.

C. The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, plastics, precious or semiprecious metals or stones, rubber, textiles, wood, and yard.

D. The manufacture or assembly of electrical appliances, electronic instruments and devices, phonographs, radio and television sets, electric and neon signs, refrigerators, and stoves.

E. Laboratory - experimental, film or testing.

15.23 Circus, or similar transient enterprises; provided that such structures shall be at least two hundred feet (200') from any "R" District.

15.24 Feed and seed sales and storage, including grain elevators.

15.25 Furniture warehouses and van services.

15.26 Ice manufacturing and cold storage plants.

15.27 Machine shops.

- 15.28 Transportation passenger terminals.
- 15.29 Transformer stations, booster stations, and utility stations; including utility yard and garage for service or storage.
- 15.210 Warehouses, retail and wholesale, except for the storage of fuel or flammable liquids and explosives.
- 15.211 Welding, blacksmithing, or other metal working shops, exclusive of drop hammers and other noise producing machine-operated tools.

15.3 SPECIAL EXCEPTION USES. The following special exception uses shall be permitted in a Class I-1 District when authorized in accordance with the requirements of Article XXV:

- 15.31 *Abattoirs, slaughter houses, meat packing and processing plants and stockyards.***
- 15.32 *Acid manufacture or wholesale storage of acids.***
- 15.33 Agricultural grain and seed stock feed and alfalfa drying, processing, and storage.
- 15.34 *Anhydrous ammonia storage and/or pumping facilities.***
- 15.35 *Cement, lime, gypsum, or plaster of paris manufacture.***
- 15.36 *Commercial grain by-products processing facilities.***
- 15.37 *Distillation of bones.***
- 15.38 *Explosive manufacture or storage.***
- 15.39 *Fat rendering; fertilizer, gas, or glue manufacture.***
- 15.310 Flammable liquids, underground storage only, not to exceed 50,000 gallons per storage unit, provided such storage units shall be located not less than three hundred feet (300') from any Class "R" or "B" District.
- 15.311 *Garbage, offal or dead animal reduction or dumping.***
- 15.312 *Petroleum or petroleum products refining.***
- 15.313 *Smelting or reduction of ores or metallurgical products.***

- 15.314 Transmitting stations and towers.
- 15.315 Railroad and freight stations, including freight classification yards and repairs shops; provided no such station, yard or shop shall be closer than two hundred feet (200') from any Class "R" District.
- 15.316 Junk yards, vehicle and industrial salvage yards, used lumber yards, salvaged wood yards, wrecking yards, and used parts yards; provided the operation is not located closer than three hundred feet (300') from any Class "A-1" or "R" District nor closer than two hundred feet (200') from any Class "B" District; and further provided the operation is conducted with a yard enclosed on all sides with a sight obscuring fence, not less than eight feet (8') high of uniform design and uniform color, which substantially screens the area in which junk and material stored or deposited from sight of the nearest street or highway. The fence must be kept in good repair and it shall not be used for advertising displays or signs. Suitable opaque gates are required, which shall be closed and shall be locked after business hours, or when the yard is unattended. Provided, however, a portion of any gate, not to exceed ten feet (10') in length, may be constructed on a non-opaque material to permit observation of the fenced premises after business hours.
- 15.317 Iron or steel or fabrication plant and heavyweight casting foundries.
- 15.318 Plastic manufacture.
- 15.319 Fertilizer and/or agricultural chemical manufacture, blending and storage.
- 15.320 Sand and gravel pits or quarries.
- 15.321 Wholesale fuel supply outlet or distributor.
- 15.322 Wholesale storage of gasoline.**
- 15.323 Well fields and water treatment and distribution facilities.**
- 15.324 Wind generators.**

15.325 Adult entertainment business - It is the purpose of this ordinance to regulate adult entertainment businesses to limit their inherent adverse impact in the community while at the same time permitting lawful businesses to conduct operations in the county. The Board of Supervisors finds as evidenced in other counties that the number of adult entertainment businesses is increasing and that, because of their very nature, are recognized as having serious, objectionable operational characteristics, which are magnified when located in close proximity to dwellings, churches, schools and parks. Special regulations of adult entertainment businesses is necessary to ensure that these adverse affects will not contribute to the blighting or downgrading of the surrounding areas. The Board of Supervisors further finds that these regulations are necessary to protect the health, safety and general welfare of all residents of the county.

A. Limitations on Adult Entertainment Businesses: Adult entertainment businesses shall be subject to the following restrictions and no person shall cause or permit the establishment of any adult entertainment business contrary to said restrictions:

(1) No adult entertainment business shall be open for business between the hours of twelve (12:00) midnight and six (6:00) a.m.

(2) An adult entertainment business shall not be allowed within one thousand three hundred twenty feet (1,320') of another existing adult entertainment business.

(3) An adult entertainment business shall not be allowed within one thousand three hundred twenty feet (1,320') of any residentially zoned district.

(4) An adult entertainment business shall not be located within two thousand six hundred forty feet (2,640') of a pre-existing care center, school, private or public park, or church.

(5) Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult entertainment business to the point on the property line of such other business, school, church, public park or areas zoned for residential use which is closest to the said main entrance of such adult entertainment business.

B. Prohibited Activities of Adult Entertainment Businesses:

(1) No adult entertainment business shall employ any person under eighteen (18) years of age.

(2) No adult entertainment business shall furnish any merchandise or services to any person who is under eighteen (18) years of age.

(3) No adult entertainment business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult entertainment business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct or permit any other person to engage in an activity of conduct in or about the premises which is prohibited by this ordinance or any laws of the State.

(4) No part of the interior of the adult entertainment business shall be visible from any pedestrian sidewalk, walkway, street, or other public or semi-public area.

(5) An adult entertainment business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of eighteen (18) years is allowed on the premises. This section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.

(6) Except as hereinafter provided no person shall intentionally expose those parts of his or her body hereinafter listed to other in any public place, or in any place where such exposure is seen by another person or persons located in any public place.

(1) A woman's nipple, the areola thereof, or any portion of the female breast at or below the nipple thereof, except as necessary in the breast feeding of a baby.

(2) The pubic hair, pubes, perineum, or anus of a male or female, the penis or scrotum of a male, or the vagina of a female, excepting such body parts of prepubescent infants of either sex.

C. Establishment of adult entertainment businesses shall include the opening of such businesses as a new business, the relocation of such business, or the conversion of an existing business location to any of the uses described in Article II, Section 2.3.3.

D. Special Use Permit: The adult entertainment businesses may be permitted subject to approval by the Board of Adjustment after public hearing. In its determination upon the particular use at the location requested, the Board of Adjustment shall consider all of the following provisions:

(1) That the proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property.

(2) That such use shall not impair an adequate supply of light and air to surrounding property.

(3) That such use shall not unduly increase congestion in the streets or public danger of fire and safety.

(4) That such use shall not diminish or impair established property values in adjoining or surrounding property.

(5) That such use shall be in accord with the intent, purpose and spirit of this Ordinance and Comprehensive Plan of Harrison County.

(6) Applications for an adult entertainment business under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, the locations and driveways and the points of ingress and egress, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities.

15.4 ACCESSORY USES. The following accessory uses shall be permitted in a Class I-1 District:

15.41 Accessory uses and structures normally subordinate and incidental to one of the principal or special exception uses, unless otherwise excluded.

15.42 Caretakers quarters.

15.43 Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.

15.5 SIGNS. See Article XXII.

15.6 LOT SIZE AND COVERAGE REQUIREMENTS. The minimum lot size and maximum lot coverage for uses in a Class 1-1 District shall be as follows:

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE
15.61 Any Permitted Use	10,000 sf	80'	100'	70%

15.7 SETBACK REQUIREMENTS. The setback requirements for buildings and structures in a Class I-1 District shall be as follows:

- 15.71 The front yard setback shall be a minimum of thirty feet (30').
- 15.72 ***The side yard setback shall be a minimum of ten feet (10')***. The side yard setback shall be a minimum of fifty feet (50') when such yard abuts a Class "A" District and shall be a minimum of seventy-five feet (75') when such yard abuts a Class "R" District.
- 15.73 ***The rear yard setback shall be a minimum of thirty feet (30')***. The rear yard setback shall be a minimum of fifty feet (50') when such yard abuts a Class "A" District and shall be a minimum of seventy-five feet (75') when such yard abuts a Class "R" District. No rear yard setback shall be required when the rear yard adjoins a railroad right-of-way.
- 15.74 The minimum setback between buildings situated on the same site shall be ten feet (10').

15.8 HEIGHT REQUIREMENTS. The maximum height of buildings and structures in a Class I-1 District shall be seventy-five feet (75'), provided that no building or structure within two hundred feet (200) of any Class "R" District shall exceed forty-five feet (45') in height.

15.9 PARKING REQUIREMENTS. See Article XVIII.

15.10 ADDITIONAL REQUIREMENTS. See Article XXI.

ARTICLE XVI
I-2 PLANNED MIXED USE AREA DEVELOPMENT DISTRICT

- | | | | |
|------|------------------------------------|-------|--------------------------------|
| 16.1 | Statement of Intent | 16.7 | Application for Final Approval |
| 16.2 | Principal Uses | 16.8 | Adherence to Approved Plan |
| 16.3 | Accessory Uses | 16.9 | Modification of Approved Plan |
| 16.4 | Project Size and Density | 16.10 | Board of Adjustment Review |
| 16.5 | Standards and Requirements | | Precluded |
| 16.6 | Application for Tentative Approval | 16.11 | Revocation |

16.1 STATEMENT OF INTENT. The Class I-2 District is intended and designed to provide for the development or redevelopment of tracts of land on a unit basis, located in close proximity to concrete or asphalt paved highways, interstates, or interstate interchanges, by allowing greater flexibility of land use and building locations than the conventional single lot method provided in other chapters of this ordinance. It is also the intent that such Planned Mixed Use Area Development Districts be designed and developed in substantial conformity with recognized principals of civil engineering and landscape architecture. It is further intended that such Planned Mixed Use Area Development Districts be designed and developed to promote public health, safety, morals, and general welfare; and to reasonably minimize undue injury to adjoining areas. It is further intended that such Planned Mixed Use Area Development Districts shall contain provisions to help protect the following objectives:

- 16.11 To encourage orderly, staged development of large-scale, comprehensively planned, multi-use centers by the submission of a preliminary development plan for an entire site and subsequent development plans for each stage of development, as identified on the preliminary development plan; and
- 16.12 To provide, where appropriate, residential uses integrated into the overall multi-use center, and
- 16.13 To ensure internal compatibility of residential and nonresidential uses by providing a residential environment that is enhanced by the commercial, recreational, employment and institutional amenities with commercial and industrial components of them multi-use center; and
- 16.14 To assure compatibility of the proposed land uses with surrounding uses; and

- 16.15 To preserve open space and other environmentally sensitive areas not only for use as setbacks and yards surrounding structures and related walkways, but also conveniently located with respect to points of residential and commercial/industrial concentration. It is also intended that open space and amenities be located so as to achieve the physical and aesthetic integration of the uses and activities within each development. In addition, structured parking within mixed use area development districts is encouraged to help achieve the open space and amenities objectives of the district. Where surface parking is necessary, the purpose of this district may be achieved by the provision of additional landscaping; and
- 16.16 To encourage and provide for the development of comprehensive non vehicular circulation networks, separated from vehicular roadways, which constitute a system of linkage among the different uses in the district; and
- 16.17 To encourage development of land which because of topographical or shape problems or other practical difficulties cannot otherwise feasibly be developed.

In order to enable the Commission and County Board to evaluate the accomplishment of the intent herein, a specific set of plans, submitted in accordance with Sections 16.6 and 16.7, is required for each Planned Mixed Use Area Development, and the Commission is empowered to review and to make recommendations on the plans and the County Board is empowered to review and to approve such plans if they find them to be capable of accomplishing the above-stated intent and in compliance with the requirements of this district.

16.2 PRINCIPAL USES. The following principal uses shall be permitted in the Class I-2 District; subject however, to the provisions hereinafter set forth in this Article:

16.21 Uses as permitted in the B-1 District.

- 16.22 Agricultural grain and seed and stock feed drying, processing, storage and sales.
- 16.23 Amusement parks and centers.
- 16.24 Antique shops.
- 16.25 Any customary agricultural use including agronomy, horticulture, animal husbandry, poultry husbandry, greenhouses, nursery gardens, truck gardens, but excluding feedlots.
- 16.26 Apparel and shoe stores.
- 16.27 Art and cultural galleries.

- 16.28 Athletic stadiums for contests of football, baseball, soccer, track and field and other sports events and other indoor or outdoor athletic or sporting facilities and health spas.
- 16.29 Automobile and other vehicle parts and supply stores.
- 16.210 Automobile, boat, farm implement and equipment, motorcycle and truck sales, rental and service.
- 16.211 Bakeries.
- 16.212 Banks, savings and loan associations, lending agencies, and similar financial institutions including drive-in banks.
- 16.213 Bars, cocktail lounges, nightclubs, and taverns.
- 16.214 Barber shops and beauty shops.
- 16.215 Bookstores including newsstands, magazine stores and rental libraries.
- 16.216 Bottling plants.
- 16.217 Building supply stores, provided all phases of the business conducted upon the premises be within an enclosed building.
- 16.218 Business and professional offices.
- 16.219 Business, professional, technical and trade schools and colleges.
- 16.220 Camera and photographic supply stores, including photographic development pickup stations.
- 16.221 Candy, nut and confectionery shops, including ice cream and snack bars, but where products are sold only at retail and only on the premises.
- 16.222 Carpet and drapery stores.
- 16.223 Cemeteries, including mausoleums and crematories, provided that no such mausoleum and crematory shall be located closer than two hundred feet (200') from any property line, and further provided that any new cemetery shall contain an area of five acres or more.
- 16.224 Churches and other places of worship.
- 16.225 Clothes cleaning and laundry pickup stations.

- 16.226 Collection offices for public utility.
- 16.227 Commercial golf courses, country clubs, and appurtenant pro shops, restaurants and liquor sales subject to other state and county regulations.
- 16.228 Commercial storage warehouses and mini-warehouses.
- 16.229 Commercial swimming pools, skating rinks, golf driving ranges, miniature golf courses, trampoline centers and similar open recreational uses and facilities.
- 16.230 Convalescent, nursing and retirement homes.
- 16.231 Convenience stores, including package foods and picnic supplies.
- 16.232 Cooperaage works.
- 16.233 Creameries, including wholesale manufacturing of ice cream.
- 16.234 Department stores.
- 16.235 Drug stores and pharmacies.
- 16.236 Dry good stores.
- 16.237 Dwelling units.
- 16.238 Employee living quarters which are incidental to a permitted principal use and not for rent or otherwise used as a separate dwelling.
- 16.239 Entertainment and recreational uses, including billiard and pool halls, bowling alleys, ballrooms and dance halls, gymnasiums and other indoor recreational uses and buildings.
- 16.240 Establishment or enterprises involving large assemblages of people or automobiles including, but not limited to carnivals, circuses, rodeo grounds; show rings, music festivals, sport festivals, and similar uses.
- 16.241 Florist shops.
- 16.242 Forests and production of woodland products including portable sawmills for cutting timber grown on the site.
- 16.243 Furniture and appliance stores, including incidental repair.

- 16.244 Garages for general motor vehicle repair, including major body and fender work, and overall, painting and upholstery, but not including motor vehicle wrecking or used parts yards or outside storage of component parts.
- 16.245 Garden shops and supply stores, provided that all equipment supplies, and merchandise, other than plants, shall be kept within a completely enclosed building or under a lathed structure and further provided that fertilizer of any type shall be stored and sold in packaged form only.
- 16.246 Gift, novelty and souvenir shops.
- 16.247 Grocery stores, delicatessens and supermarkets, including convenience stores.
- 16.248 Governmental structures or uses including fire stations, libraries, police stations, post office substations, and uses similar in their scope or effect; but excluding sanitary landfills or uses similar in their scope or effect.
- 16.249 Hardware stores.
- 16.250 Hobby, craft and art supply stores.
- 16.251 Home furnishings and decorating stores.
- 16.252 Hospitals, medical and dental clinics and other medical and health facilities.
- 16.253 Hotels and motels.
- 16.254 Ice manufacturing and cold storage plants.
- 16.255 Indoor gun clubs, rifle ranges, and skeet or trap shooting ranges.
- 16.256 Jewelry stores, including clock and watch repair.
- 16.257 Laboratories, research, experimental, and control or testing; provided no operation shall be conducted, or equipment employed, which would create hazardous, noxious or offensive conditions.
- 16.258 Launderettes, coin-operated dry-cleaning establishments, and dry-cleaning or pressing establishments using only nonflammable solvents.
- 16.259 Motion pictures, radio and television production studios and broadcasting stations, but not including antennas or towers.
- 16.260 Mortuaries, funeral homes and funeral chapels.

- 16.261 Paper manufacturing.
- 16.262 Pet shops, including birds and fish.
- 16.263 Printing, lithographing and engraving shops, including blueprinting, photostatting or other reproduction processes.
- 16.264 Publishing and newspaper printing establishments, including bookbinding.
- 16.265 Recreational areas and facilities including parks, playgrounds, golf courses, hunting and fishing preserves, boat docks, piers, landings, camps, campgrounds, summer camps, conference and retreat centers, and similar uses; gun clubs, rifle ranges, and skeet or trap shooting, provided no shooting activity shall be located closer than seven hundred fifty feet (750') from any dwelling nor closer than one (1) mile from an Class "R" District, and further provided that shooting be conducted that no shot leaves the range premises, horse stables, kennels and other strictures for raising and keeping animals and fowl, riding academies and clubs, including trails for riding horses, provided that no such structure shall be closer than fifty feet (50') to any property line and similar uses.
- 16.266 Recreational vehicle parks, including incidental retail sales of merchandise on the site.
- 16.267 Resorts and guest ranches, including incidental retail sales of merchandise on the site.
- 16.268 Restaurants, tearooms, cafeterias, cafes and soda fountains, including outdoor cafes and drive-in eating and dining places.
- 16.269 Roadside stands for the sale of agricultural produce grown on the site, but only when adequate off street parking is provided.
- 16.270 Secondary airports and private light plane landing strips, and helicopters, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Agency, and when situated on a site containing not less than thirty (30) acres.
- 16.271 Service stations, including dispensing of diesel fuels and complete truck service and car washes.
- 16.272 Sheet metal shops, including the forming of heating and ventilating ducts, eaves, cornices, and similar light metal products, not involving the use of drop hammers and other noise producing machine-operated tools.

- 16.273 Shoe and hat repair shops.
- 16.274 Ski resorts.

- 16.275 Tailor and dressmaker shops.

- 16.276 Telegraph office and telephone exchanges.

- 16.277 Telephone answering and messenger services.

- 16.278 Theaters.

- 16.279 The manufacturing, assembling, packaging and other comparable treatment of electric, electronic or gas appliances, instruments and devices of any kind, including kitchen appliances; small industrial instruments and devices; radios, phonographs, and television sets; cameras and other photographic equipment; musical instruments, toys, novelties, and rubber and metal handstamps; medical, dental and drafting instruments; small precision instruments, such as barometers, clocks, watches and compasses; and including the manufacturing of small accessory parts, such as coils, condensers, transformers, crystal holders and similar products.

- 16.280 The manufacturing, assembling, painting and repair of electric and neon signs, and outdoor advertising signs and structures.

- 16.281 The manufacturing, assembling, packaging and other comparable treatment of drugs, general pharmaceutical products, cosmetics, perfume, and toiletries.

- 16.282 The manufacturing, processing, packaging and other comparable treatment of pottery, figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.

- 16.283 The manufacturing, processing, packaging and other comparable treatment of bakery goods, candy, canned foods, processed dairy products and other food products, except fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.

- 16.284 Transformer stations, booster stations, utility stations; provided that yards or garages for service or storage are conducted either (a) within a completely enclosed building or buildings, or (b) within an area completely enclosed on all sides by a sight obscuring fence not less than six feet (6') high.

- 16.285 Transportation passenger terminals, including bus stations, railroad passenger stations, or other passenger terminals, provided that vehicle storage and repair areas are conducted either (a) within a completely enclosed building or buildings or (b) within area completely enclosed on all sides by a site obscuring fence not less than six feet (6') high.
- 16.286 Truck and motor freight stations or terminals, including cartage and express hauling and similar establishments, provided such uses are conducted either (a) within a completely enclosed building or buildings or (b) within an area completely enclosed on all sides by a sight obscuring fence not less than six feet (6') high.
- 16.287 Variety stores.
- 16.288 Veterinary hospitals or clinics, provided all phases of the business are conducted upon the premises be within an enclosed building where noises and odors are not evident to adjacent properties.
- 16.289 Water and soil conservation works including water supply works, flood control and watershed protection works, man made lakes, fish and game hatcheries and preserves, etc.
- 16.290 Welding, blacksmithing, or other metal working shops, exclusive of drop hammers and other noise producing machine-operated tools.
- 16.291 Well fields and water treatment and distribution facilities.

16.3 ACCESSORY USES. The following accessory uses shall be permitted in a Class I-2 District.

- 16.31 Accessory uses and structures normally incidental and subordinate to one of the permitted principal or special exception uses, unless otherwise excluded.
- 16.32 Fences, walls and hedges, subject to the provisions of Section 3.9 and 3.14.
- 16.33 Signs. See Article XXII.
- 16.34 Home occupations and home professional offices, subject to the provisions of Section XX.
- 16.35 Parking facilities including garages, carports, lots and other parking spaces.

16.4 PROJECT SIZE AND DENSITY. The following requirements shall govern the size and density of a Class I-2 District:

- 16.41 A tract of land considered for a Planned Mixed Use Area Development District shall comprise an area of not less than twenty (20) acres of gross development area.
- 16.42 Net development area shall be determined by subtracting the area set aside for churches and schools, if any, and the area actually proposed for streets from the gross development area. The area of land set aside for common land, open space and recreation shall be included in the net development area for determining the number of dwelling units permitted.
- 16.43 The overall minimum lot area per dwelling unit in any one and two **family area** in the Planned Mixed Use Area Development District shall be the same as in a conventional Class "R-3" District. ***The minimum lot area per dwelling unit for multi-family dwellings shall be 12,000 square feet in the first 3 units, plus 500 square feet for each additional unit. Multi-family units may include row dwellings, townhouses, condominiums and apartments.***
- 16.44 The overall minimum lot area for commercial/industrial areas in the Planned Mixed Use Area Development District shall be the same as in a conventional **"B-1", "I-S" or "I-1"** District.
- 16.45 The maximum number of dwelling units permitted in a residential area of a Planned Mixed Use Area Development District shall be determined by dividing the net residential development area by the minimum lot area per dwelling.

16.5 STANDARDS AND REQUIREMENTS. The land usage, minimum lot area, yard, height, and accessory uses shall be determined by the requirements set forth below which shall prevail over conflicting requirements of this ordinance or the subdivision ordinance.

- 16.51 The perimeter yard of a Planned Mixed Use Area Development District shall comply with the setback requirements of a Class I-1 District.
- 16.52 There shall be no minimum yard requirements within a Class I-2 District, provided that no structure shall be located closer than ten feet (10') to another structure situated on the same site.
- 16.53 The maximum height requirement within a Class I-2 District shall be seventy-five feet (75'), provided that no building or structure within two hundred feet (200') of any Class "R" District or any residential building within the development shall exceed forty-five feet (45').

- 16.54 Off street parking and loading spaces shall be provided in accordance with the requirements of Article XVIII, in addition to the following provisions:
- A. A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit. These required parking spaces, or parking areas, shall be so located as to provide convenient access to the dwelling, but shall not exceed a distance of two hundred feet (200') from the dwelling that it is intended to serve.
 - B. Off street parking and storage shall be provided for storing resident boats, boat trailers, travel trailers, pickup coaches, truck tractors, trucks over three-quarter ton pickup size, and items of a similar nature, if permitted in the development, in addition to and separate from the parking required above in Paragraph (A).
- 16.55 All public **and private** streets and storm sewer facilities shall comply with specifications developed in accordance with generally accepted engineering guidelines approved by the County Engineer, **and in accordance with regulations of the Iowa Department of Natural Resources.**
- 16.56 The location and design of all intersections of entrance streets with public streets shall be developed in accordance with generally accepted engineering guidelines approved by the County Engineer. If turning lanes or other forms of traffic controls are deemed necessary by the County Board, the developer shall provide the necessary improvements, developed in accordance with generally accepted engineering guidelines, subject to approval of their location and design by the County Engineer.
- 16.57 Every development shall contain an electrical and telephone wiring system consisting of necessary wiring, fixtures, and equipment which shall be installed and maintained in accordance with applicable state and local codes and regulations. All electrical and telephone distribution lines shall be constructed underground.
- 16.58 Sewer, septic and water facilities shall be provided for each structure, in accordance with the requirements of the Iowa Department of Natural Resources.

16.6 APPLICATION FOR TENTATIVE APPROVAL. The owner or owners of any tract of land comprising an area of not less than **ten (10)** acres may apply for change to a Class I-2 District. The application, together with the filing fee specified in Article XXVI, shall be accompanied by evidence that the proposed development is compatible with the surrounding area, the feasibility of providing adequate storm and surface water-drainage and sanitary sewer or septic system for the proposed development, evidence that the developer is capable of successfully completing the proposed development and eight (8) copies of the preliminary plan of the proposed development, prepared and signed by a registered landscape architect, a registered

architect or a registered Iowa licensed professional engineer.

- 16.61 The proposed preliminary development plan shall include the following information drawn to a scale of 1" = 100' or larger to permit easy interpretation:
- A. A vicinity map of the area showing the location and size of the site.
 - B. The boundaries of the proposed Planned Mixed Use Area Development District and a description of the existing structures and uses on surrounding properties.
 - C. The estimated total number and density of structures by type.
 - D. The approximate dimensions of building footprints, the number of floors and number of units in each proposed building shown on a schematic site plan.
 - E. A statement of the architectural scheme to be employed in building designs.
 - F. The location and approximate boundaries of proposed land uses, if more than one is proposed.
 - G. Site topographic features including a generalized preliminary grading and drainage plot.
 - H. Location of all existing streets abutting the site, proposed entrance and interior streets, and proposed parking and loading facilities; along with evidence from a preliminary study that the existing surrounding roads and streets are capable of accommodating the increased traffic that would be generated by the new development.
 - I. Generalized landscaping plan, but not including a detailed planting plan or size of plants at time of installation and at maturity.
 - J. A conceptual plan for proposed water, gas, electric, storm and sanitary sewer facilities or septic system and lines and other necessary utilities as well as any existing utilities and other easements.
 - K. A schedule showing the approximate proposed phasing and times within which applications for final approval of all phases of the Planned Mixed Use Area Development District are intended to be filed.
 - L. A statement evidence that the required intent as set forth in Section

17.1 will be met.

M. A study to indicate a market for the proposed development.

N. Evidence that the developer has the financial resources and the professional ability to successfully complete the proposed development with the time schedule set forth in the preliminary plan.

16.62 The application, accompanying evidence and preliminary development plan shall be referred to the Commission for study and report at a public hearing. The Commission shall conduct its public hearing in accordance with the regulations set forth in Article XXV. The Commission shall review the conformity of the proposed development with the standards of this district. After a public hearing, the Commission may approve or disapprove the request for rezoning and the preliminary development plan as submitted, or as amended by joint agreement of the applicant and the Commission.

16.63 The application and preliminary development plan as referred by the Commission, along with the Commission's recommendation on the request for rezoning, shall then be referred to the County Board. The County Board shall conduct its public hearings in accordance with the regulations set forth in Article XXV. The County Board may approve or disapprove the request for rezoning and preliminary development plan as submitted to the County Board. If the request for rezoning is denied by reasons of the conceptual design portrayed in the preliminary development plan, or if a substantial change is made in the plan, then a new application may be submitted no sooner than one (1) year.

16.7 APPLICATION FOR FINAL APPROVAL. Upon County approval of the request for rezoning, and the preliminary development plan, either as submitted or amended, the applicant within one (1) year of said approvals, shall submit eight (8) copies of the first stage of the final development plan, prepared and signed by a registered landscape architect, registered architect or registered Iowa licensed professional engineer. If the first stage of the final development plan is not submitted within one (1) year, the applicant must resubmit an original application in order to be eligible for further consideration.

16.71 The final development plan shall include the final forms and specifications of all information previously submitted as part of the preliminary development plan. In addition, every final development plan shall contain a site plan for the proposed development, drawn on a scale of 1" = 100' or larger, and shall include as a minimum the following items of information:

A. Date of preparation, north point, and scale.

B. Legal description and address of the property to be included in the

Mixed Use Area Development District.

- C. Name and address of the record property owner, the developer, and the person(s) or firm preparing the site plan.
- D. Existing and proposed contours at an interval not to exceed ten feet (10'), provided that at least two (2) contours shall be shown.
- E. Certification by a licensed land surveyor that the dimensions and bearings of the property lines are accurately delineated.
- F. Location, grade, and dimensions of all existing and proposed paved surfaces and of all abutting streets.
- G. Complete traffic circulation and parking plan, showing the location and dimensions of all existing and proposed parking stalls, loading areas, entrance and exit drives, dividers, planters, and other similar permanent improvements.
- H. Location, size and type of any existing and proposed signs, and of any existing or proposed lighting on the property which illuminates any part of any required yard.
- I. Location of existing trees twenty-four inches (24") or larger in diameter, any rock outcrops, landslide areas, springs and streams and other water bodies, and any areas subject to flooding.
- J. A vicinity map showing the general location of the property.
- K. Common land, detention basins, recreation areas, parks and other amenities, and a showing of which of these areas, if any, are to be dedicated to the County.
- L. Plans for the shape, exterior design and dimensions, floor areas, number of stories and usage of all proposed buildings, prepared and signed by a registered architect.
- M. A landscaping plan for the entire Planned Mixed Use Area Development District showing the location, amount and type of any proposed landscaping, fences, walls and other screening, prepared and signed by a registered architect.
- N. Plans showing adequate provisions for surface drainage and for storm and sanitary sewer or septic system lines and showing the location of all existing and proposed utility lines and easements, prepared and signed by a

registered engineer.

O. A soils report and an indication that the report recommendations have been incorporated into the development plan.

P. Estimated time schedule for commencement and completion of construction.

16.72 The final development plan shall be accompanied by the following required documents:

A. Any additional easements and/or agreements required by the County Board at the time of preliminary plan approval.

B. Performance bonds, approved by the County Attorney, in an amount not less than the estimated cost of the amenities and facilities proposed for construction or installation on any land to be dedicated to the County within the entire Planned Mixed Use Area Development District, which bonds shall insure to the County that the bonded improvements shall be completed by the developer. The approval of the County Attorney shall not be unreasonably withheld.

C. A final plan of each stage of development shall be submitted with each stage of development. The plan shall show building lines, lot and/or blocks, common land, streets, easements and other applicable items required by the subdivision ordinance. Following approval of the final plan by the Commission and County Auditor and Recorder.

16.73 After having held a public hearing on the request for final approval, and having reviewed the final development plan and required documents for compliance with the standards of this Chapter and is in substantial compliance with the preliminary development plan, the Commission shall refer its report and recommendations to the County Board.

16.74 The County Board shall also hold a public hearing on the request for final approval, and shall review the final development plan and approve it by resolution if it complies with this Chapter and is in substantial compliance with the preliminary development plan. The aforementioned resolution, along with a copy of the final development plan, shall be recorded by the developer in the Office of Harrison County, Iowa, Recorder.

16.8 ADHERENCE TO APPROVED PLAN. No zoning permit for any building or other structure within a Class I-2 District shall be issued until the final development plan for the stage of development including said building or other structure is approved by the County Board. The Administrative Official shall not issue a building permit or Certificate of Zoning

Compliance for any building or other structure within a Class I-2 District which is in variance with the approved final development plan or authorized modification.

16.9 MODIFICATION OF APPROVED PLAN. Any proposed changes or modification of the approved final development plan as to land use, density and street location or size shall be resubmitted and considered in the same manner as the original proposal. Other substantial changes or modifications, such as location of buildings, parking lots, common areas, except streets, etc., may be made upon application to and approval of the Commission. Changes of an insubstantial nature do not require approval. A copy of the modified approved plan shall be recorded by the developer in the Office of the Harrison County, Iowa, Recorder.

16.10 BOARD OF ADJUSTMENT REVIEW PRECLUDED. Because the Planned Mixed Use Area Development District is intended to provide relief from the rigid regulations of more conventional zoning districts, pursuant to a carefully integrated overall development plan, the Board of Adjustment shall have no jurisdiction to grant any variation, exception or special permit relating to any property in a Planned Mixed Use Area Development District.

16.11 REVOCATION. In the event of a complete failure to initiate compliance with the approved plan or the modifications to the approved plan, the County Board may give notice specifying said failure, providing a time period of not less than thirty (30) days in which the failure shall be cured. If said failure is not cured in full with the time period provided, the County Board may issue a second such notice specifying the failure remaining uncured.

If a partial failure remains after the expiration of the time period specified in the second notice, the County Board may issue a third and final such notice, specifying the remaining noncompliance, and, after notice and hearing, the County Board may revoke its approval of the final development plan for that stage of the development, and require that a new final development plan be submitted before any subsequent stages of development are begun. The County may not revoke its approval of the final development plan for the reason of the applicant failing to maintain the stage development schedule if the applicant has made street, sewer, and water improvements to the subject property.

ARTICLE XVII
I-S INTERCHANGE DISTRICT

- | | | | |
|------|------------------------------------|-------|---|
| 17.1 | Statement of Intent | 17.7 | Setback Requirements |
| 17.2 | Principal Uses | 17.8 | Height Requirements |
| 17.3 | Special Exception Uses | 17.9 | Off Street Parking |
| 17.4 | Accessory Uses | 17.10 | Additional Requirements,
Exceptions, and Modifications |
| 17.5 | Signs | 17.11 | Location of I-S Districts |
| 17.6 | Lot Size and Coverage Requirements | | |

17.1 STATEMENT OF INTENT. The I-S District is intended *to accommodate a wide range of general business type uses and with particular provision for development of commercial uses that serve the needs of the traveling public.*

17.2 PRINCIPAL USES. The following principal uses shall be permitted in a Class I-S District:

17.21 *Uses as permitted in the B-1 District.*

17.22 *Automobile, boat, farm implement and equipment, motorcycle and truck sales, rental and service.*

17.23 *Bars, cocktail lounges, nightclubs, and taverns.*

17.24 *Business, professional, technical and trade schools.*

17.25 *Churches and other places of worship.*

17.26 *Commercial golf courses, country clubs, and appurtenant pro shops, restaurants and liquor sales subject to other state and county regulations.*

17.27 *Commercial swimming pools, skating rinks, golf driving ranges, miniature golf courses, trampoline centers and similar open recreational uses and facilities.*

17.28 *Garden shops and supply stores, provided that all equipment supplies, and merchandise, other than plants, shall be kept within a completely enclosed building or under a lathed structure and further provided that fertilizer of any type shall be stored and sold in packaged form only.*

17.29 *Gift, novelty and souvenir shops.*

- 17.210** *Governmental structures or uses including fire stations, libraries, police stations, post office substations, and uses similar in their scope or effect; but excluding sanitary landfills or uses similar in their scope or effect.*
- 17.211** *Hospitals, medical and dental clinics and other medical and health facilities.*
- 17.212** *Motion pictures, radio and television production studios and broadcasting stations, but not including antennas or towers.*
- 17.213** *Mortuaries, funeral homes and funeral chapels.*
- 17.214** *Printing, lithographing and engraving shops, including blueprinting, photostating or other reproduction processes.*
- 17.215** *Publishing and newspaper printing establishments, including bookbinding.*
- 17.216** *Recreational areas and facilities including parks, playgrounds, golf courses, hunting and fishing preserves, boat docks, piers, landings, camps, campgrounds, summer camps, conference and retreat centers, and similar uses; gun clubs, rifle ranges, and skeet or trap shooting, provided no shooting activity shall be located closer than seven hundred fifty feet (750') from any dwelling nor closer than one (1) mile from a Class "R" District, and further provided that shooting be conducted that no shot leaves the range premises, horse stables, kennels and other structures for raising and keeping animals and fowl, riding academies and clubs, including trails for riding horses, provided that no such structure shall be closer than fifty feet (50') to any property line and similar uses.*
- 17.217** *Recreational vehicle parks, including incidental retail sales of merchandise on the site.*
- 17.218** *Resorts and guest ranches, including incidental retail sales of merchandise on the site.*
- 17.219** *Roadside stands for the sale of agricultural produce grown on the site, but only when adequate off-street parking is provided.*
- 17.220** *Service stations, including dispensing of diesel fuels and complete truck service and car washes.*

17.3 SPECIAL EXCEPTION USES. The following special exception uses shall be allowed, in accordance with Article XIX, in a Class I-S District:

- 17.31** Single-family dwelling, which is incidental to a permitted or conditional use, provided such dwelling is for the use of the person owning or operating the permitted use and is not otherwise used as a separate building.

17.32 Transmitting stations and towers.

17.33 Cocktail lounges, provided they are operated as incidental and subordinate activities in a motel or restaurant.

17.34 Wind generators.

17.4 ACCESSORY USES. The following accessory uses shall be permitted in a Class I-S District:

17.41 Accessory uses and structures normally incidental and subordinate to one of the permitted principal or special exception uses unless otherwise excluded.

17.42 Swimming pool, shuffleboard, tennis court, picnic area.

17.43 Any similar use customarily carried on as part or an accessory to an interchange service area, which in the judgment of the Zoning Administrator will not be detrimental to the public's health.

17.5 SIGNS. See Article XXII.

17.6 LOT SIZE AND COVERAGE REQUIREMENTS. The minimum lot size and maximum lot coverage for uses in a Class I-S District shall be as follows:

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE
17.61 Any Permitted Use	3 acres	250'	250'	30%

17.7 SETBACK REQUIREMENTS. The following shall be the minimum setback in a Class I-S District:

17.71 The front yard setback shall be a minimum of sixty feet (60').

17.72 ***The side yard setback shall be a minimum of ten feet (10').*** The side yard setback shall be a minimum of twenty-five feet (25') when such yard abuts a Class "A" District and shall be a minimum of fifty feet (50') when such yard abuts a Class "R" District.

17.73 The rear yard setback shall be a minimum of ***thirty feet (30').*** ***The rear yard setback*** shall be a minimum of fifty feet (50') when such yard abuts a Class "R" District.

17.74 The minimum setback between buildings situated on the same site shall be ten feet (10').

17.8 HEIGHT REQUIREMENTS. The following shall be the maximum height limitations in a Class I-S District:

17.81 Principal Structure----- 40 feet.

17.82 Accessory Structure----- 30 feet.

17.9 OFF-STREET PARKING. See Article XVIII.

17.10 ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS. See Article XXI.

17.11 LOCATION OF I-S DISTRICTS. Each district shall be located at the interchange of two intersecting highways so as to serve interchange and highway users.

**ARTICLE XVIII
OFF-STREET PARKING AND LOADING**

- | | | | |
|------|--|------|---|
| 18.1 | General Provisions | 18.4 | Development and Maintenance of Loading Spaces |
| 18.2 | Development and Maintenance of Parking Areas | 18.5 | Submission of Plans |
| 18.3 | Parking Spaces Required | 18.6 | Exceptions |

18.1 GENERAL PROVISIONS. The following general provisions shall apply to off-street parking and loading facilities:

- 18.11 At the time of construction of a structure, or at the time of enlargement or change in use of a structure, off-street parking facilities shall be provided for use in the storage of passenger automobiles and commercial vehicles under one and one-half (1-1/2) tons capacity, whether for compensation, for fee, or as an accommodation to clients or customers. Also, structures to be constructed or substantially altered and which will receive and distribute materials and merchandise by trucks, shall provide off-street loading facilities of sufficient number and size to adequately handle the needs of the particular use. The provision and maintenance of such off-street parking and loading facilities shall be the continuing obligation of the owner and tenant of the premises.

- 18.12 No building permit shall be issued until plans are submitted in accordance with Section 18.5 which shows that sufficient area is and will remain available for exclusive use as off-street parking and loading facilities. The subsequent use of the premises for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the off-street parking and loading facilities required by this Ordinance. Whenever on any premises there is a change in use, or an increase in floor area or in the number of employees or other unit of measurement hereinafter specified for the determination of required off-street parking and loading spaces, additional such facilities shall be provided on the basis of the increased requirement of the new use or other unit of measurement; provided however, that in case such change, or aggregate of such changes, creates a need for an increase in off-street parking and loading spaces of less than ten percent (10%) of the facilities previously provided, no additional facilities shall be required.

- 18.13 The requirements for off-street parking and loading for types of structures and uses not specifically described in this Chapter shall be determined by the Administrative Official based upon the requirements of comparable uses listed.

- 18.14 For the purposes of this Chapter the following units of measurement shall apply:
- A. In the cases of offices, merchandising or service type of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repairs, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilets or restrooms, fitting or alteration rooms.
 - B. In hospitals, bassinets shall not be counted as beds.
 - C. In places of public assembly in which patrons or spectators occupy benches, pews, or other seating facilities, each twenty inches (20") of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under this Ordinance.
 - D. When the total parking spaces requirement includes a fractional space, any fraction up to and including one-half (1/2) space shall be disregarded, and fractions over one-half (1/2) shall require one (1) parking space.
- 18.15 In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately.
- 18.16 Owners of two (2) or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading facilities when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the **Board of Adjustment** in the form of deeds, leases, or contracts to establish the joint use.
- 18.17 Required parking spaces shall be available for parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

18.2 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

- 18.21 The minimum number of required off-street parking spaces for all districts

shall be as provided in Section 18.3.

- 18.22 Each required parking stall shall be not less than **nine feet (9')** in width and not less than **nineteen feet (19')** in length.
- 18.23 Maneuvering space required is the aisle width necessary to permit the safe and convenient parking of a motor vehicle and is based on the degree of angle parking provided. The width of aisles shall not be less than as set forth in the following schedule:

SCHEDULE OF AISLE WIDTHS

DEGREE OF ANGLE OF PARKING PROVIDED	AISLE WIDTH PROVIDED
0 Parallel	12'
20	11'
30	11'
40	12'
45	13'
50	13'
60	18'
70	19'
80	24'
90	24'

- 18.24 If the degree of angle of parking provided is not listed above, the aisle width required shall be the next largest angle of parking shown above.
- 18.25 All off-street parking spaces in a Class "A" or "R" District shall be located on the same lot with the principal use. All other required off-street parking spaces shall not be located farther than five hundred feet (500') from the building or use they are intended to serve. The distance shall be measured in a straight line from the building or use to the farthest parking space.
- 18.26 All groups of more than two (2) parking spaces shall be located and served by an access drive that their use will not require backing or other maneuvering within a street right-of-way other than an alley.
- 18.27 No part of any off-street parking space shall be located within the required front yard setback of any zoning district.
- 18.28 Curbs or wheel barriers at least four inches (4") high shall be installed along the outside boundaries of any parking area, except at designated access points. The curbs or wheel barriers shall be installed in such a manner as to prevent a parked vehicle from encroaching in any required setback.

18.29 Access drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicle traffic on the site. The number of access drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated.

Access drives shall not be more than thirty feet (30') in width, nor less than ten feet (10') in case of a dwelling, or less than twenty feet (20') in all other cases; provided the one-way access drives may be reduced to not less than ten feet (10') in width. Access drives on the same lot frontage shall be separated by a minimum length of curb of thirty feet (30').

In the case of a corner lot, access drives shall be located not closer than thirty feet (30') to the intersecting street lines *as measured along the street right-of-way lines*.

18.210 Handicap Accessible Parking Requirements. *Provision of handicapped parking spaces within off-street parking areas shall be in accordance with applicable federal, state and local regulations, properly identified with signage and provided with accessible ramps and walks in accordance with federal and state regulations and comply with the following parking space minimum requirements:*

<i>Total Parking in Lot</i>	<i>Required Minimum Number of Handicap Spaces</i>
<i>1 to 25</i>	<i>1</i>
<i>26 to 50</i>	<i>2</i>
<i>51 to 75</i>	<i>3</i>
<i>76 to 100</i>	<i>4</i>
<i>101 to 150</i>	<i>5</i>
<i>151 to 200</i>	<i>6</i>
<i>201 to 300</i>	<i>7</i>
<i>301 to 400</i>	<i>8</i>
<i>401 to 500</i>	<i>9</i>
<i>501 to 1,000</i>	<i>2 percent of total</i>
<i>1,001 and over</i>	<i>20 plus 1 for each 100 over 1,000</i>

Access space or aisle adjacent to handicap accessible parking space shall be a minimum five feet (5') wide. One in every eight handicap accessible spaces, but not less than one shall be served by an access space or aisle eight feet (8') wide minimum and shall be designated "van accessible".

18.211 All off-street parking areas and access drives shall be surfaced with **asphaltic concrete portland cement concrete** or such other surfacing material as approved by the **Board of Adjustment** so as to provide a durable all-weather surface; shall be so graded and drained as to dispose of all surface water accumulation within the area; and shall be so arranged as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

18.212 Adequate lighting shall be provided if the parking facilities are used at night, and shall be so arranged as to reflect the light away from the adjoining premises in any Class "A" or "R" District.

18.3 PARKING SPACES REQUIRED. The number of off-street parking spaces required shall not be less than as set forth in the following schedule:

USE	PARKING SPACES REQUIRED
Automobile or Machinery Sales and Service Garages	1 for each 1,000 square feet of floor area plus 1 for each full-time employee
Banks, Business and Professional Offices	1 for each 200 square feet of floor area
Bowling Alleys	6 for each alley
Churches and Schools	1 for each 4 seats in principal auditorium
Convenience Stores - Drug, Grocery, Hardware, and similar types of businesses	1 for each 300 square feet of floor area devoted to sales plus 1 for each full-time employee
Dance Halls and Assembly Halls without fixed	1 for each 50 square feet of floor area seats used for assembly or dancing
Drive-In Eating Establishment	Not less than 1/2 of the total ground area be devoted exclusively to parking and access ways
Dwellings -	
Single-Family Detached	2 for each dwelling unit
All Other	1-1/2 for each dwelling unit
Food Pick-up Establishments	Minimum of 1 plus 1 for each 100 square feet of floor area
Funeral Homes, Mortuaries	6 per chapel room or parlor or 1 per 50 square feet of rooms used for services, whichever is greater
Hospitals, Nursing Homes and Similar Care	1 for each 5 beds plus 1 for each 2 Centers doctors and employees
Manufacturing Plants, Research or Testing Laboratories, Plants	1 for each 3 employees on maximum working shift

Medical or Dental Clinics	1 for each 200 square feet of floor area plus 1 for each full-time employee and 1 for each doctor
Motels or Motor Hotels	1 for each unit, plus 1 for each 2 employees on maximum shift
Motor Fuel Stations	1 for each employee on duty plus 2 for each service bay
Service Establishments -	
Barber Shops	2 for each chair plus 1 for each 2 employees on maximum shift
Beauty Shops	1 for each dryer plus 1 for each 2 employees on maximum shift
Coin-Operated Laundries and/or Dry Cleaning Establishments	1 for each 3 washers and/or cleaning machines plus 1 for each 2 employees on maximum shift
Restaurants	1 for each 3 seats plus 1 for each 2 employees on maximum shift
Shoppers' Goods - Appliance, and Household Equipment, Furniture and Similar Stores	1 for each 500 square feet of floor area plus 1 for each full-time employee
Taverns or Bars	1 for each 2 seats plus 1 for each 2 employees on maximum shift
Theaters	1 for each 4 seats
Wholesale Establishments	1 for each 4 employees on maximum work shift

In the case of any use which is not specifically mentioned herein, the provisions for a similar use which is mentioned shall apply.

18.4 DEVELOPMENT AND MAINTENANCE OF LOADING SPACES. Every building or part thereof hereafter erected, having a gross floor area of 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 of distribution by vehicles of material of merchandise, shall develop and maintain on the same lot with such building an off-street loading area in accordance with the following requirements:

18.41 The minimum number of required off-street loading spaces for all districts shall be at least one (1) loading space plus one (1) additional loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 10,000 square feet. For buildings having less than 10,000 square feet of gross floor area, the regular off-street parking areas may be used to meet the off-street loading requirements herein set forth.

18.42 Off-street loading space shall each contain at least three hundred fifty (350) square feet measuring ten feet (10') in width and thirty-five feet (35') in length,

and shall have a clearance of at least fourteen feet (14'). When the vehicle generally used for loading and unloading purposes exceed these dimensions, the required length of such spaces shall be correspondingly increased.

- 18.43 All off-street loading spaces shall be so located and served by an access drive that their use will not require any backing or other maneuvering within a street right-of-way other than an alley.

18.5 SUBMISSION OF PLANS. A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled, shall accompany an application for a **zoning certificate/building** permit. The plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following:

- Delineation of individual parking and loading spaces.
- Circulation area necessary serve spaces.
- Access to streets and property to be served.
- Curb cuts.
- Dimensions, continuity and substance of screening.
- Grading, drainage, surfacing and subgrading details.
- Delineation of obstacles to parking and circulation in finished parking area.
- Specifications as to signs, bumper guards and lighting.
- All other pertinent details, including dimension of ingress, egress and driveway areas.

18.6 EXCEPTIONS. The Board of Adjustment may authorize on appeal a modification, reduction, or waiver of the aforementioned requirements, if it should find that in the particular case the peculiar nature of the use, or other exceptional situation, or condition, would justify such modification, reduction or waiver.

**ARTICLE XIX
NONCONFORMITIES**

- | | | | |
|------|------------------------------|------|----------------------------------|
| 19.1 | Statement of Intent | 19.5 | Nonconforming Uses of Structures |
| 19.2 | Nonconforming Lots of Record | 19.6 | Repairs and Maintenance |
| 19.3 | Nonconforming Use of Land | 19.7 | Uses Under Special Exception Are |
| 19.4 | Nonconforming Structures | | Not Conforming |

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

Subject to Article III, it is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their continuation. Such uses are declared by this ordinance to be incompatible with permitted uses in the district involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

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

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

19.2 NONCONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance provided, however, that the sewage disposal system and water supply shall first be approved by the County Health Department. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements, not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located: Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

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

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

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

- 19.41 No such structure may be enlarged or altered in a way which increases its nonconformity.
- 19.42 Should such structure be destroyed by any means to an extent of more than sixty percent (60%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

19.5 NONCONFORMING USES OF STRUCTURES. If a lawful use of a structure, or of structure and premises in combination exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the

lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 19.51 No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- 19.52 Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- 19.53 If no structural alterations are made, any nonconforming use of a structure, or structure and premises in combination may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific cases, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.
- 19.54 Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.
- 19.55 When a nonconforming use of a structure, or structure and premises in combination is discontinued or abandoned for twelve (12) consecutive months, the structure thereafter, shall not be used except in conformity with the regulations of the district in which it is located.
- 19.56 Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

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

19.7 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NONCONFORMING. Any use permitted as a special exception in this ordinance which is lawfully existing at the date of adoption of this ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use.

**ARTICLE XX
HOME OCCUPATIONS**

20.1 General Provisions

20.1 HOME OCCUPATIONS AND HOME PROFESSIONAL OFFICES. The establishment and continuance of a home occupation or home professional office shall be subject to the following requirements:

- 20.11 Customary home occupations shall be deemed to include the following: millinery, dressmaking; tailoring; laundering; preserving and homecooking; handicraft; barber and beauty shops; and studios, such as painting, sculpture, instrumental or vocal music, dance and literature, including teaching and practice.
- 20.12 Occupations of a professional nature shall be deemed to include the following: accountancy, architecture, art, dentistry, engineering, industrial design, insurance brokerage, law, medicine, music, optometry, planning, real estate brokerage, science, teaching, theology, writing or other related professions.
- 20.13 No more than two (2) persons, in addition to members of the family, residing on the premises, shall be engaged in such occupation or office; and no colleagues or associates shall use such office.
- 20.14 There shall be no sales of any goods in connection with a home occupation except those prepared on the premises.
- 20.15 The use of the dwelling unit for a home occupation or home professional office shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used for such occupation or office.
- 20.16 There shall be no change in the outside appearance of the building or premises, or other visible evidence of a home occupation or home professional office other than one (1) sign, not exceeding four (4) square feet in area.
- 20.17 A home occupation or home professional office shall be situated entirely within the principal structure and under no circumstances shall such occupation or office be in a detached accessory building.

- 20.18 No traffic shall be generated by such home occupation or home professional office in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such occupation or office shall be met off the street and other than in a required front yard.
- 20.19 No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.
- 20.110 No mechanical or electrical equipment shall be used other than that which is normally used for purely domestic or household purposes.

ARTICLE XXI
ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS

21.1 General Provisions

21.2 Front Yard

21.3 Side Yard

21.4 Rear Yard

21.5 Height Limitations

21.6 *Communication Towers*

21.7 *Satellite Dish*

**21.8 *Mines, Quarries, Sand and Gravel
Pits, Disposal Sites and Soil
Extraction Sites***

21.9 *Wind Generators*

21.1 GENERAL PROVISIONS. The requirements and regulations specified herein shall be subject to any applicable additional requirements, exceptions, modifications and interpretations in the following sections.

21.2 FRONT YARD. Front yard requirements do not apply to bay windows or balconies occupying in the aggregate not more than one-third of the front wall; to chimneys, flues, belt courses, leaders, sills, pilasters, uncovered process, plantings, or similar features not over three feet (3') high above the average finished grade and five (5) distant feet from every lot line. A fence or hedge not exceeding three feet (3') in height shall be permitted within the front yard provided that such does not obstruct visions.

21.21 Permitted Variations. In any district where the average depth of two or more existing front yards on lots within 100 feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lots shall not be less than the average of said existing front yards or the average depth of the two lots immediately adjoining, or, in case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of the front yard on a lot in any "R" District shall be at least twenty feet (20') and not exceed one hundred feet (100').

21.3 SIDE YARD. Along any district boundary line, any- abutting side yard on a lot in the less restricted district shall have at least width equal to that required in the more restrictive district. Where a lot in an "I" or "B" District abuts a lot in an "R" District, the side yard shall be increased by three feet for each story that the building proposed on such lot exceeds the height limit of the said "R" District.

21.31 Side yards shall be increased in width by four inches (4") for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds forty feet (40') in any "R-1", and "R-3" District.

- 21.32 Side yards may be reduced by five inches (5") from the otherwise required least width of each side yard for each foot by which a lot of record at the time of enactment of the Ordinance is narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than 2-1/2 stories, and in case the owner of record does not own any adjoining property; however, that no side yard shall be narrower at any point than six feet (6').
- 21.33 Structures or projections into side yards may be permitted as follows: fences, plantings, or walls not over five feet (5') above the average natural grade. Fire escapes, three feet (3') from side lot line. Bays and balconies not more than three feet (3') from the building. The sum of the lengths of such projection shall not exceed one-third of the length of the wall of the main building.
- 21.34 Chimneys, flues, belt courses, leaders, sills, pilasters and lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required side yard not more than 1-1/2 feet.
- 21.35 Terraces, steps, uncovered porches, stoops, or similar features, not higher than the elevation of the ground story of the building and distant three feet (3') from a side lot line.

21.4 REAR YARD. Rear yards may be reduced by six inches (6") from the required least depth for each foot by which a lot at the time of enactment of the regulations is less than one hundred twenty feet (120') deep, in the case of a building not higher than 2-1/2 stories, and in case the owner of record does not own adjoining property to the rear: provided, however, that no required rear yard shall be less than forty feet (40') deep.

- 21.41 Structures or Projections into Rear Yards May Be Permitted As Follows: Fences, plantings or walls not over five feet (5') above the average natural grade. Fire escapes, six feet (6'). Bays and balconies, not more than three feet (3'). The sum of the lengths of such projections shall not exceed one-half of the width of the rear wall. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required rear yard not more than 1-1/2 feet.

21.5 HEIGHT LIMITATIONS. Height limitations stipulated elsewhere in this Ordinance shall not apply to the following:

- 21.51 To barns, silos, or other farm buildings or structures on farms, provided these are not less than fifty feet (50') from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than four feet (4') above the limiting height of the building. However, if, in the opinion of the Administrative Official, or his equivalent, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustment.
- 21.52 To places of public assembly such as churches, schools, and other permitted public and semi-public buildings not to exceed six (6) stories of seventy-five feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- 21.53 To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the Board of Adjustment.

21.6 COMMUNICATION TOWERS. *The general intent of these minimum standards for installation, siting and regulation of communication towers are: a) to minimize adverse visual effects of towers through careful design, siting, and vegetative screening; b) to avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structure; c) to allow for reasonable location and use for communication towers and d) to address adverse effects on human health and safety.*

21.61 Definitions

21.611 "Communication tower" means a structure that is used primarily as a communication antenna or as a communications antenna support structure.

A. "Broadcast/common carrier communications tower" means a tower used for communications services for commercial gain or public reception.

B. "Private business/government communications tower" means a tower used for purposes to augment or facilitate the primary function of a business or governmental agency.

- C. "Non-commercial communications tower" means a tower used for purposes in which there is no commercial gain, i.e. amateur radio, Civil Air Patrol, Red Cross, etc.
- 21.612 "Tower height" means the distance between the ground which the tower or tower base sits and the top of the highest appurtenance mounted on the tower.
- 21.613 "ANSI C-95.1" means the most recently adopted standard of the American National Standards Institute which establishes guidelines for human exposure to non-ionizing electromagnetic radiation.
- 21.614 "EIA-222" means Electronics Industries Association Standard 222, '<Structural Standards for Steel Antenna Towers and Antenna Support Structures'.
- 21.615 "*Freestanding tower*" means a tower which has the tower base as the only or primary means of resisting the designed tower loads.**
- 21.616 "*Guy supported tower*" means a tower which requires the use of flexible guying cables or wires as the only or principle means of resisting the designed tower loads.**
- 21.617 "*Effective tower height*" means the distance from the highest point of rigid, non-guyed support to the top of the highest appurtenance mounted on the tower.**
- 21.618 "*FCC*" means the Federal Communications Commission.**
- 21.619 "*FAA*" means the Federal Aviation Administration.**
- 21.6110 "*Retractable tower*" means a tower whose height can be changed by extension or retraction without structural modification. Tower height of a retractable tower shall be determined in the extended position.**

21.6111 "Camouflaged tower" means a communication tower or antenna which is designed to enhance compatibility with the surrounding environment including but not limited to, architecturally screened roof mounted antennas, antennas integrated into architectural elements, and towers to look such as light poles, power poles and trees. At a minimum, camouflaged towers not requiring FAA painting or markings, shall have exterior finish which is galvanized or painted dull blue, gray or black.

21.62 Application

21.621 A conditional use permit shall be obtained when authorized in accordance with the requirements of Article XXV prior to construction of communications towers. Tower shall be registered at the time the permit is obtained. Each application for a permit shall include the following information, supplied by the tower owner, operator, or contractor installing the tower:

A. A site plan, professionally prepared, drawn to a scale of one inch (1") equals fifty feet (50') unless a different scale is approved by the Zoning Administrator. The plan shall show the property boundaries, tower(s), guy wire anchors (if any), existing structures, proposed transmission buildings and/or other accessory uses, access, parking, fences, landscape plan (specifying i.e., spacing and plant materials proposed), and existing land uses adjoining the site.

B. Plans and specifications from a registered professional engineer experienced in the design and/or analysis of communication towers. The plans and specifications shall include:

- (1) Tower height.**
- (2) Type of structure.**
- (3) Type of materials.**
- (4) Specification for materials used for structural elements of the tower(s).**
- (5) Name of tower manufacturer.**
- (6) Soils investigation (where required for footing design)**
- (7) List of the type and location of all antennas, cables and other appurtenances which will be installed at the time the tower is erected.**
- (8) List of the type and location of all antennas, cables and other appurtenances which may or could be installed in the future.**

C. The plans and specifications shall include a statement that to the best of the engineer's knowledge, information, and belief, the proposed structure has been designed in accordance with all of the following:

- (1) Applicable ordinances as adopted by Harrison County.**
- (2) The current version of EIA-222 "Structural Standards for Steel Antenna Towers and Antenna Support Structures".**

D. A written statement certifying that all FAA and FCC requirements will be met or addressed.

E. The tower owner shall supply a report stating that the tower has been constructed and installed according to the design submitted to obtain the zoning compliance permit. This report shall be accompanied by "as-built" drawings and test results and submitted to the Zoning Administrator.

21.63 Site and Structure Requirements

A. Guy anchor installations shall comply with the front and, where applicable, corner side yard setback requirements and shall not be placed closer than three feet (3') from any side or rear property line or closer than ten feet (10') from any principal structure.

B. Freestanding towers shall be located on the lot so that the distance from the base of the tower to any adjoining property line is a minimum of one hundred fifty percent (150%) of the proposed tower height.

C. Guy supported towers shall be located so that the distance from the base of the tower to any adjoining property line is a minimum of one hundred fifty percent (150%) of the effective tower height from its base.

D. No guy anchors or towers shall be located in an easement located on the property. No tower accessories or appurtenances shall defeat the purpose of any easement on the property.

E. Accessory structures or buildings shall be located on the property according to the setback and structure requirements of the zoning district in which they are located.

F. Part or all of the property required to meet the area requirements set forth in paragraphs B and C of this subsection can be provided by recorded lease and/or easement, however the following additional requirements shall apply:

(1) The lease and/or easement must be for the duration commensurate with the structural life and use expectancy of the tower.

(2) The tower owner has primary authority and responsibility for the property/tower for compliance to this Ordinance.

(3) Dwelling units shall not be built within the area set forth in paragraphs B and C of this subsection.

21.64 Screening/Fencing/Signage

A. On-site vegetation shall be preserved to the maximum extent possible.

B. Where the tower site abuts residentially developed land, residential ("R") zoning districts, public land or streets, or is located in a primary residential development areas as designated on the Harrison County Comprehensive Plan, the site perimeter shall be landscaped with at least one row of deciduous trees, not less than 1-1/2 inches (1-1/2") in diameter measured three feet (3') above the grade, spaced not more than twenty feet (20') apart and within twenty-five feet (25') of the site boundary, as well as at least one row of evergreen trees or shrubs, at least four feet (4') when planted and spaced not more than fifteen feet (15') apart and within forty feet (40') of the site boundary. Alternatives such as walls or fences may be permitted by the Harrison County Board of Adjustment based on security or other reasons.

C. *Eight feet (8') high security fencing, with barbed wire shall be required around the base and guy anchors of the tower.*

D. Appropriate signage shall be posted indicating that trespassing and/or vandalism to the property may be punishable under local, state, or federal statutes.

21.65 Tower Inspection

21.651 *Inspection records shall be kept by the tower owner and made available upon request to the Zoning Administrator during regular business hours.*

A. At least once every thirty-six (36) months the tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of communication towers. At a minimum, this inspection shall be conducted in accordance with the provisions of this Ordinance and in accordance with the tower inspection check list provided in the EIA-222 as applicable. This is considered a major inspection.

B. In addition to the regularly scheduled major inspection set forth in paragraph A above, a minor inspection, at a minimum, will be conducted if the tower or its appurtenances are noted at any time to be visibly damaged. Additionally a major inspection should be conducted if the visible damage to the tower is significant or when, after conducting a minor inspection, significant questions remain about the structural integrity of the tower.

21.66 Structurally Unsafe or Unused Towers

21.661 Any tower found, through inspection by the owner or by inspection of the Zoning Administrator, to be structurally unsafe and cannot be brought into compliance within 180 days must be removed at the owner's expense.

21.662 Any tower that is no longer used and maintained as a tower for a period of five (5) years shall be removed at the owner's expense.

21.67 Compliance with Standards

21.671 Current or former EIA standards shall apply to the addition of antennas or other appurtenances to communications towers under the following conditions:

A. Additions to tower constructed prior to the effective date of this Ordinance regardless of whether the additions were accounted for in the original design, shall comply with the current EIA standards, and the wind loading specified therein. Additions to towers constructed subsequent to the effective date of this Ordinance shall comply with EIA standards. If the EIA standards have changed since the tower was designed, a structural analysis must be performed by Owner before any appurtenances or equipment are added.

B. Existing towers which will not have any appurtenances added to them shall at a minimum comply with the EIA standards in existence at the time the tower was erected.

C. Replacement of antennas or other appurtenances shall at a minimum comply with the EIA standard in existence at the time the tower was erected if the replacement does not add to the original design loading.

D. If a structural analysis shows a tower is not in compliance with the appropriate EIA standards, the owner shall notify the Zoning Administrator promptly, and provide the Zoning Administrator with a plan to bring the tower into compliance within six (6) months.

E. The Zoning Administrator shall be notified in writing when a required analysis is complete. A copy of the analysis report shall be made available to the County upon request. That report shall also give details of the net result of any changes made to the tower or its appurtenances since the last inspection.

F. Retractable towers shall conform to all provisions of this Ordinance, except that a retractable tower must either meet the EIA-222 standards for wind loading when extended and be sited a distance of at least 150% of the extended tower height from any adjoining property line. For either case, the retractable tower must meet EIA-222 standards when retracted.

21.68 *Non-Ionizing Electromagnetic Radiation (NIER)*

21.681 *A source of non-ionizing electromagnetic radiation (NIER), when combined with existing sources of NIER, shall not expose the general public to ambient radiation exceeding standards established by ANSI C-95.1 or applicable Environmental Protection Agency regulations.*

21.682 *Lighting*

A. *No permanent lighting is allowed on towers except as required by the FCC or the FAA.*

21.683 Fees

21.6831 *The Harrison County Board of Supervisors shall, from time to time, establish by resolution fees for the registration, processing, and permitting of communication towers. No application shall be considered filed with the County unless and until said application is accompanied by the fee, as established by resolution.*

21.7 SATELLITE DISH

21.71 *In residentially ("R") zoned districts, satellite dish antennas shall not exceed the following:*

- A. Single family dwelling; three dish antennas not greater than three feet (3') in diameter.
- B. Multi-family dwelling with two to 10 units: ten dish antennas not greater than three feet (3') in diameter or one dish antenna not greater than ten feet (10') in diameter.
- C. Multi-family dwelling with more than 10 units: not more than one dish antenna per unit not greater than three feet (3') in diameter or two dish antenna not greater than ten feet (10') in diameter.

21.72 *In agricultural (A-1) commercial (B-1 and S-1) and industrial (I-1) districts, satellite dish antennas for other than residential dwellings shall not exceed one dish antenna not greater than 10 feet in diameter. Additional dish antennas may be permitted when authorized in accordance with the requirements of Article XXV.*

21.8 MINES, QUARRIES, SAND AND GRAVEL PITS, DISPOSAL SITES AND SOIL EXTRACTION SITES. *Sand, clay, shale, gravel, topsoil, or similar extractive operations, including borrow pits (excavations for removing material for filling operations), shall be considered extraction operations. When applying for a conditional use permit the applicant shall provide the following plans and information:*

21.81 Plans Required

- A. Plan of general area (within a one (1) mile radius of site) shall be prepared at a scale of one thousand feet (1,000') to the inch or less, with a ten foot (10') contour interval or less, to show:
 - (1) Location of proposed site.

(2) Land use pattern including all building locations and historical sites.

(3) *The width, weight loads, types of surfaces and traffic data for major roads.*

(4) *Surface drainage patterns.*

(5) *Groundwater movements and aquifer information, including aquifer recharge data.*

(6) *Climate, precipitation, and wind data, with directions and percentage of time.*

B. Plans for the site require:

(1) Soil and geology, with soil borings on a five hundred foot (500') grid, for information on depth of materials.

(2) Vegetation cover on the site and dominant species.

(3) Interior road pattern, its relation to operation yard and points of ingress and egress to State and County roads.

(4) Proposed tree and berm screen locations.

(5) *Soil embankments for noise dusts, and visual barriers, and heights of spoil mounds.*

C. Plan of operation showing:

(1) *Type of material to be removed.*

(2) *Annual removal rate, including estimated amount and description of aggregate and overburden to be removed.*

(3) *Method of extraction, including types of equipment, use of conveyors, use of blasting materials.*

(4) *Supplementary processes, drying, grading, mixing or manufacturing.*

(5) *Estimated life of the operation and maximum extent of area disturbed, final depths, and side wall slopes.*

- (6) Compliance with the recommendations of the soil borings test.**
- (7) Approved pollution prevention plan.**
- (8) Types and weights of all vehicles leaving from and arriving to a site and their routes to State roads.**
- (9) Source of water, if final plan shows use of water.**
- (10) Method of disposition of excess water during operation.**
- (11) Location and typical schedule of blasting.**
- (12) On-site machinery, type and noise levels.**
- (13) Safety measures and monitoring of complaints.**

D. End Use Plan

An end use plan for the rehabilitation of the site after the extraction operation is completed shall be submitted and must be approved by the Board of Adjustment. Such plan shall show and provide for either a final end use or an open space use. If it is to be an open space use, documentation as to who shall own and maintain such site or restrictive easements must be presented as well as a final contour and site plan submittal. If there is an end use other than open space, then engineering data on the length of time needed for the restoration work to settle sufficiently to provide a stable base for the proposed end use shall be submitted. For all such uses, proper legal documents must be presented that outline:

- (1) Post operation maintenance procedures; and**
- (2) Legal responsibility for any environmental pollution that could occur after the facility is closed; and**
- (3) Financial ability to clean up any possible pollution that occurs after the facility closed.**

21.82 Performance Standards

A. Operations. Extractive operations shall meet all development and performance standards of this Ordinance and all applicable local, state and federal regulations.

B. Setbacks. No excavation, quarry wall, or storage area shall be located within one hundred fifty feet (150') from any street right-of-way. The setbacks listed are required from the periphery of the subject property to any excavation, quarry wall, or storage area on the subject property. Setback distance is dependent upon the use of adjacent property. (See the following table.)

REQUIRED SETBACK FROM LOT LINE FOR EXTRACTIVE PURPOSES	
Use of Abutting Property	Required Setback from Lot Line
Vacant	300 feet
Open Space	200 feet
Recreational	300 feet
Agricultural	150 feet
Residential	300 feet
Institutional	300 feet
Commercial	200 feet
Industrial	100 feet

C. Grading. All excavations shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.

(1) Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation. Grading and backfilling may be accomplished by use of construction rubble such as concrete, asphalt, or other materials, providing such materials are composed of non-noxious, noncombustible solids.

(2) Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed the normal angle of slippage of such material, or thirty-three degrees (33E) in angle, whichever is less. During grading and backfilling, the setback requirements in paragraph B. above may be reduced by one-half, so that the top of the graded slope shall not be closer than twenty-five feet (25') to any lot line, seventy-five feet (75') to any street line, nor within one hundred feet (100') of any nature reserve or residential district boundary line.

(3) When excavations which provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ratio of seven feet (7') horizontal to one foot (1') vertical, beginning at least fifty feet (50') from the edge of the water and maintained into the water to a depth of five feet (5').

(4) Drainage shall be provided, either natural or artificial, so that disturbed areas shall not collect nor permit stagnant water to remain.

D. Access. Truck and/or rail access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.

E. Planting. When planting is the final use to which the tract is put, all that is not covered by water shall be covered with a sufficient amount of arable soil to support vegetation. A planting plan shall be prepared for the entire finished tract using various types of plant material that prevent soil erosion and provide vegetation cover. When buildings are proposed as part of the final use to which the tract is put, planting in areas adjacent to proposed buildings shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.

21.83 Accessory Use Standards

A. No structures associated with the batch plant shall be located within 200 feet from any street right-of-way or within one thousand feet (1,000') of any residential dwelling.

B. All other applicable requirements of this section shall apply when considering an accessory use for conditional use approval.

C. Concrete and/or asphalt batch plants must obtain at least 90% of all aggregate, excluding limestone and recycle asphalt, from the on-site extraction operation to be used in the production of the concrete or asphalt.

21.84 Disposal Uses

Disposal operations, shall include landfills, trash transfer sites, yard waste compost facilities, incinerators, sludge or other land disposal or storage of septic tank wastes or sludges, trash, junk cars, recycling facilities, used auto parts, or junkyards shall be considered disposal operations. When applying for a conditional use permit the applicant shall provide the following plans and information in addition to what is otherwise required for a conditional use permit:

A. Plans Required

(1) Plan of general area (within a one (1) mile radius of site) shall be prepared at a scale of one thousand feet (1,000') to the inch or less, with a ten foot (10') contour interval or less, to show:

(a) Location of proposed site.

(b) Land use pattern including all building locations and historical sites.

(c) The width, weight loads, types of surfaces and traffic data for major roads.

(d) Surface drainage patterns.

(e) Groundwater movements and aquifer information, including aquifer recharge data.

(f) Climate, precipitation, and wind data with directions and percentage of time.

B. Site and Geological Data

(1) Soil and geology, with soil borings on a one hundred foot (100') grid.

(2) Vegetation cover on the site and dominant species.

- (3) Interior road pattern, its relation to operation yard and points of ingress and egress to state and county roads.
- (4) Proposed tree and berm screen locations.
- (5) Soil embankments for noise, dust, and visual barriers, and heights of spoil mounds.

C. Plan of operation showing:

- (1) Approximate number of cubic yards or thousands of gallons of waste to be accepted per day.
- (2) Detailed description of the operation.
- (3) Method of protecting wastes from exposure to wind, rain, or biological influences.
- (4) Types of liners or other barrier to prevent movement through the soils.
- (5) Types of leachates generated and method of managing these materials.
- (6) Type and origination of the waste materials.
- (7) Average number and weights of vehicles entering the site and the routes taken to state roads.
- (8) On-site management techniques use and to protect against odor, dust, litter, animal and insect vectors.
- (9) Method of disposition of excess water during operation.
- (10) Machinery, type and noise levels.
- (11) Safety measures and monitoring of complaints.
- (12) Source of water if final plan shows use of water.
- (13) Estimated life of operation and maximum extent of area disturbed, final depths and side wall slopes. Approval of the use shall be for the time specified under the conditional use permit.

D. End Use Plan

An end use plan for the rehabilitation of the site after the extraction or disposal operation is completed shall be submitted and must be approved by the Board of Adjustment. Such plan shall show and provide for either a final end use or an open space use. If it is to be an open space use, documentation as to who shall own and maintain such site or restrictive easements must be presented as well as a final contour and site plan submittal. If an end use plan shows use of water, the source of water shall be shown. If there is an end use other than open space, then engineering data on the length of time needed for the restoration work to settle sufficiently to provide a stable base for the proposed end use shall be submitted. For all such uses, proper legal documents must be presented that outline:

- (1) Post operation maintenance procedures; and
- (2) Legal responsibility for any environmental pollution that could occur after the facility is closed; and
- (3) Financial ability to clean up any possible pollution that occurs after the facility is closed.

E. Performance Standards

- (1) Operations. Disposal operations shall meet all development and performance standards of this Ordinance and all applicable local, state and federal regulations.
- (2) Setbacks. No disposal site, sludge or other land disposal use or junkyard, area shall be located within two hundred feet (200') from any street right-of-way. The setbacks listed are required from the periphery of the subject property to any disposal site, sludge or other land disposal use or junkyard area on the subject property. Setback distance is dependent upon the use of adjacent property. (See the following table.)

**TABLE 4630
REQUIRED SETBACK FROM LOT LINE FOR
DISPOSAL OPERATIONS**

<i>Use of Abutting Property</i>	<i>Required Setback from Lot Line</i>
<i>Vacant</i>	<i>300 feet</i>
<i>Open Space</i>	<i>200 feet</i>
<i>Recreational</i>	<i>300 feet</i>
<i>Agricultural</i>	<i>150 feet</i>
<i>Residential</i>	<i>300 feet</i>
<i>Institutional</i>	<i>200 feet</i>
<i>Commercial</i>	<i>200 feet</i>
<i>Industrial</i>	<i>100 feet</i>

(3) Planting. When planting is the final use to which the tract is put, all that is not covered by water shall be covered with a sufficient amount of arable soil to support vegetation. A planting plan shall be prepared for the entire finished tract using various types of plant material that prevent soil erosion and provide vegetation cover. When buildings are proposed as part of the final use to which the tract is put, planting in areas adjacent to proposed buildings shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.

21.9 WIND GENERATORS

21.91 *"Wind generators" shall mean a structure used primarily to harness wind energy including such devices as wind generators, windmills, wind turbines and similar devices.*

21.92 Application

21.921 *A conditional use permit shall be obtained when authorized in accordance with the requirements of Article XXV prior to construction of wind generators. Wind generators shall be registered at the time the permit is obtained. Each application for a permit shall include the following information, supplied by the wind generator owner, operator, or contractor installing the wind generator:*

A. A site plan, professionally prepared, drawn to a scale of one inch (1") equals fifty feet (50') unless a different scale is approved by the Zoning Administrator. The plan shall show the property boundaries, wind generator(s), existing structures, proposed buildings and/or other accessory uses, access, parking, fences, landscape plan (specifying i.e., spacing and plant materials proposed), and existing land uses adjoining the site.

B. Plans and specifications from a registered professional engineer experienced in the design and/or analysis of wind generators. The plans and specifications shall include:

- (1) Wind generator height.***
- (2) Type of structure.***
- (3) Type of materials.***
- (4) Specification for materials used for structural elements of the wind generator(s).***
- (5) Name of manufacturer.***
- (6) Soils investigation (where required for footing design)***
- (7) List of the type and location of all other appurtenances which will be installed at the time the wind generator is erected.***
- (8) List of the type and location of all wind generators and other appurtenances which may or could be installed in the future.***

C. The plans and specifications shall include a statement that to the best of the engineer's knowledge, information, and belief, the proposed structure has been designed in accordance with all of the following:

- (1) Applicable ordinances as adopted by Harrison County.***
- (2) The U.S. Department of Energy (DOE).***
- (3) The Electric Power Research Institute (EPRI) Utility Wind Turbine Verification Program.***

D. A written statement certifying that all FAA and FCC requirements will be met or addressed.

E. The wind generator owner shall supply a report stating that the wind generator has been constructed and installed according to the design submitted to obtain the zoning compliance permit. This report shall be accompanied by "as-built" drawings and test results of turbine safety and stability and submitted to the Zoning Administrator.

21.93 Site and Structure Requirements

A. No structure support shall be located in an easement located on the property. No structure accessories or appurtenances shall defeat the purpose of any easement on the property.

B. Accessory structures or buildings shall be located on the property according to the setback and structure requirements of the zoning district in which they are located.

C. Spacing of support structures of wind generators when more than one generator is located on-site shall be in accordance with the state and federal regulations.

21.94 Screening/Fencing/Signage

A. On-site vegetation shall be preserved to the maximum extent possible.

B. Where the wind generator site abuts residentially developed land, residential ("R") zoning districts, public land or streets, or is located in a primary residential development areas as designated on the Harrison County Comprehensive Plan, the site perimeter shall be landscaped with at least one row of deciduous trees, not less than 1-1/2 inches (1-1/2") in diameter measured three feet (3') above the grade, spaced not more than twenty feet (20') apart and within twenty-five feet (25') of the site boundary, as well as at least one row of evergreen trees or shrubs, at least four feet (4') when planted and spaced not more than fifteen feet (15') apart and within forty feet (40') of the site boundary. Walls or fences shall be installed as required by the Harrison County Board of Adjustment based on security or other reasons.

C. Eight feet (8') high security fencing, with barbed wire shall be required around the structure of the wind generator.

D. Appropriate signage shall be posted indicating that trespassing and/or vandalism to the property may be punishable under local, state, or federal statutes.

21.95 Wind Generator Inspection

21.951 Inspection records shall be kept by the wind generator owner and made available upon request to the Zoning Administrator during regular business hours.

A. At least once every thirty-six (36) months the wind generator shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of wind generators. At a minimum, this inspection shall be conducted in accordance with the provisions of this Ordinance and in accordance with the applicable state and federal regulations. This is considered a major inspection.

B. In addition to the regularly scheduled major inspection set forth in paragraph A above, a minor inspection, at a minimum, will be conducted if the wind generator or its appurtenances are noted at any time to be visibly damaged. Additionally a major inspection should be conducted if the visible damage to the wind generator is significant or when, after conducting a minor inspection, significant questions remain about the structural integrity of the wind generator.

21.96 *Structurally Unsafe or Unused Wind Generators*

21.961 *Any wind generator found, through inspection by the owner or by inspection of the Zoning Administrator, to be structurally unsafe and cannot be brought into compliance within 180 days must be removed at the owner's expense.*

21.962 *Any wind generator that is no longer used and maintained as a wind generator for a period of five (5) years shall be removed at the owner's expense.*

21.97 *Compliance with Standards*

21.971 *State and federal standards shall apply to the addition of appurtenances to wind generators.*

A. Replacement of turbines and rotors or other appurtenances shall at a minimum comply with the state and federal standards in existence at the time the wind generator was erected if the replacement does not add to the original design loading.

B. If a structural analysis shows a wind generator is not in compliance with the appropriate state and federal standards, the owner shall notify the Zoning Administrator promptly, and provide the Zoning Administrator with a plan to bring the wind generator into compliance within six (6) months.

C. The Zoning Administrator shall be notified in writing when a required analysis is complete. A copy of the analysis report shall be made available to the County upon request. That report shall also give details of the net result of any changes made to the wind generator or its appurtenances since the last inspection.

21.98 Lighting

A. No permanent lighting is allowed on wind generators except as required by the FCC or the FAA.

21.99 Fees

21.991 *The Harrison County Board of Supervisors shall, from time to time, establish by resolution fees for the registration, processing, and permitting of wind generators. No application shall be considered filed with the County unless and until said application is accompanied by the fee, as established by resolution.*

**ARTICLE XXII
SIGNS**

22.1	General Provisions	22.4	Signs in Business and Industrial Districts
22.2	Signs Permitted In All Districts		
22.3	Signs in Agricultural and Residential Districts	22.5	Outdoor Advertising Signs and Billboards

22.1 GENERAL PROVISIONS. The following general provisions shall apply to display and outdoor advertising signs:

22.11 Nothing in this Article shall require the removal or discontinuance of a legally existing sign that is not altered, rebuilt, enlarged, extended, or relocated and the same shall be deemed a nonconforming use under the terms of this ordinance; provided however, the following signs shall be made to conform with the provisions of this Article or shall be removed by the owner upon written notice of the **Zoning Administrator**, forthwith in the case of the immediate danger and in any case within not more than thirty (30) days following said notice:

A. Any sign which is in a state of serious disrepair or is no longer functional;

B. An obsolete sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located, or any other sign which has been abandoned;

C. Any sign which is in violation of the provisions of Subsections 22.12 and 22.13;

D. Any sign which swings or otherwise noticeably moves as a result of wind pressure because of the manner of their suspension or attachment;

E. Any portable sign that is not permanently anchored or secured to either a building or the ground;

F. Any sign that becomes insecure, in danger of falling, or otherwise unsafe; or any sign unlawfully installed, erected or maintained.

If within thirty (30) days said order is not complied with, the **Zoning Administrator** may cause such sign to be removed at the expense of the owner.

- 22.12 No sign shall closely resemble or approximate the shape, form and color of any official traffic sign, signal or device. No sign shall be erected at any location where it may, by reason of its size, location, content, coloring or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of motorists, by detracting from the visibility of any traffic control device. No rotating beacon, beam or flashing illumination resembling an emergency light shall be used in connection with any sign or be visible for any adjacent street. Lights resembling an emergency light or such words as "Stop", "Look", "Danger" or any other words, phrases, symbols or characters, which in any manner interfere with, mislead, or confuse traffic shall not be used in connection with any sign.
- 22.13 No sign other than an official traffic, street, or related sign approved for placement by the County Engineer or other public officer in the performance of his public duty, shall be placed on or over any street or public property.
- 22.14 Off-site signs are prohibited in all districts except as specifically permitted in this Article; provided however, such signs may be permitted by the Board when unusual or compelling circumstances may require.
- 22.15 Two (2) or more signs may be mounted on the same sign standard or structure provided that the combined surface areas of such signs shall not exceed the maximum area permitted for a single sign, except as specifically permitted in this Article.
- 22.16 Illuminated signs shall not be of an intermittent flashing type and shall not display any direct or focused illumination such as photo flood lamps, reflector lamps or lamps with an optical reflector located in the rear of same. An illumination from any lamp of over twenty-five (25) watts rating shall be through a diffusing lens or frosted envelope, excepting indirect illumination. In case of indirect illumination, all reflected or directed illumination must be focused on said sign so that same cannot be seen from any direction in adjacent areas.
- 22.17 Signs which are displayed inside or upon a window facing the outside and which are intended to be seen from the exterior shall be permitted subject to the same conditions and restrictions as wall signs.
- 22.18 These regulations shall not apply to any sign that is visible only from the premises upon which it is erected, such as on walls of courts or malls in shopping centers.
- 22.19 These regulations shall not apply to signs which are accessory to the use of any kind of operable vehicle, provided the sign is painted or attached directly to the body of the vehicle.

22.2 SIGNS PERMITTED IN ALL DISTRICTS. Signs hereinafter designated shall be permitted in all zoning districts.

22.21 The following temporary signs shall be permitted:

A. One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted per lot frontage to advertise the sale, rental or lease of the premises or part of the premises on which the sign is displayed. Such sign shall not extend higher than eight feet (8') above grade level nor closer than fifteen feet (15') to any property line unless mounted flat against the wall of the building. Such sign shall be removed within seven (7) days after the disposition of the premises.

B. One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted per lot frontage to identify the architects, engineers, contractors, or other individuals involved in construction of the building on the premises on which the sign is displayed. Such sign may also announce the character of the building enterprise or the purpose for which the building is intended, but shall not include product advertising. Such sign shall not extend higher than eight feet (8') above grade level, nor closer than fifteen feet (15') to any property line unless mounted flat against the wall of the building or on a protective barricade surrounding the construction. Such sign shall be removed within seven (7) days following completion of construction.

C. One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted at the entrance to a recorded subdivision to identify and/or provide information regarding such subdivision. One additional such sign shall be permitted at an auxiliary entrance provided such auxiliary entrance fronts on a separate street from the main entrance. Such sign shall not extend higher than eight feet (8') above ground level, nor closer than fifteen feet (15') to any property line. such sign shall be removed upon completion of the sale of ninety percent (90%) of the lots located within the subdivision.

D. One (1) non-illuminated sign not to exceed nine (9) square feet in area shall be permitted for each dwelling which is used for display or as a model home. Such sign shall not extend higher than four feet (4') above grade level and shall only be located within the front yard of the lot containing such dwelling. Such sign shall be removed when a display or model home is no longer so used.

E. Political campaign signs shall be permitted to announce candidates seeking public political office or pertinent political issues. Such signs shall not be erected earlier than forty-five (45) days prior to the date balloting takes place for the candidates or issues indicated on the sign, and shall be removed no later than seven (7) days after said balloting date.

F. Seasonal decorations shall be permitted when pertaining to recognized national holidays and national observances.

G. Signs which contain or consist of banners, balloons, pennants, ribbons, streamers, spinners or other similarly moving devices shall be permitted on the premises of an establishment having a grand opening or other special event.

22.22 One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted at the entrance to a recorded subdivision. Such sign shall be of ornamental metal, stone, masonry, wood or other permanent material and shall indicate only the name of such subdivision. Such sign shall not extend higher than eight feet (8') above grade level, nor closer than fifteen feet (15') to any property line.

22.23 One (1) sign or nameplate not to exceed two (2) square feet in area shall be permitted to identify the occupant of the premises or a permitted use. Such sign shall not extend higher than six feet (6') above the grade level, nor closer than fifteen feet (15') to any property line unless mounted flat against the wall of the building or on a free-standing mail box.

22.24 Signs not to exceed four (4) square feet in area, plus one and one-half (1-1/2) square feet in area for each additional acre over one (1) acre shall be permitted to direct traffic movement into or within a premises, provided that in no case shall such signs exceed a maximum of twenty (20) square feet in area. Horizontal directional signs painted on, or installed flush with the street, shall not be subject to the provisions of this subsection.

22.25 Non-illuminated community direction signs shall be permitted at a county road intersection when such signs are placed, controlled and maintained by a cooperative neighbor placed, controlled and maintained by a cooperative neighbor organization, and approved by the County Engineer. The County Engineer shall not approve such sign unless there is an adequate shoulder to permit short-term standing, and unless the visual clearance at the intersection will not be impaired by the sign or such standing. Each participating neighbor may place upon such community direction sign one (1) "arrow" sign, not to exceed one (1) square foot in area, show his name, the distance to his property, and indicating the direction.

- 22.26 Community service information signs, public transit service signs, public utility information signs, safety signs, danger signs, trespassing signs, memorial or commemorative plaques, signs indicating scenic or historical points of interest, and all other similar signs, including all signs erected by or upon the order of a public officer in the performance of his public duty, shall be permitted when such signs are of a noncommercial nature and in the public interest.
- 22.27 Off site (off premise) signs not to exceed three (3) square feet in area shall be permitted to display the emblem of a service club or of a church, and information on the time and location of meetings or services. More than one (1) such sign may be mounted on a common sign standard or structure, provided such standard or structure shall not extend higher than eight feet (8') above grade level, nor closer than fifteen feet (15') to any property line.
- 22.28 Integral signs for churches or temples, or names of buildings, dates of erections, monumental citations, commemorative tablets and other similar signs shall be permitted when carved into stone, concrete or other permanent type of construction and made an integral part of the structure to which they are attached.
- 22.29 Official flags, insignias, and emblems of the United States, the State of Iowa, and municipal and other bodies of established government; and flags which display the recognized symbol of on-site business firms and enterprises, religious, charitable, public and nonprofit organizations shall be permitted provided that no single flag shall exceed fifty (50) square feet in area.

22.3 SIGNS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS. The following signs shall be permitted in the Class "A" and "R" Districts:

- 22.31 On-site and off site (off premise) signs not to exceed thirty-two (32) square feet in area shall be permitted to identify a farm premises or to indicate the product grown or material and equipment used on the farm premises, such as orchards, tree farms, nurseries and similar uses.
- 22.32 One (1) non-illuminated sign not to exceed two (2) square feet in area shall be permitted to identify a home occupation or home professional office. Such sign shall not extend higher than six feet (6') above grade level, nor closer than fifteen feet (15') to any property line unless mounted flat against the wall of the building or on a free-standing mail box.

- 22.33 One (1) sign not to exceed nine (9) square feet in area shall be permitted per lot frontage of a lot upon which is located any building or buildings containing not less than three (3) or more than nine (9) dwelling units. A similar sign not to exceed eighteen (18) square feet in area shall be permitted for each lot frontage upon which is located any building or buildings containing ten (10) or more dwelling units. Such signs shall denote only the name and/or the name and address of the management thereof, or allied information. Such signs shall not extend higher than eight feet (8') above grade level, nor closer than fifteen feet (15') to any property line unless mounted flat against the wall of the building.
- 22.34 One (1) sign not to exceed fifty (50) square feet in area shall be permitted at any main entrance to a mobile home park. Such sign shall be of ornamental metal, stone, masonry, wood or other permanent material, and shall indicate only the name of such mobile home park. Such signs shall not extend higher than eight feet (8') above grade level, nor closer than fifteen feet (15') to any property line.
- 22.35 One (1) sign not to exceed twenty (20) square feet in area shall be permitted per lot frontage to identify a church, school, institution, or public building or use. Such signs shall not extend higher than eight feet (8') above grade level and shall be mounted flat against the wall of the building. In addition, one (1) bulletin board not to exceed fifty (50) square feet in area shall be permitted for each premises. Such bulletin board shall not extend higher than eight feet (8') above grade level, nor closer than fifteen feet (15') to any property line unless mounted flat against the wall of the building.
- 22.36 One (1) sign not to exceed twenty (20) square feet in area shall be permitted per lot frontage to identify a permitted conditional use, or a legally established nonconforming use, which did have any signs prior to the effective date of adoption or amendment of this ordinance. Such sign shall denote only the name and/or profession of professional persons occupying premises, and/or the name of the establishment. Such sign shall not extend higher than eight feet (8') above grade level, nor closer than fifteen feet (15') to any property line unless mounted flat against the wall of the building.

22.4 SIGNS IN BUSINESS AND INDUSTRIAL DISTRICTS. The following signs shall be permitted in the Class "B" and "I" Districts:

- 22.41 One (1) free-standing sign not to exceed eighty (80) square feet in area, plus one (1) square foot in area for each additional linear foot of lot frontage over eight feet (80') shall be permitted per lot frontage, provided that in no case shall such sign exceed a maximum of two hundred (200) square feet in area. Such sign shall not exceed a maximum vertical or horizontal dimension of greater than twenty-two feet (22'). Such sign shall not extend higher than forty-five feet (45') above grade level, nor closer than fifteen feet (15') to any property line unless the bottom of the sign face is higher than twelve feet (12') above grade level.
- 22.42 One (1) projecting sign not to exceed twenty-four (24) square feet in area shall be permitted per lot frontage. Such sign shall not extend lower than eight feet (8'), nor higher than the roof or parapet line of the wall to which it is attached, and shall not extend more than six feet (6') beyond the wall to which it is attached.
- 22.43 One (1) roof sign not to exceed twenty percent (20%) of the surface area of any one given wall of the building to which it is attached, shall be permitted per lot frontage, provided that in no case shall such sign exceed a maximum of two hundred (200) square feet in area. Such sign shall not exceed a maximum vertical or horizontal dimension of greater than twenty-two feet (22'). All roof signs shall adhere to the height requirements of the district in which they are located. The back of such sign shall be effectively shielded from public view by a building wall, by backing the sign against another sign face, by grouping such signs in clusters to conceal the exposed backs, or by painting the exposed back a neutral color.
- 22.44 The maximum area of all wall signs shall not exceed twenty percent (20%) of the surface area of the wall to which they are attached, provided that in no case shall such signs exceed a maximum of two hundred (200) square feet in area per wall. Such signs shall be mounted flat against the wall of the building, shall be restricted to remain within the outline of the wall to which they are attached; and shall not exceed more than one foot (1') out from the wall.

22.5 OUTDOOR ADVERTISING SIGNS AND BILLBOARDS. The following regulations shall govern the placement of outdoor advertising signs and billboards:

- 22.51 The regulations governing outdoor advertising signs and billboards shall comply with all State and Federal regulations.

- 22.52 All outdoor advertising signs and billboards shall be set back from any existing or proposed right-of-way line of any street, county road, or highway, at least as far as the required front yard setback for the district in which it is located; except at any street intersection, the setback of any outdoor advertising sign or billboard shall not be less than one hundred feet (100') from the established right-of-way line of each such street.
- 22.53 No outdoor advertising sign or billboard which faces the front or side lot line of any lot in any Class "R" District used for residential purposes shall be permitted within one hundred feet (100') of such lot line.
- 22.54 No outdoor advertising sign or billboard which faces any public parkway, public square or entrance to any public park, public or parochial school, church or cemetery or similar institution shall be permitted within three hundred feet (300') thereof.

**ARTICLE XXIII
AIRPORT HEIGHT AND HAZARD ZONING REGULATIONS**

23.1	<i>Statement of Intent</i>	23.5	<i>Lighting</i>
23.2	<i>Definitions</i>	23.6	<i>Variances</i>
23.3	<i>Airport Zones and Airspace Height Limitations</i>	23.7	<i>Board of Adjustment</i>
23.4	<i>Use Restrictions</i>	23.8	<i>Administration and Enforcement</i>
		23.9	<i>Conflicting Regulations</i>

23.1 STATEMENT OF INTENT. *These regulations are adopted pursuant to the authority conferred on the Harrison County Board of Supervisors by Chapter 329, Code of Iowa. It is the intent of these regulations that the prevention of the creation or establishment of airport hazards and the marking and lighting of existing airport hazards are public purposes. It is further intended that in the interest of the public health, public safety and general welfare that creation of airport hazards be prevented.*

23.2 DEFINITIONS. *For the purpose of this Article certain words, terms and phrases are herein defined, as follows:*

23.21 *Airport: The Woodbine Municipal Airport and the Missouri Valley Municipal Airport.*

23.22 *Airport Elevation: The reference point of an airport's usable landing area measured in feet above mean sea level as established for Woodbine Municipal Airport and Missouri Valley Municipal Airport.*

23.23 *Airport Hazard: Any structure or tree which obstructs the air space required for the flight of aircraft in landing or taking off at the airport as herein defined, or is otherwise hazardous to such landing or taking off of aircraft. It shall also include any use of land within any zone established by these regulations in such a manner as to create electrical interference with radio communication between the Airport and aircraft, or unreasonably interfere with electronic navigation aids, or make it difficult for pilots to distinguish between airport lights and others; or result in glare in the eyes of pilots using the airport, or impair visibility in the vicinity of the Airport while engaged in landing or taking off at the Airport; or any other use within any zone established by these regulations which is otherwise hazardous to such landing or taking off of aircraft at the Airport.*

- 23.24 **Airport Primary Surface**: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface exceeds two hundred feet (200') beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- 23.25 **Airspace Height**: For the purpose of determining the height limits in all zones set forth in this Article, the datum shall be mean sea level elevation unless otherwise specified.
- 23.26 **Instrument Runway**: A runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
- 23.27 **Minimum Descent Altitude**: The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
- 23.28 **Minimum Enroute Altitude**: The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
- 23.29 **Minimum Obstruction Clearance Altitude**: The specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.
- 23.210 **Runway**: AA defined area on an airport prepared for landing and takeoff of aircraft along its length.
- 23.211 **Visual Runway**: A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a Federal Aviation Administration (FAA) approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

23.3 AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS. *In order to carry out the provision of this chapter, there are created and established certain zones which are depicted on the municipal airport height zoning map. A structure located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are established and defined as follows:*

23.31 Horizontal Zone: *The land is lying under a horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which is constructed by visual runway and non-precision instrument utility runways, swinging arcs of five thousand feet (5,000') radii from the center of each end of the primary surface of runways, and connecting the adjacent arcs by lines tangent to those arcs. No structure shall exceed one hundred fifty feet (150') above the established airport elevation in the horizontal zone, as depicted on the municipal airport height zoning map.*

23.32 Conical Zone: *The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one for a horizontal distance of four thousand feet (4,000'). No structure shall penetrate the conical surface in the conical zone, as depicted on the municipal airport height zoning map.*

23.33 Approach Zone: *The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. (Note: An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.)*

23.331 *The inner edge of the approach surface is a visual and non-precision instrument runway, five hundred feet (500') wide.*

23.332 *The outer edge of the approach zone is visual other than utility runways, one thousand five hundred feet (1,500'); non-precision instrument utility runways, two thousand feet (2,000').*

23.333 *The approach zone extends for a horizontal distance of, on all visual and non-precision instrument utility runways, five thousand feet (5,000') at a slope of twenty to one. No structure shall exceed the approach surface to any runway as depicted on the municipal airport height zoning map.*

- 23.34 *Transitional Zone:*** *The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven to one from the sides of the primary surface and from the sides of the approach surfaces. No structure shall exceed the transitional surface, as depicted on the municipal airport height zoning map.*
- 23.35** *No structure shall be erected that raises the published minimum descent altitude for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any federal airway in Harrison County.*

23.4 USE RESTRICTIONS. *Notwithstanding any other provisions of Section 23.3, no use may be made of land or water within Harrison County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:*

- 23.41** *All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such a manner that they are not misleading or dangerous to aircraft operating from the municipal airport or in the vicinity thereof.*
- 23.42** *No operations from any use shall produce smoke, glare, or other visual hazards within three statute miles of any usable runway of the municipal airport.*
- 23.43** *No operations from any use in the Harrison County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.*

23.5 LIGHTING.

- 23.51** *Notwithstanding the provisions of Section 22.4, the owner of any structure over two hundred feet (200') above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA) Advisory Circular 70-7460-1D and amendments. Additionally, any structure, constructed after the effective date of this ordinance, exceeding nine hundred forty-nine feet (949') above ground level, must install on that structure high-intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-1D and amendments.*

23.52 *Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit Harrison County at owner's expense to install, operate, and maintain thereon such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.*

23.6 VARIANCES. *Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any section of this chapter, may apply to the Board of Adjustment for variance from such regulations. No application for variance to the requirements of this chapter may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Zoning Administrator, the municipal airport manager, aeronautics director, or any other person designated by the Board of Supervisors to receive a copy of the application, for an opinion as to the aeronautical effects of such a variance. If the municipal airport manager, aeronautics director, or any other person designated by the Board of Supervisors to receive a copy of the application does not respond to the Board of Adjustment within fifteen (15) days from receipt of the copy of the application, the Board may makes its decision to grant or deny the variance.*

23.7 BOARD OF ADJUSTMENT. *Except as provided in Section 23.6 of this Article, the Board of Adjustment, as provided in Article XXV of this ordinance, shall have the same powers and duties and its procedures and appeals regarding this Article, in all respects shall be governed by and be subject to the same provisions established in Article XXV.*

23.8 ADMINISTRATION AND ENFORCEMENT. *The Zoning Administrator appointed pursuant to Article XXV shall have the duty to administer the regulations prescribed in this Article. Enforcement of this Article shall be in accordance with the procedures set forth in Article XXV.*

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

**ARTICLE XXIV
ADMINISTRATION, ENFORCEMENT, AND LEGAL STATUS PROVISION**

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| 24.1 Administration and Enforcement | 24.7 Certificate of Occupancy |
| 24.2 Appeals from the Decision of the
Zoning Administrator | 24.8 Applications for Building Permits or
Certificates of Occupancy |
| 24.3 Violations and Penalties | 24.9 Expiration of Permit |
| 24.4 Separate Offenses May Be Charged | 24.10 Other Legal Remedies |
| 24.5 Injunction, Mandamus | 24.11 Review of Ordinance |
| 24.6 Zoning Certificate/Building Permit | 24.12 Force and Effect |

24.1 ADMINISTRATION AND ENFORCEMENT. A **Zoning Administrator** designated by the Board of Supervisors shall administer and enforce this ordinance. He/she may be provided with the assistance of such other persons as the Board of Supervisors may direct.

If the **Zoning Administrator** finds that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

24.2 APPEALS FROM DECISION OF ZONING ADMINISTRATOR. Appeals from any decision of the **Zoning Administrator** may be taken to the Board of Adjustment as provided in Section 24.3 of this ordinance.

24.3 VIOLATION AND PENALTIES. Any person, firm or corporation who shall violate or fail to comply with the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than **two hundred fifty dollars (\$250.00)** or imprisoned for not more than thirty (30) days. Each day such violation continues shall constitute a separate offense.

24.4 SEPARATE OFFENSES MAY BE CHARGED. The owners or tenant of any building, structure, land or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

24.5 INJUNCTION, MANDAMUS. Nothing herein contained shall prevent the County from taking other lawful action as is necessary to prevent or remedy any violation.

24.6 ZONING CERTIFICATE/BUILDING PERMIT. Subsequent to the adoption of this ordinance a permit shall be obtained from the **Zoning Administrator** before any building or structure shall be erected, reconstructed, or structurally altered to increase the exterior dimensions, height, floor area, number of dwelling units or to accommodate a change in use of the building and/or premises or part thereof. The permit shall state that the proposed construction complies with all provisions of this ordinance, and no subsequent modifications shall be made to plans or to actual construction that would be in violation of this ordinance.

24.7 OCCUPANCY COMPLIANCE CERTIFICATE. Subsequent to the effective date of this ordinance, no change in the use or occupancy of land nor any change in use or occupancy of an existing building, other than for single-family dwelling purposes shall be made, nor shall any new building be occupied for any purpose other than a single-family dwelling until an Occupancy Compliance Certificate has been issued by the **Zoning Administrator**. Every Occupancy Compliance Certificate shall state that the new occupancy complies with all provisions of this ordinance and no subsequent modifications shall be made to the occupancy, use, or method of operation that would be in violation of this ordinance.

24.8 APPLICATION FOR PERMITS AND CERTIFICATES. Applications for building permits and occupancy compliance certificates shall be made prior to beginning construction or assuming occupancy on fully completed application forms obtained from the **Zoning Administrator** accompanied by such plans and information necessary to determine that the proposed construction or occupancy complies with all applicable provisions of this ordinance. The **Zoning Administrator** shall within seven (7) days thereof, approve or deny said applications. If denied, the **Zoning Administrator** shall submit his reasons thereof in writing to the applicant.

24.9 EXPIRATION OF PERMIT. If the work described in any permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire and shall be canceled by the **Zoning Administrator**; written notice thereof shall be given to the persons affected. However, upon request, the **Zoning Administrator** may extend this deadline for just cause shown by the applicant. If the work described in any building permit has not been substantially completed within eighteen (18) months of the date of issuance thereof, said permit shall expire and shall be canceled by the **Zoning Administrator**, a written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

24.10 OTHER LEGAL REMEDIES. 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, shall institute any proper action or proceedings in the name of Harrison County, Iowa, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises.

24.11 REVIEW OF ORDINANCE. The provisions of this ordinance *may* be subject to review by the Commission at least once every five (5) years. After such review, the recommendation and suggestions of the Commission shall be forwarded to the County Board for appropriate action.

24.12 FORCE AND EFFECT. This ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

**ARTICLE XXV
BOARD OF ADJUSTMENT**

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|------|--|------|--|
| 25.1 | Board of Adjustment Created | 25.5 | Powers and Duties of the Board of Adjustment |
| 25.2 | Proceedings of the Board of Adjustment | 25.6 | Decisions of the Board of Adjustment |
| 25.3 | Hearings; Appeals; Notice | 25.7 | Appeals from the Board of Adjustment |
| 25.4 | Stay of Proceedings | 25.8 | Assistance from Other Departments |

25.1 BOARD OF ADJUSTMENT CREATED. A Board of Adjustment is hereby established. The Board shall consist of five (5) members appointed by the Board of Supervisors. The five members of the first Board appointed shall serve terms of one (1), two (2), three (3), four (4) and five (5) years, respectively. Thereafter, terms shall be for 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 public hearing. Vacancies shall be filled by the Board of Supervisors for the unexpired term of the member.

25.2 PROCEEDINGS OF THE BOARD OF ADJUSTMENT. The Board of Adjustment may adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

25.3 HEARINGS; APPEALS; NOTICE. Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any official or bureau of the governing body of the County affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days of such grievance by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, including the owners of property within five hundred feet (500') of the property on which the appeal has been filed, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney.

A fee as set by the Board of Supervisors shall be paid to the Zoning Administrator at the time the notice of appeal is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general revenue fund of the County.

25.4 STAY OF PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator 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 and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, and notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

25.5 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT. The Board of Adjustment shall have the following powers and duties:

25.51 Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement decision, or determination made by the Zoning Administrator in the enforcement of this ordinance.

25.52 Special Exceptions: Conditions Governing Applications: Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, and to deny special exceptions when not in harmony with the purpose and intent of this ordinance.

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

A special exception shall not be granted by the Board of Adjustment unless and until:

- a. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested.

b. Notice shall be given at least fifteen (15) days in advance of the public hearing by publication in a newspaper of general circulation in the County.

c. The public hearing shall be held. Any party may appear in person, or by agent or attorney.

d. In reviewing an application for a special exception, the Board of Adjustment shall consider the most appropriate use of the land; the conservation and stabilization of property values; adequate open spaces for light and air; concentration of population; congestion of public streets; the promotion of the public safety, morals, health, convenience and comfort; and the general welfare of the persons residing or working in the general area.

e. The Board of Adjustment shall make a finding that it is empowered under the section of this ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest. In making its finding, the Board of Adjustment shall, where applicable, duly consider the following:

(1) Ingress and egress to property with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

(2) Off-street parking, loading and service areas where required;

(3) Economic, noise, dust, heat, glare, or odor effects of the special exception on surrounding properties;

(4) Utilities, with reference to locations, availability, adequacy and compatibility;

(5) Screens and buffers with reference to type, dimensions, character and adequacy;

(6) General compatibility with surrounding properties;

(7) Required yards and other open spaces.

25.53 Variances: Conditions Governing Application, Procedures. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

a. A written application for a variance is submitted demonstrating:

(1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(2) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

(3) That the special conditions and circumstances do not result from the actions of the applicant;

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

b. Notice of public hearing shall be given as in Section 24.52(b) above.

c. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

d. The Board of Adjustment shall make findings that the requirements of Section 25.53(a) have been met by the applicant for a variance.

e. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible the reasonable use of the land, building or structure.

f. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

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

25.6 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, requirement, decision, or determination as ought to be made, and to that end shall have powers of the Zoning Administrator from whom the appeal is taken. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in application of this ordinance.

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

25.8 ASSISTANCE FROM OTHER DEPARTMENTS. The Board may call on County Departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

**ARTICLE XXVI
AMENDMENTS**

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|------|----------------------------------|------|--------------------------------|
| 26.1 | County Board May Amend Ordinance | 26.5 | Commission's Recommendation |
| 26.2 | Authorization for Amendments | 26.6 | Public Hearing By County Board |
| 26.3 | Application for Amendments | 26.7 | County Board Action |
| 26.4 | Public Hearing By Commission | | |

26.1 COUNTY BOARD MAY AMEND ORDINANCE. Whenever the public necessity, convenience, general welfare or good zoning practice require, the County Board may by ordinance subject to the procedure provided in this Chapter, amend, supplement or change the regulations, district boundaries or zoning classifications of property, now or hereafter established by this ordinance or amendments thereof.

26.2 AUTHORIZATION FOR AMENDMENTS. An amendment to the text of this ordinance or the official zoning map may be initiated by action of the County Board, Commission, or Board; or by application of an owner of property to be changed or affected by the proposed amendment or supplement; or by application signed by owners of fifty percent (50%) of all property lying within five hundred feet (500') of any part of the area proposed to be changed.

26.3 APPLICATION FOR AMENDMENTS. An application for an amendment shall be filed, upon the form provided, with the Administrative Official for submission to the Commission. The application shall be accompanied by a fee *as set by the Board of Supervisors* and by such data and information as may be prescribed by the Commission to assure the fullest practicable presentation of facts for the permanent record. An application for a zoning text amendment shall contain a statement setting forth the proposed amendment or supplement to the regulations of this ordinance. An application for a zoning map amendment shall contain a legal description of the property for which the change is requested; the existing zoning classification and the proposed zoning classification; and a statement giving the names and addresses of the owners of all property lying within the area proposed to be changed who are not part of the application, and the names and addresses of the owners of all property lying within five hundred feet (500') of any part of the area proposed to be changed. If the applicant is the only owner of property within five hundred feet (500') of the property proposed to be changed, then the statement shall include the names and addresses of the next adjacent property owners. Each application shall be verified by the person or persons preparing the application, attesting to the truth and correctness of all facts and information presented with the application.

26.4 PUBLIC HEARING BY COMMISSION. Before taking final action on a proposed amendment to the text of this ordinance or the official zoning map, the Commission shall hold a public hearing thereon. Notice of the public hearing shall include the time and place of said public hearing and the place where the contents of the amendment may be examined, and shall be given in the following manner:

- 26.41 For an amendment to the text of this ordinance, a notice of the public hearing shall be given by one (1) publication in all of the official newspapers of the County not less than fifteen (15) days prior to the public hearing.
- 26.42 For an amendment to the official zoning map, a notice of the public hearing shall be given by one (1) publication in a newspaper having the circulation in the general area of the amendment and in a newspaper of general circulation in the County, not less than fifteen (15) days prior to the date of the public hearing.
- 26.43 For an amendment to the official zoning map, additional written notice shall be given to the property owners contained in the statement included as a required part of the application by placing said notice in the United States Mail, not less than ten (10) days prior to the date of the public hearing.
- A. For mailing purposes, the names and addresses of such property owners shall be taken from the records of the County Auditor.
- B. It shall be the intent of this subsection to give as full and adequate notice as practicable to the persons substantially interested in the appeal; however, failure to send notice to a person as specified in this subsection, or failure of a person to receive said notice shall not invalidate any decision of the Commission provided such failure was not intentional.
- C. The requirements of this subsection shall not apply to a general revision of this ordinance.
- 26.44 The Commission may recess a hearing in order to serve further notice upon other property owners or persons that the Commission determines may be interested in the amendment or to obtain additional information. Upon recessing for this purpose, the Commission shall announce the time and date when said hearing will be resumed.

26.5 COMMISSION RECOMMENDATION. Following such hearing the Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested, or it may recommend that the application be denied.

It shall be the duty of the Commission to submit to the County Board its written recommendation on all applications for amendments, supplements, or changes to the regulations, district boundaries or zoning classifications of property as established by this Ordinance.

26.6 PUBLIC HEARING BY COUNTY BOARD. After the receipt of the written recommendation of the proposed amendment from the Commission, the County Board shall hold a public hearing on the amendment. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper having general circulation in the County.

26.7 COUNTY BOARD ACTION. Following such public hearing, the County Board shall consider such recommendation by the Commission and vote upon the passage of the proposed amendment.

Passage of the proposed amendment shall require an affirmative vote of not less than a simple majority of the entire County Board.

.01 In case of protest against any changes or amendments signed by the owners of twenty percent (20%) or more either of the area included in such proposed change, or of the area immediately adjacent thereof, such changes shall not become effective except by favorable vote of at least sixty percent (60%) of all the members of the County Board.

.02 Whenever any application for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have been denied by the County Board, then no new application covering the same property and additional property shall be filed with or considered by the County Board or until one (1) year shall have elapsed from the date of the filing of the first application.

**ARTICLE XXVII
FEES**

27.1 Filing Fee Required

27.3 Fee Refund

27.2 Fee Schedule

27.1 FILING FEE REQUIRED. A filing fee in accordance with the established fee schedule shall be charged for each application to assist in deferring the cost of administrative review and legal publication. The applicant shall be held responsible for submitting the required filing fee upon submission of the completed application. No action shall be taken on any application until the required fee is paid in full.

27.2 FEE SCHEDULE. The *Zoning Administrator* is directed to issue a building permit and/or occupancy compliance certificate as required by this ordinance for proposed construction, reconstruction, alteration, location or use which complies with all provisions contained herein and to charge a fee in accordance with the following fee schedule:

27.21 Zoning Certificate/Building Permit

- a. Residential uses and structures **\$125.00**
- b. Other uses and structures - One dollar (\$1.00) per thousand of construction cost with a minimum fee of fifty dollars (\$50.00) and a maximum fee of two hundred fifty dollars (\$250.00)

27.22 Occupancy Compliance Certificate

- a. All uses and structures \$25.00

27.23 Board of Adjustment Appeals \$100.00

27.24 Zoning Amendments \$200.00

27.25 Communication Towers \$1,000.00

27.26 Wind Generators \$1,000.00

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

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

27.3 FEE REFUND. Whether the request is granted or denied by either or both the Commission, County Board or the Board, the applicant shall not be entitled to a refund of the fee paid.

ATTACHMENTS - ILLUSTRATIONS