

CERRO GORDO COUNTY ORDINANCE NO. 15

**ZONING ORDINANCE
of CERRO GORDO COUNTY, IOWA**



March 13, 1990 (and as Revised through December 13, 2022)

By North Iowa Area Council of Governments
Consulting Planners, Mason City, Iowa

ZONING ORDINANCE - CERRO GORDO COUNTY

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CERRO GORDO COUNTY, IOWA, ZONING ORDINANCE

ARTICLE 1: PURPOSE

This Ordinance is adopted for the purpose of promoting public health, safety, morals, comfort, and general welfare; to conserve the values of property and encourage the most appropriate use of land; to secure and provide the social and economic advantages resulting from an orderly planned use of land resources; and to facilitate adequate but economical provisions for public improvements, all in accordance with a Comprehensive Plan and as permitted by the provisions of Chapter 358A of the Code of Iowa, as amended.

ARTICLE 2: TITLE

This ordinance shall be known and may be cited and referred to as the "CERRO GORDO COUNTY, IOWA, ZONING ORDINANCE."

ARTICLE 3: INTERPRETATION OF STANDARDS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern.

ARTICLE 4: DEFINITIONS

For the purpose of this Ordinance, all words shall carry their customary meanings except those specifically defined herein. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular; the word shall is mandatory and not directory.

ACCESS:

A way of approaching or entering a property.

ACCESSORY BUILDING OR USE:

A building or use which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and (4) is located on the same zoning lot as the principal building or principal use.

AGRICULTURE:

The science or art of cultivating the soil, producing crops, and raising livestock.

ALLEY:

A thoroughfare through the middle of a block giving access to the rear of a building or premise.

APARTMENT:

A room or suite of rooms in a multiple-dwelling intended or designed for use as a residence by a single family.

ASPHALT PLANT, HOT-MIX, PERMANENT:

A plant or facility that is more elaborate than the cold mix plant, used for the heating, drying, proportioning and blending of high type hot-mixes in accordance with specification requirements.

ASPHALT PLANT, HOT-MIX, TEMPORARY:

Same as permanent hot-mix asphalt plants with the exception that the finished mix or product is to be limited to specific contractual projects of one construction period and a Zoning Permit is obtained, in contrast to public commercial sales.

AUTOMOBILE SALVAGE YARD:

(See "Junk Yard")

AUTOMOBILE SERVICE STATION:

A retail place of business having pumps and/or storage tanks from which liquid, fuel, and/or lubricants are dispensed directly into a motor vehicle. Sales and installation of auto accessories, washing, polishing, inspecting, cleaning and auto "tune-up" may be carried on incidental to the sale of such fuel and lubricants; however not permitted are steam cleaning and body and fender work.

AWNING:

Roof-like cover entirely supported by and extending from a building for the purpose of protecting openings therein from the elements.

BASE FLOOD:

The flood having one (1) percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE):

The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

BASEMENT:

Any enclosed area of a building which has its floor or lowest level below ground level (sub-grade) on all sides. A basement is counted as a story for the purpose of height regulation. See also "Lowest Floor."

BED AND BREAKFAST INN:

A residential building containing a specified number of guest rooms occupied by a specific number of persons, which provides living units and limited refreshments for transient guests, and which is managed and occupied by the owner of the property.

BEGINNING OF CONSTRUCTION:

Excavation and/or the incorporation of labor and materials within the walls of the building or buildings.

BILLBOARD:

(See "Outdoor Advertising Device")

BLOCK:

A piece of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street.

BOARD OF ADJUSTMENT:

The Board of Supervisors shall provide for the appointment of a Board of Adjustment, and in the regulations and restrictions adopted pursuant to the authority of Chapter 335 (or as amended), Code of Iowa, shall provide that the said Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinances or regulations in harmony with its general purpose and intent and in accordance with the general or specific rules therein contained, and provide that any property owner aggrieved by the action of the Board of Supervisors in the adoption of such regulations and restrictions may petition the Board of Adjustment direct to modify regulations and restrictions as applied to such property owners.

BOARDING HOUSE:

A building, other than a hotel, where for compensation, meals or lodging and meals are provided for three (3) or more persons.

BOAT HOIST:

A structure placed in the water or below the ordinary high water mark of Clear Lake for boat or watercraft storage, including platforms for storage of personal watercrafts.

BOAT HOIST STORAGE FACILITY:

Any land or building used for the purpose of storing boat hoists or watercraft for any period of time for lease, profit, or any commercial purpose. Any property storing more than six (6) boat hoists or watercraft for any purpose shall be considered a boat hoist storage facility for the purpose of this Ordinance.

BUFFER ZONE (BUFFER STRIP):

A strip of land established to protect one type of land use from another incompatible use.

BUILDABLE AREA:

The space remaining on a zoning lot after the minimum open-space requirements (coverage, yards, setbacks) have been met.

BUILDING:

Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property. When a structure is divided in separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.

BUILDING, HEIGHT OF:

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

BUILDING LINE:

An imaginary line, usually parallel to the front and side lot lines, beyond which a building cannot lawfully extend.

BUILDING PERMIT:

(See "Zoning Permit")

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.

CANOPY:

(See "Awning")

CELLAR:

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

CHILDCARE CENTER OR EARLY CHILDHOOD EDUCATIONAL CENTER:

Any private agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight for four (4) or more nonresident children of preschool age, for compensation.

CHURCH:

Any building or site whose primary use is public religious worship.

COLD-MIX PLANT, PERMANENT:

A plant or facility for the proportioning and blending of cold mixed asphalt or Portland cement concrete in accordance with specification requirements.

COLD-MIX PLANT, TEMPORARY:

Same as permanent cold-mix plants with the exception that the finished mix or product is to be limited to specific contractual projects of one construction period and a Zoning Permit is obtained, in contrast to public commercial sales.

COMMERCIAL FEEDLOT:

A feedlot, as defined herein, where the livestock feed is not grown on the premises.

COMMISSION:

(See "Zoning Commission")

CONTROLLED ACCESS:

(See "Access")

CURB LEVEL:

The level of the established curb in front of the building measured at the center of such front.

DEVELOPMENT:

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations and the placement of mobile homes.

DISTRICT:

A section or sections of the county within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.

DUMP:

A premises used for the disposal of "clean" type of fill material or refuse such as dirt, rocks, cans, tree branches and similar materials, but not including organic matter of any type such as garbage or dead animals or portions thereof.

DWELLING:

Any building or portion thereof which is designed or used exclusively for residential purposes but not including a garage, tent, cabin, trailer, travel trailer, motor home or bus.

DWELLING, SINGLE-FAMILY:

A building designed for or occupied exclusively for residential purposes by one (1) family or housekeeping unit. A factory built structure can be a single family dwelling if it meets all of the following conditions: (1) It has received a HUD certificate in accordance with 42 U.S.C. Section 5415; (2) It is not constructed or equipped with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site which does not have wheels or axles permanently attached to its frame or body; (3) It does not have a vehicular certificate of registration; and (4) It is taxed as real property by the assessor.

DWELLING, TWO-FAMILY (DUPLEX):

A building designed for or occupied exclusively to two (2) families or housekeeping units, living independently of each other.

DWELLING, MULTI-FAMILY:

A building designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

EARTH SHELTERED HOME:

A building designed to be used as a dwelling utilizing earth to shelter the building. The roof can be of conventional construction or covered with earth as a completed residential dwelling, as opposed to a basement with a temporary roof.

ENCLOSED AREA BELOW LOWEST FLOOR:

The floor of the lowest enclosed area in a building when all the following criteria are met:

- a. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Article 21.5(B)(3)(a) of this Ordinance, and
- b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
- c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
- d. The enclosed area is not a "basement" as defined in this section.

EXISTING CONSTRUCTION:

The use of a lot or structure at the time of the enactment of the Zoning Ordinance. For the purpose of flood plain management requirements, "Existing Construction" is defined as any structure for which the "Start of Construction" commenced before the effective date of the community's Flood Insurance Rate Map. May also be referred to as "Existing Structure."

EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION:

A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the Zoning Ordinance and the flood plain management regulations adopted by the County.

EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION:

The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.)

FACTORY-BUILT HOME:

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

FACTORY-BUILT HOME PARK OR SUBDIVISION:

A parcel (or contiguous parcels) of land divided into two or more factory-built home lots for sale or rent.

FACTORY-BUILT HOME PARK OR SUBDIVISION, EXISTING:

(See "Existing Factory-Built Home Park or Subdivision")

FACTORY-BUILT HOME PARK OR SUBDIVISION, EXPANSION OF:

(See "Expansion of Existing Factory-Built Home Park or Subdivision")

FACTORY-BUILT HOME PARK OR SUBDIVISION, NEW:

(See "New Factory-Built Home Park or Subdivision")

FAMILY:

An individual or two (2) or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit - also any foster children, wards or resident employees who live or sleep in the same dwelling unit. A group of not more than five (5) persons who need not be related, living together as a single housekeeping unit in a dwelling unit.

FAMILY, IMMEDIATE:

Father, mother, brother, sister, son, daughter--related by blood or marriage or adoption.

FARM:

An area comprising ten (10) acres or more which is primarily adapted, by reason of nature, for use for agricultural purposes.

FEEDLOT:

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

FILLING STATION:

(See "Automobile Service Station")

FIVE HUNDRED (500) YEAR FLOOD:

A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.

FLOOD:

A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel, or an unusual and rapid accumulation of runoff or surface waters from any source.

FLOOD INSURANCE RATE MAP:

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

FLOOD INSURANCE STUDY:

A study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards; providing the county with the necessary information for adopting a flood plain management program; and establishing actuarial flood insurance rates.

FLOODPLAIN:

Any land area susceptible to being inundated by water as a result of a flood.

FLOOD PLAIN MANAGEMENT:

An overall program or corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

FLOODPROOFING:

Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

FLOODWAY:

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

FLOODWAY FRINGE:

Those portions of the Special Flood Hazard Area outside the floodway.

FRONTAGE:

All the property on one side of a street between (two) 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 side between an intersecting street and the dead-end of the street.

FULL-TIME FARM EMPLOYEE:

One who receives more than eighty percent (80%) of the family income for services and work performed on the farm which the employee and/or his family reside.

GARAGE, PRIVATE:

An accessory building, or portion of the principal building, in which one (1) or more motor vehicles are housed by the family and/or families resident upon the premises.

GARAGE, PUBLIC:

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

GARAGE, STORAGE:

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

GAS STATION:

(See "Automobile Service Station")

GRADE:

For buildings having walls adjoining one (1) street only, the elevation of the regularly established sidewalk grade at the center of the wall adjoining the street.

For buildings having walls adjoining more than one (1) street, the average of the elevation of the regularly established sidewalk grades at the center of all walls adjoining the streets.

For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is considered as adjoining the street.

HABITABLE FLOOR:

Any floor used for living, which includes working, eating, sleeping, cooking or recreation or combination thereof. A floor used only for storage purposes is not a "habitable floor."

HALF-STORY:

A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area of the floor immediately below it.

HEALTH CARE:

Convalescent Home or Care Center: A building or structure containing sleeping rooms where persons are housed or lodged and are furnished with meals and nursing care for hire.

Developmental Disability or Developmentally Disabled: A disability of a person which has continued or can be expected to continue indefinitely and which is one of the following: (1) Attributable to mental retardation, cerebral palsy, epilepsy, or autism; (2) Attributable to any other condition found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons or requires treatment and services similar to those required for the persons; (3) Attributable to dyslexia resulting from a disability described in either subparagraph 1 or 2; or (4) Attributable to a mental or nervous disorder.

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

Group Home: (See "Family Home")

Sanitarium: A private hospital or inpatient/outpatient care facility.

HISTORIC STRUCTURE:

Any structure that is: (1) Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register; (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or, (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either an approved state program as determined by the Secretary of the Interior or Directly by the Secretary of the Interior in states without approved programs.

HIGHEST ADJACENT GRADE:

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HOME OCCUPATION:

An incidental and secondary use of a dwelling or accessory structure involving any occupation or profession for financial gain, conducted solely by resident occupants and, to the extent it is conducted on the premises, conducted entirely within their dwelling or accessory structure.

HOTEL:

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

INOPERABLE VEHICLE:

Shall mean any motor vehicle which lacks a current registration or two (2) or more wheels or any other component parts, the absence of which renders the vehicle illegal for use on highways.

JUNK:

Shall mean all scrap copper, brass, lead, or any other nonferrous metal; rope, rags, batteries, paper, trash, rubber debris, waste; dismantled or inoperable vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel, or other scrap ferrous material; discarded glass, tinware, plastic, or discarded household goods or hardware; used lumber, salvaged wood or other building materials, scrap contractor's equipment, or any other kind of scrap or waste material.

JUNK YARD:

Any place not fully enclosed in a building and which encompasses an area of 200 square feet or more, used in whole or in part for the storage, salvage or deposit of junk or used lumber whether in connection with a business or not, or any place where more than two (2) inoperable motor vehicles, or used parts and materials thereof which exceed 240 cubic feet, are stored or deposited. For other purposes of this Ordinance, junk yard shall include salvage yard, wrecking yard, used lumber yard and places for storage of salvaged wood.

KENNEL:

The keeping of four (4) or more dogs or small animals whose ages are six (6) months or older for any purpose.

KITCHEN:

Any room or portion of a building used, intended or designed to be used for cooking and other preparation of food, including any room having a sink and provisions for either a gas or electric stove.

LAGOON:

Facultative: In wastewater treatment, a shallow artificial pond where sunlight, bacterial action and oxygen interact to restore wastewater to a standardized state of purity.

Storage: In confinement/feedlot operations, an earthen basin used solely for the storage of organic waste.

Anaerobic: In confinement/feedlot operations, an impoundment, the primary function of which is to store and stabilize organic waste. The impoundment is designed to receive wastes on a regular basis and the design waste loading rates are such that the predominant biological activity in the impoundment will be anaerobic.

LIVESTOCK:

Cattle, sheep, swine, poultry, and other animals or fowl, which are being produced primarily for use as food or food products for human consumption.

LOADING SPACE:

Any off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking (less than twenty-four [24] hours) of a commercial vehicle while loading or unloading merchandise or materials.

LOT:

A parcel of land or two (2) or more contiguous parcels to be used as a unit under the provisions of this Ordinance, and having its principal frontage on a dedicated street and may consist of any one of the following: (1) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; (2) A parcel of land described by metes and bounds; described by bearings, curves and distances; or described by sections and/or parts of a section. However, in no case of division or combination shall any residential lot or parcel be created which does not meet the requirement of this Ordinance; or (3) A single lot of record.

LOT LINES:

Front: The front property line of a lot shall be determined as follows: The front property line of a corner lot shall be the shorter of the two (2) lines adjacent to the streets as platted, subdivided or laid out. Where the lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing custom of other buildings in the block. If such front is not evident, then either may be considered the front of the lot, but not both.

Interior Lot: The front property line of an interior lot shall be the line bounding the street frontage.

Through Lot: (See "Double Frontage Lot" under "Lot Types"). The front property line of a through lot, also referred to herein as double frontage lot, shall be that line which obviously is the front by reason of the prevailing custom of other buildings on the block. Where such front property line is not obviously evident, the Zoning Administrator shall determine the front property line. Such a lot over three hundred (300) feet deep shall be considered for the purpose of this definition as two (2) lots, each with its own frontage.

Lake Lot: The front property line of a lake lot shall be the line bounding the street frontage.

Rear: The rear property line of a lot is that lot line opposite the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten (10) feet long lying within the lot and parallel to the front property line. If the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten (10) feet long lying within the lot and parallel to a line tangent to the front property line at its midpoint.

Side: The side property lines of a lot are those lot lines connecting the front and rear property lines of a lot.

LOT MEASUREMENTS:

Area: The gross area exclusive of streets or other public right-of-way within the boundary lines of a lot.

Depth: The mean horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the main front lot line. In the case of an interior triangular or gore-shaped lot, the depth shall be the horizontal distance between the midpoints of the front and rear lot lines.

Width: The horizontal distance between the side lot lines as measured perpendicular to the line representing the lot depth at its point of intersection with the required minimum front setback. Where the lot 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 setback.

LOTS OF RECORD:

A lot or parcel of land, the deed of which has been recorded in Cerro Gordo County, Iowa.

LOT TYPES:

Corner Lot: A lot located at the intersection of two (2) or more streets and having the street right-of-way about the front and one (1) or more side lines of the lot.

Double Frontage Lot: A lot other than a corner lot with frontages on more than one (1) street or public thoroughfare which do not intersect one another.

Interior Lot: A lot other than a corner lot having frontage on one (1) street or public thoroughfare.

Key Lot: An interior lot, one side of which is contiguous to the rear line of a corner lot.

Lake Lot: A lot having the rear line about the lake shore.

LOWEST FLOOR:

The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

LUMBER YARD:

A premises on which new lumber and related new building materials are sold.

MAN-MADE:

Anything manufactured, created or constructed by man.

MAXIMUM DAMAGE POTENTIAL:

Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

MINERAL EXTRACTION:

Mineral extraction means the extraction of coal, gypsum, clay, stone, sand, gravel or other ores or mineral solids for sale, borrow or for processing or consumption in the regular operation of a business by removing any earth overburden lying above natural deposits thereof and mining directly from the natural deposits thereby exposed, or by mining directly from deposits lying exposed in their natural state. Removal of overburden and mining of limited amounts of any ores or mineral solids shall not be considered surface mining when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, so long as no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business or agency.

MINOR PROJECTS:

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

MOBILE HOME:

Any factory built structure without motive power so manufactured or constructed as to permit it being used as a conveyance upon the public streets and highways.

MOBILE HOME PARK:

Any site, lot, field or tract of land upon which two (2) or more occupied mobile homes are harbored for use as single-family detached one-story residences, either free of charge or for revenue purposes.

MODULE:

Popularly called a building block or stack box. It is a self-contained house section built on an assembly line. Two (2) or more sections joined on a foundation form a modular building.

MOTEL, AUTO COURT:

A building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists with garage attached or parking facilities conveniently located to each unit.

NEW CONSTRUCTION (NEW BUILDINGS, NEW FACTORY-BUILT HOME PARKS):

Those structures or development for which the start of construction commenced on or after the effective date of this ordinance. For the purpose of flood plain management regulations, "New Construction" shall be defined as those structures for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

NEW FACTORY-BUILT HOME PARK OR SUBDIVISION:

A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or flood plain management regulations adopted by the County.

NONCONFORMING USE:

The lawful use of any building or land that was established prior to or at the time of passage of this ordinance, or amendments thereto, which does not conform to the regulations or requirements of the zoning district in which it is located.

NURSERY:

An area where trees, shrubs or plants are grown for transplanting.

ONLINE PORTAL:

A website or online hub designed for the electronic submission and processing of zoning applications, requests, and associated or incidental processes authorized under this Ordinance.

OUTDOOR ADVERTISING DEVICE:

Any structure or portion of a building used for the display of advertising.

PARKING AREA OR LOT:

An open area which is used for the temporary parking of more than four (4) motor vehicles and is available for public use.

PARKING SPACE - MOTOR VEHICLE:

An area other than a street or alley reserved for the parking of a motor vehicle--such space having a dimension not less than ten (10) feet by twenty (20) feet, plus such additional area as is necessary to afford adequate ingress-egress. Where four (4) or more motor vehicle parking spaces are to be grouped as a common facility meeting a requirement of this Ordinance, the individual spaces, plus the area necessary for driveways, shall total not less than 315 square feet per vehicle space.

PLANNED AREA DEVELOPMENT:

A tract of land which contains or will contain development which is controlled or owned by a single person or group. The development of which tends to be more innovative approach to the development of land by flexibility and design, placement of buildings and use of open spaces, which at the same time retaining substantially the same use of open spaces, and retaining substantially the same population density and area coverage permitted in the district in which the project is located.

PREMISES:

A lot or tract of land and any structure located thereon.

PRINCIPAL USE:

The main use of land or structures as distinguished from an accessory use.

PUBLIC NOTICE:

Publication of the time and place of a public hearing as provided in Chapter 358A of the Code of Iowa, or its successor provisions.

RECREATIONAL VEHICLE:

A vehicle which is: (1) Built on a single chassis; (2) Four hundred (400) square feet or less when measured at the largest horizontal projection; (3) Designed to be self-propelled or permanently towable by a light duty truck; and (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

See also "Travel Trailer"

RESIDENTIAL PURPOSES:

The intent to use and/or the use of a room or group of rooms for the living, sleeping and housekeeping activities for persons on a permanent or semi-permanent basis of an intended tenure of more than fourteen (14) days.

RESTAURANT:

An establishment other than a boarding house where meals which are prepared therein may be secured by the public.

RIGHT-OF-WAY:

A tract or strip of land which has been dedicated to the County of Cerro Gordo, State of Iowa, or the United States, and is to be used by the public for circulation and services.

ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES:

Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- c. Basement sealing;
- d. Repairing or replacing damaged or broken window panes;
- e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

SANITARY LANDFILL:

A sanitary disposal project where solid waste is buried between layers of earth.

SECTIONAL:

A house built in halves in a factory and erected on a foundation, usually as a one-story single-family unit.

SERVICER:

A firm, company, or corporation providing services for a specific purpose.

SEWAGE TREATMENT FACILITY:

Man-made devices installed for the purpose of treating, stabilizing, storing or disposing of sewage, industrial waste or other wastes or a commercial composting operation.

SHOPPING CENTER:

A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

SOLID WASTE:

Garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste does not include hazardous waste as defined in Section 455B of the Code of Iowa or source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

SPECIAL EVENT:

Activity that includes music festivals, concerts, theatrical exhibitions, entertainment, commercial exhibitions, carnivals, speeches, or other activity where a large number of people attend. A temporary activity may include a single event or similar events that are repeated no more than six (6) times taking place outdoors, in a tent, or in a temporary structure in a given calendar year.

SPECIAL EXCEPTION:

A minor modification or variation of a setback, frontage, height, or bulk requirement or other allowance provided specifically by a provision of this ordinance as applied to a specific lot, as distinct from a variance (See also "Special Use").

SPECIAL FLOOD HAZARD AREA:

The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

SPECIAL USE:

A type of special exception for uses or structures to which specific conditions, limitations, or restrictions apply and which is subject to review by the issuing department and Board of Adjustment, as applicable.

SPECIAL USE PERMIT:

A permit issued for the location of a special use which sets forth specified conditions and safeguards.

STABLE, PRIVATE:

A building or structure used or intended to be used for housing horses belonging to the owner of the property only for non-commercial purposes.

STABLE, PUBLIC AND RIDING ACADEMY:

A building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instruction may be given in connection with a public stable or riding academy.

STABLE, RIDING CLUB:

A building or structure used or intended to be used for the housing only of horses by a group of persons for non-commercial purposes.

START OF CONSTRUCTION:

Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 120 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STORY:

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

STREET OR ROAD LINE:

A dividing line between a lot, tract or parcel of land and a contiguous street or road.

STREET, PRIVATE:

A non-dedicated, non-public passageway 20 feet or more in width which affords a principal means of access to abutting property.

STREET OR ROAD, PUBLIC:

Any thoroughfare or public way which has been dedicated to the public or deeded to the County and accepted for street or road purposes.

STRUCTURAL ALTERATIONS:

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

STRUCTURE:

Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, walls, fences, decks, signs, light standards, towers, storage tanks, grain storage facilities, and/or other similar uses.

SUBDIVISION:

A division of a lot, tract or parcel of land into three (3) or more lots, plats, or sites for the purpose, whether immediate or future, of sale, lease, conveyance or transfer with the appurtenant streets, alleys and easements, dedicated or intended to be dedicated to public use or for the use of purchasers or owners within the tract subdivided. If a new street is involved, any division of a parcel of land or the division into two (2) or more parts of any residential lot shall also be deemed a subdivision. Each residential lot shall also be deemed a subdivision. Each subdivision shall comply with the provisions of the Cerro Gordo County Subdivision Ordinance.

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 (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT:

Any improvement to a structure which satisfies either of the following criteria: (1) Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing State or Local Health, Sanitary, Building, or Safety Codes or Regulations as well as structures listed on National or State Registers of Historic Places; (2) Any addition which increases the original floor area of a building by twenty-five (25) percent or more. All additions constructed after March 13, 1990, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

TEMPORARY USE PERMIT:

Also referred to as a Zoning Permit for Temporary Use. A written authorization by Cerro Gordo County for a specific use of land, building, or structure for a specified period of time, consistent with the terms of the Cerro Gordo County Zoning Ordinance.

TOURIST COTTAGE:

A single family dwelling used as one of the units of a tourist park.

TOURIST HOME:

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

TOURIST PARK:

Any lot or plot of real property upon which three (3) or more single family camp cottages, or two (2) or more travel trailers or tents, or any combination of tourist cottages or tourist home or travel trailers and/or tents are located and maintained for the accommodation of transients.

TRAILER:

A vehicle without motive power designed for carrying persons or property on its own structural frame and which is designed to be drawn by a motor vehicle. For the purposes of this ordinance, the terms "trailer", "travel trailer", and "mobile home", which are each separately defined terms within this Article, are mutually exclusive terms.

TRAILER CAMP:

(See "Travel Trailer Park")

TRAILER, HOUSE:

(See "Mobile Home")

TRAILER PARK:

(See "Travel Trailer Park")

TRAVEL TRAILER:

A vehicle without motive power, designed for human habitation on a temporary basis, such vehicle shall not exceed eight (8) feet in width, and shall not exceed thirty-two (32) feet in length exclusive of separate tow unit. Such vehicles shall be customarily and ordinarily used for vacation or recreational purposes and not used as a place of permanent habitation. For the purposes of this ordinance, the terms "travel trailer," "trailer," and "mobile home," which are separately defined terms within this Article, are mutually exclusive terms.

TRAVEL TRAILER PARK:

Any lot, tract or parcel of land licensed and used or offered for use, in whole or in part, with or without charge, for the parking of occupied travel trailers, pickup campers, converted buses, motor homes, tent trailers, tents or similar devices used for temporary portable housing.

TRUCK STOP:

An area of not less than five (5) acres in which service stations, hotels and/or motels and restaurants are permitted uses. Also permitted are customary uses incidental to the permitted uses. Customary facilities and services in conjunction with the permitted uses may be provided for trucks and truck drivers at Truck Stops.

USE:

The specific purpose for which land, a structure or premises is designed, arranged, intended, or for which it is or may be occupied or maintained.

VARIANCE:

A device which grants a property owner relief from certain provisions of a zoning ordinance when, because of unusual topography or other extenuating circumstances, compliance would result in a particular hardship upon the owner.

VEHICLE:

A conveyance, either with or without motive power, in or on which persons and/or goods are transported on the surface of the ground, including automobiles, motor homes, motor trucks, motor house, travel trailers, tractors, earth moving equipment and other such conveyances.

VIOLATION:

The failure of a structure or other development to be fully compliant with the provisions of this Ordinance. For the purposes of flood plain management, a structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided

WASTE STABILIZATION LAGOON:

(See "Lagoon")

WATERCRAFT:

Any vessel which through the buoyant force of water floats upon the water and is capable of carrying one or more persons.

WHOLESALE:

The business of selling goods or merchandise to retailers or jobbers for resale to the ultimate consumer.

WIND ENERGY SYSTEM:

A wind-to-energy conversion system that is incidental, subordinate, and accessory to the principal use of the lot or parcel or designed to service electrical load on an adjacent parcel, consisting of but not limited to a wind turbine, tower, blades, supports and guy wires and anchors, and associated control or conversion electronics; which is intended to primarily serve on-site electrical power load.

YARD:

An open space on the same lot with a building or building group lying between the front, rear, or side wall of a building and the nearest lot line, unoccupied except for projections and the specific minor uses or structures allowed in such open space under the provisions of the zoning ordinance.

YARD, FRONT:

A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof other than the projection of the usual steps. In measuring a yard for the purpose of determining the depth of a front yard, the least distance between the lot line and the main building shall be used. On corner lots, the front yard shall be considered as the yard adjacent to the street upon which the lot has its least dimension.

YARD, REAR:

A yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps. On both corner lots and interior lots, and opposite end of the lot from the front yard. In measuring a yard for the purpose of determining the depth of the rear yard, the least distance between the lot line and the main building shall be used.

YARD, SIDE:

A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.

ZONING ADMINISTRATOR:

The administrative officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this Ordinance.

ZONING COMMISSION:

The Cerro Gordo County Zoning Commission. A commission appointed by the Cerro Gordo County Board of Supervisors, a majority of whose members shall reside within the county but outside the corporate limits of any city, to be known as the County Zoning Commission, to recommend the boundaries of the various original districts, and appropriate regulations and restrictions to be enforced therein. Such Commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report, and the Board of Supervisors shall not hold its public hearing or take action until it has received the final report of such Commission. After the adoption of such regulations, restrictions, and boundaries of the districts, the Zoning Commission may, from time to time, recommend to the Board of Supervisors amendments, supplements, changes or modifications. The Zoning Commission, with the approval of the Board of Supervisors, may contract with professional consultants, regional planning commission, the Iowa Department of Economic Development, or the Federal Government, for local planning assistance.

ZONING DISTRICT:

(See "District")

ZONING PERMIT:

Written statement issued by Cerro Gordo County authorizing the construction and use of land, buildings, or structures, consistent with the terms of the Cerro Gordo County Zoning Ordinance.

ARTICLE 5: DISTRICTS, BOUNDARIES THEREOF, AND INTERPRETATION OF BOUNDARIES

5.1 DISTRICTS

For the purpose of this Ordinance, the unincorporated territory of Cerro Gordo County, Iowa, is hereby divided into the following districts:

A-1	Agricultural District
A-2	Agricultural Residence District
R-1	Single Family Residential District
R-2	Single Family Residential District
R-3	Single Family Residential District
R-4	Multi Family Residential District
C-1	Local Commercial District
C-2	General Commercial District
C-3	Planned Shopping Center District
M-1	Light Industrial District
M-2	Heavy Industrial District
P.A.D.	Planned Area Development District
F.P.D.	Flood Plain District

5.2 ZONING MAP

The boundaries of these districts are hereby established as shown on the "Official Zoning Map" of the unincorporated area of Cerro Gordo County, Iowa, which maps are hereby made a part of this Ordinance. The said "Official Zoning Map," and all notations and references and other matters shown thereon, shall be and are hereby made a part of this Ordinance.

The "Official Zoning Map" shall be filed in the office of the Cerro Gordo County Zoning Administrator in the Cerro Gordo County Courthouse.

5.3 VACATED STREETS

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

5.4 INTERPRETATION OF DISTRICT BOUNDARIES

- A. Boundaries indicated as approximately following the center lines of streets, highways or alley shall be construed to follow such center lines. Where a public right-of-way divides two (2) different Zoning Districts, the Zoning District boundary line shall be construed to follow the center line of said public right-of-way.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D. Boundaries indicated as following railroad lines shall be construed as to be midway between the main tracks.
- E. Boundaries indicated as following shore lines, shall be construed to follow such shore lines and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.

- F. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections A through F above, the Zoning Administrator shall interpret the district boundaries and take further action or make recommendation as may be deemed appropriate and necessary in accordance with this Ordinance.

5.5 OVERLAY DISTRICTS IN GENERAL

PURPOSE AND INTENT

Overlay districts, as presented in this Article, are created for the purpose of imposing special regulations in given designated areas of the County to accomplish stated purposes that are set forth for each overlay district. Overlay districts shall be in addition to, and shall overlap and overlay, all other zoning districts within which lands placed in each district also lie, so that any parcel of land lying in an overlay district shall also lie in one or more of the other zoning districts provided for by this Ordinance.

ESTABLISHMENT

In general, overlay districts and amendments thereto shall be established in the same manner and by the same procedures set forth in Article 26 for other zoning districts provided for by this Ordinance, unless such procedures are qualified by the provisions of a particular overlay district as set forth herein.

5.6 ENVIRONMENTAL RESOURCES OVERLAY DISTRICT (EROD)

A. Purpose and Intent

The Environmental Resources Overlay District (EROD) has been established to protect areas of special natural environmental significance or sensitivity within the Clear Lake watershed. The purpose of the EROD District is to:

1. Acknowledge the importance of Clear Lake as a natural resource and continue to strive for the preservation and conservation of this resource.
2. Identify the lands lying within the Clear Lake watershed and beyond which could have influencing affects on Clear Lake's water quality.
3. Encourage the preservation and protection of soil and water resources for future generations through an integrated effort utilizing proper land use planning, educational awareness and promotion of environmental issues.
4. Create clearly understandable and enforceable regulations for a specially defined district of the County.

B. EROD Boundary

The Environmental Resources Overlay District (EROD) shall encompass the land as indicated on the Official Zoning Map of Cerro Gordo County located in the Planning and Zoning Office at the Cerro Gordo County Courthouse, and is generally described as all land within the Clear Lake watershed, except those areas located within the corporate limits of the cities of Clear Lake and Ventura and except those areas located within the Clear Lake Sanitary District.

C. EROD Regulations

1. Any development requiring issuance of a building permit within the Environmental Resources Overlay District (EROD), shall not be issued for any building or structure utilizing a private waste water disposal system employing sub-surface soil absorption facilities where the lot area is less than ten (10) acres in size.
 - a. When constructing multiple dwelling units, an allocation of a minimum of ten (10) acres of land shall be provided for each dwelling unit, with said units located on a contiguous tract of land.
 - b. When constructing a commercial or industrial use, additional land standards in excess of the ten (10) acre minimum lot area requirement may be imposed upon said use based upon the anticipated sewage discharge associated with said business.
2. Any proposed private collection system within the EROD must first receive written approval of the Board of Trustees, Clear Lake Sanitary District, prior to making application to the Cerro Gordo County Board of Health for issuance of an on-site waste water treatment and disposal system permit.
3. So long as the property continues to utilize a private waste water disposal system employing sub-surface soil absorption facilities, the required area shall not be reduced in size or dimension so as to make said area less than the minimum required by this Article.
4. To the extent that any portion of the on-site waste water treatment and disposal ordinance of Cerro Gordo County is less stringent or restrictive than any standard specification requirement or ordinances of the Clear Lake Sanitary District then, within the EROD boundaries, the standards, specifications, requirements and ordinances of the Clear Lake Sanitary District shall apply.

D. Special Exception and Appeals

The Board of Adjustment may grant a special exception from any standards or requirements imposed by this Article as provided for under Article 24 of this Ordinance. Any special exception granted shall conform to the requirements and recommendations of the Cerro Gordo County Department of Public Health.

5.7 AIRPORT ZONING ORDINANCE

A. Short Title

This ordinance shall be known and may be cited as “The Mason City Municipal Airport Zoning Ordinance” or “The Airport Zoning Ordinance.”

B. Definitions

For the purposes of this ordinance, the following definitions shall apply unless the context requires otherwise. In each case, the singular shall include the plural and the plural shall include the singular.

AIRCRAFT: Any contrivance used or designed for carrying humans in flight through the air, but not including parachutes.

AERIAL NAVIGATION: The movement of an aircraft through the air.

AIRPORT: The Mason City Municipal Airport.

AIRPORT COMMISSION: The Mason City Airport Commission or its duly appointed representative.

AIRPORT ELEVATION: 1213 feet above mean sea level (MSL).

AIRPORT HAZARD: Any structure or tree or use of land which would exceed the Federal obstruction standards as contained in 14 CFR FAR, Part 77, and which obstructs or is otherwise hazardous to the landing or take-off of any aircraft at the Airport, or hazardous to persons or property on the ground.

AIRPORT HAZARD AREA: Any area of land or water upon which an airport hazard might be established if not prevented as provided by this ordinance.

BUILDING OFFICIAL: The Building Official of Mason City, Iowa, or the Building Official of Clear Lake, Iowa, or a duly authorized designee thereof.

CITY: The City of Mason City, Iowa, and/or the City of Clear Lake, Iowa.

COUNTY: Cerro Gordo County, Iowa.

FEDERAL AVIATION ADMINISTRATION (FAA): An agency of the United States government that administers the federal regulations that relate to the use and flight of aircraft, and related regulations. The location of the controlling FAA office may be found in Appendix I of this ordinance.

INNER EDGE: That edge of any zone that is closest to the runway end to which the zone applies. The inner edge is perpendicular to the runway centerline.

JURISDICTION: The City of Mason City, Iowa, and/or the City of Clear Lake, Iowa, and/or Cerro Gordo County, Iowa.

NON-COMPATIBLE USE: Any activity that would degrade the safety of people on the ground, or occupants of aircraft in flight, including but not limited to: putrescible waste landfills, smoke or steam producing activities, any activity that would produce electrical or radio signal interference not compatible with safe operation of an aircraft, and those that lead to an assembly of people, including, but not limited to: residences, churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons.

NON-CONFORMING STRUCTURE: Any structure or portion of any structure that is located within or underlying any of the zones created by this ordinance and that does not conform to the height and use provisions of this ordinance.

OBSTRUCTION: Any structure or tree, the height of which exceeds that which is allowed by this ordinance.

PERSON: Any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, assignee or other similar representative thereof.

RUNWAY THRESHOLD: A designated point on any Airport runway that establishes the end of the runway. The Runway Threshold may or may not correspond with the end of the paved portion of the runway.

STRUCTURE: Any object, whether permanent or temporary, stationary or mobile, constructed or installed by humans, including but not limited to: buildings, towers, smokestacks, scaffolds, lighting fixtures, public and private roads, railways, and overhead transmission lines, including poles or other structures supporting the same.

TREE: Any object of natural growth 20 feet in height of greater, or that may be expected to grow to a height of 20 feet or greater.

ZONING ADMINISTRATOR: The Zoning Administrator of Cerro Gordo County, Iowa, or a duly authorized designee thereof.

C. Airport Zones

In order to carry out the provisions of this section there are hereby created and established certain zones which are described herein and depicted on the Mason City Airport Zoning Map, which is hereby made a part of this ordinance. Any structure or tree located in more than one zone is considered to be only in the zone with the more restrictive height and use limitation. The various zones hereby established and defined are as follows:

1. **Approach Overlay Zone – (AO) Defined.** The airspace above a sloping plane extending outward from each end of each runway, rising uniformly at a fixed ratio, and of fixed size, through which aircraft commonly operate when arriving at, and departing from, the Airport. AO zones vary in size and slope based upon the present or future use that can be expected for each Airport runway. The AO Zones at the Airport are as follows:
 - a. Runway 36 (AO36) – Beginning 200 feet beyond the paved portion at the end of the runway and centered on the extended centerline of the runway, the inner edge of the zone is 1,000 feet wide, expanding uniformly to an outer edge width of 16,000 feet. The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline. For each 50 feet of horizontal distance the floor of the zone rises from the inner edge one foot (50:1) for a distance of 10,000 feet, and for an additional 40,000 feet, for each 40 feet of horizontal distance, rising at a rate of one foot (40:1).
 - b. Runway 18 (AO18) – Beginning 200 feet beyond the paved portion at the end of the runway and centered on the extended centerline of the runway, the inner edge of the zone is 1,000 feet wide, expanding uniformly to an outer edge width of 16,000 feet. The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline. For each 50 feet of horizontal distance the floor of the zone rises from the inner edge one foot (50:1) for a distance of 10,000 feet, and for an additional 40,000 feet, for each 40 feet of horizontal distance, rising at a rate of one foot (40:1).

- c. Runway 30 (AO30) – Beginning 200 feet beyond the paved portion at each end of the runway and centered on the extended centerline of the runway, the inner edge of each zone is 500 feet wide, expanding uniformly to an outer edge width of 3,500 feet. The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline. The floor of the zone rises from the inner edge one foot for each 34 feet or horizontal distance (34:1), for a distance of 10,000 feet.
 - d. Runway 12 (AO12) – Beginning 200 feet beyond the paved portion at each end of the runway and centered on the extended centerline of the runway, the inner edge of each zone is 500 feet wide, expanding uniformly to an outer edge width of 3,500 feet. The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline. The floor of the zone rises from the inner edge one foot for each 34 feet of horizontal distance (34:1), for a distance of 10,000 feet.
 - e. Height Limitations:
 - (1) Except as otherwise provided herein, no person shall construct or alter any structure, nor plant or grow any tree, so as to penetrate any Approach Overlay Zone created herein.
 - (2) No person shall establish or maintain any private roadway in any location that would result in penetration of any AO zone by any portion of any vehicle that shall be permitted to operate upon such roadway.
2. Controlled Activity Zone – (CA) Defined. An area of fixed size, underlying the innermost portion (closest to the runway end) of the AO zone for that runway, descending from the floor of the AO zone to the ground. The width and length of CA zones may vary, and may be different on each runway end. The CA zones for the Airport are as follows:
- a. Runway 36 (CA36) – Underlying the innermost 2,500 feet of the AO zone at the south end of the runway, the width of the CA zone is 1,000 feet at the inner edge and expands uniformly to a width of 1,750 feet.
 - b. Runway 18 (CA18) – Underlying the innermost 2,500 feet of the AO zone at the south end of the runway, the width of the CA zone is 1,000 feet at the inner edge and expands uniformly to a width of 1,750 feet.
 - c. Runway 30/12 (CA30, CA12) – Underlying the innermost 1,700 feet of the AO zone at the each end of the runway, the width of each CA zone is 1,000 feet at the inner edge, expanding uniformly to a width of 1,510 feet.
 - d. Use Limitation: No person shall establish or maintain any non-compatible use in any Controlled Activity Zone.
3. Horizontal Overlay Zone (HO) Defined. The airspace above a horizontal plane, the perimeter of which is established by swinging arcs of 10,000 foot radii from the center of the inner edge of the AO zones of runways 36, 18, and 30, and an arc of 5,000 foot radius from the center of the inner edge of the AO zone of runway 12, and connecting the adjacent arcs by lines tangent to those arcs. The floor of the HO zone is 150 FT above the Airport elevation, or 1363 feet above mean sea level.
- a. Height Limitation: Except as otherwise provided herein, no person shall construct or alter any structure, or plant or grow any tree, so as to penetrate the Horizontal Overlay zone created herein.
4. Transitional Overlay Zone (TO) Defined. The airspace above a sloping plane rising from the sides of each runway and from the sides of each AO zone at the rate of 1 foot of elevation for each 7 feet horizontally (7:1). The TO zones for the Airport are as follows:
- a. Runway 36 (TO36) – Along each side of the runway, beginning at a point 500 feet from the center line of the runway and at right angles to the runway center line, and from each side of the AO zone at the south end of the runway, at right angles to the extended runway center line. The TO zone is interrupted at the point where it intersects the HO zone, and resumes at the outer edge of the CO zone (see Section 5.7(C)(5) below) and continues outward for a distance of 5,000 feet from the edge of the AO zone.
 - b. Runway 18 (TO18) – Along each side of the runway, beginning at a point 500 feet from the center line of the runway and at right angles to the runway center line, and from each side of the AO zone at the north end of the runway at right angles to the extended runway center line. The TO zone ends at the point where it intersects the HO zone.
 - c. Runway 30/12 (TO30/12) – Along each side of the runway, beginning at a point 500 feet from the center line of the runway and at right angles to the runway center line, and from each side of the AO zone at each end of the runway at right angles to the extended runway center line. The TO zone ends at the point where it intersects the HO zone.

- d. Height Limitations:
 - (1) Except as otherwise provided herein, no person shall construct or alter any structure, or plant or grow any tree, so as to penetrate any Transitional Overlay zone created herein.
 - (2) No person shall establish or maintain any private roadway in any location that would result in penetration of any Transitional Overlay zone by any portion of any vehicle that shall be permitted to operate upon such roadway.
- 5. Conical Overlay Zone (CO) Defined. The airspace above a sloped horizontal plane beginning at the periphery of the HO zone and rising one foot in height for each 20 feet horizontally (20:1) for a distance of 4,000 feet.
 - a. Height Limitations: Except as otherwise provided herein, no person shall construct or alter any structure, or plant or grow any tree, so as to penetrate the Conical Overlay zone created herein.

D. General Zoning Regulations

1. Except as otherwise provided herein, no person shall construct or alter any structure in any zone created herein without having first obtained a building permit from the Building Official or a Zoning Permit from the Zoning Administrator. No person shall be issued a permit for any construction or alteration without a determination or finding from the FAA. (See Section F(2) below). Such finding or determination shall not find or determine that the proposed construction or alteration:
 - a. Would create a hazard.
 - b. Would establish a non-compatible use.
 - c. Would endanger the general safety, health and welfare of persons in the vicinity of the Airport, or occupants of aircraft in flight.
 - d. Would result in the raising of the minimum instrument flight altitude of any Federal Airway, approved off-airway route, or instrument approach procedure to the Airport.
2. Except as otherwise provided herein, no person shall occupy any structure in any zone created herein without having first obtained an occupancy permit from the Building Official or Zoning Administrator. No person shall be issued an occupancy permit for any non-compatible use.
3. No person shall establish or maintain any private roadway in any location that would result in penetration of any zone created herein by any portion of any vehicle that shall be permitted to operate upon such roadway.
4. Notwithstanding any other provision of this ordinance, no person shall, in any zone created by this ordinance, or upon any land or water underlying such zones:
 - a. Establish any putrescible waste landfill, or open air composting facility one (1) acre in size, or larger.
 - b. Create, alter, or maintain any structure or use that would create a bird strike hazard.
 - c. Create, alter, or maintain any structure or use in such a manner as to create electrical or radio interference with aviation navigational signals or aircraft communications.
 - d. Install, align or use any lighting devices that make it difficult for pilots to distinguish between airport lights and others, create glare in the eyes of pilots, or otherwise impair visibility.
 - e. Produce steam, smoke, or other visual hazard that would impair visibility.
 - f. Create, alter, or maintain any structure or use that would endanger or interfere with landing, takeoff or maneuvering of any aircraft.
 - g. Plant, or allow the growth of, any tree, which, during the normal life cycle of such tree, can be expected to grow into any zone created herein.

E. Lighting and Marking

1. Notwithstanding any other provision of this ordinance, any person constructing or altering any structure located in any zone created by this ordinance shall install all lighting or markings upon said structure as shall be recommended by the FAA as a part of its review of the applicant's Notice of Proposed Construction or Alteration. Such lighting or markings shall be made in a manner consistent with FAA Regulations and Advisories.
2. Any permit or variance granted under the provisions of the ordinance may be so conditioned so as to require the owner of the land, structure, or tree in question to permit the City or County, at its own expense, to install, operate, and maintain such lighting and/or markings as the City or County deems necessary to indicate to operators of aircraft the presence of an airport obstruction.

F. Administrative Procedure

1. The Building Official or Zoning Administrator shall perform the administration of these zoning regulations.
2. Any person who proposes to construct or alter any structure in or underlying any of the zones created herein shall notify the Administrator, Federal Aviation Administration, by filing with the appropriate federal agency, an executed FAA form 7460-1, Notice of Proposed Construction or Alteration (See Appendix II). Such notice should be given sixty (60) days prior to, and shall be given no later than thirty (30) days prior to the earlier of the following dates:
 - a. The date the proposed construction or alteration is to begin.
 - b. The date an application for building permit or occupancy permit is to be filed.
3. In the event of an emergency involving essential public services, public health, or public safety that requires immediate construction, the Building Official, or Zoning Administrator, may waive the 30 day notice requirement, providing the applicant complies with the requirements of 14 CFR FAR, Part 77.17(d).
4. Except as otherwise provided herein, the Building Official or Zoning Administrator shall not issue any building permit or occupancy permit without first:
 - a. Having received from the applicant a copy of the applicable FAA form 7460-1, as submitted under paragraph B. of this section, and the corresponding finding or determination from the FAA that the proposed construction or alteration complies with Section 5.7(D) of this ordinance.
 - b. Having determined that the proposed use is not non-compatible, and is consistent with the zoning provisions contained herein.
5. EXCEPTIONS: No FAA form 7460-1 is required to be submitted to the FAA or to the Building Official or Zoning Administrator for a building permit for construction or alteration of any structure which the Building Official or Zoning Administrator has determined that:
 - a. The proposed structure meets the requirements for shielding. Each and all of the following requirements are required for a determination of shielding.
 - (1) The property upon which the construction or alteration is proposed is located within the congested area of a city.
 - (2) The proposed structure does not lie within any CA zone.
 - (3) There exists a structure or structures of a permanent and substantial nature at least as tall and at least as wide as the proposed structure, and which lie(s) between the location of the proposed construction or alteration, and a point on the runway centerline at the threshold of the closest end of the closest runway of the Airport.
 - (4) The shielding structure is within 500 feet of the structure that is proposed for construction or alteration.
 - (5) It is evident beyond a reasonable doubt that the shielded structure will not adversely affect aerial navigation.
 - b. The proposed structure is an antenna that is no greater than 20 feet in height, and does not increase the height of an existing antenna structure.
 - c. The proposed structure is an airport, aerial navigation, or meteorological device, of a type approved by the FAA, the location and height of which is fixed by function.
6. WAIVER: The Building Official or Zoning Administrator shall set aside the provision of Section 5.7(F)(4)(a), above, when the following conditions have been met:
 - a. The applicant has provided evidence that an applicable FAA form 7460-1 has been submitted in accordance with Paragraph B of this section, and that thirty (30) days or more have elapsed since submission.
 - b. That the FAA has not issued a determination in response to the applicable FAA form 7460-1.
 - c. The applicant agrees that should the subsequent FAA determination, when issued, find that the proposed construction or alteration constitutes a hazard, or otherwise fails to comply with Section 5.7(D) of this ordinance, that the construction or alteration shall be revised and/or reconstructed so as to alleviate the condition which the determination has found to be adverse.
 - (1) The applicant further agrees that required revision and/or reconstruction shall be completed within 120 days of the issuance of the FAA determination.
 - (2) The applicant further agrees that failure to revise or reconstruct as provided herein constitutes a nuisance, and is subject to abatement in accordance with applicable law.

G. Non-Conformities

1. The regulations prescribed herein are not retroactive and shall not be construed to require the removal of any tree, or the reconstruction or alteration, or the discontinuation of any use of any structure made non-conforming by the adoption of this ordinance.
2. Nothing contained herein shall require any change in the construction or alteration, or the intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and which is completed within one year thereafter.
3. No pre-existing non-conforming structure, use, or tree shall be rebuilt, altered, allowed to grow higher, or be replanted, so as to constitute a greater Airport hazard than it was at the time that these regulations were adopted.
4. Whenever the Building Official or Zoning Administrator determines that a non-conforming structure has been abandoned, or more than 50% torn down, physically deteriorated, damaged or decayed, no building permit or occupancy permit shall be issued that would allow such structure to exceed the applicable height and use provisions of this ordinance. Any tree so damaged or destroyed shall be subject to the provisions of Section 5.7(D)(4)(g) of this ordinance.
5. Notwithstanding the previous provisions of this section the owner of any pre-existing non-conforming structure or tree shall be required to permit the installation, operation, or maintenance thereon of any markers and/or lights as shall be deemed necessary by the City or County to indicate to the operators of aircraft, the presence of such structure or tree. Such markers and lights shall be installed, operated, and maintained at the expense of the City or County.

H. Airport Zoning Commission

Pursuant to the provisions of Section 329.9 of the Iowa Code, there shall be a Mason City Municipal Airport Zoning Commission, consisting of 7 members, two of whom shall be appointed by the City of Mason City, two of whom shall be appointed by the City of Clear Lake, two of whom shall be appointed by the Board of Supervisors of Cerro Gordo County, and one additional member whom shall be selected by a majority vote of the City and County appointed members, and who shall serve as Chairperson of said commission. The terms of such members shall be as provided by Section 329.9 of the Iowa Code.

I. Airport Zoning Board of Adjustment

Pursuant to the provisions of Section 329.12 of the Iowa Code, there shall be a Mason City Airport Zoning Board of Adjustment, consisting of 7 members, two of who shall be appointed by the City of Mason City, two of whom shall be appointed by the City of Clear Lake, two of whom shall be appointed by the Board of Supervisors of Cerro Gordo County, and one additional member whom shall be selected by a majority vote of the City and County appointed members, and who shall serve as Chairperson of said commission. The terms of such members shall be as provided by Section 329.9 of the Iowa Code. The Airport Zoning Board of Adjustment shall have the duties and powers established by the Iowa Code.

J. Special Exceptions

1. With the concurrence of a majority vote, the Airport Zoning Board of Adjustment (the Board) may, based upon a written determination from the FAA, reverse any order, requirement, decision or determination of any administrative official and may modify the provisions of this ordinance in favor of an applicant, providing:
 - a. Any height or use limitations contained in this ordinance that is modified by the Board shall not result in an obstruction to any aircraft in flight.
 - b. No use of land shall be permitted that would not be compatible with airport operations.
2. Any application for a special exception to the provisions of this ordinance shall include as a part thereof, the written determination of the FAA pertaining to the application, and no application shall be set for hearing by the Board in the absence is such FAA determination.

K. Variances

1. Any person desiring to construct or alter any structure, or permit the growth of any tree, or otherwise use property in a manner that would constitute a violation of this ordinance, may apply to the Board for a variance from these regulations. The Board shall consider no application for a variance to the requirements of this ordinance unless a copy of the application has been submitted to the Airport Commission for their opinion as to the aeronautical effects of such a variance. If the Airport Commission fails to respond to the Board within sixty (60) days from its receipt of the copy of the application, the Board may make its decision in the absence of the Airport Commission opinion. Such variances may be granted by the Board only where the literal application of these regulations would result in unnecessary hardship, and are subject to the following:
 - a. Such variance would not be contrary to the public interest.
 - b. Such variance would be in the spirit of this ordinance and of Chapter 329 of the Iowa Code.
 - c. Such variance shall be granted subject to any reasonable conditions that the Board may deem necessary to effectuate the purposes of this ordinance and of Chapter 329 of the Iowa Code.
 - d. Such variance shall be subject to the requirement that the applicant shall install, operate, and maintain such markings and lighting, at the applicant's own expense, as may be necessary to indicate to aircraft operators the existence of an airport obstruction as determined by the Board.
 - e. Such variance shall be subject to the reservation of the right of the City and the Airport at their own expense, to go onto applicant's property to install, operate, and maintain thereon such FAA approved markers and lights as may be necessary to indicate to operators of aircraft the existence of an airport obstruction.
2. Any person aggrieved or affected by any decision of the Airport Zoning Board of Adjustment may appeal such decision, pursuant to the provisions of the Iowa Code.

L. Enforcement

Enforcement of the provisions of this ordinance shall be the responsibility of the Building Official or Zoning Administrator, or such person(s) as the Building Official or Zoning Administrator shall, from time to time, direct. However such duties of enforcement and administration shall not include any of the powers herein delegated to the Airport Zoning Board of Adjustment.

M. Equitable Remedies

The City of the Airport may, pursuant to Section 329.5 of the Iowa Code, maintain an action in equity to restrain and abate as a nuisance the creation, establishment or maintenance of an airport hazard, in violation of any provision established by this ordinance, on any property, whether within or without the territorial limits of the City.

N. Prohibited Acts

Except as herein provided, it shall be unlawful for any person to construct or alter any structure, use any land, or grow any tree in violation of the provisions of this ordinance.

O. Penalties

Each violation of these regulations shall constitute a misdemeanor and the perpetrator thereof, upon conviction, shall be punished by a fine not to exceed \$100 or by imprisonment in the county jail for not more than 30 days, or both. Each day a violation occurs or continues to exist shall constitute a separate offense.

P. Conflicting Regulations

In the event of any conflict between regulations contained in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to height of structures or trees, use of structures or land, or any other matter, the more stringent limitation or requirement shall prevail.

Q. Repealer

In each jurisdiction that adopts this ordinance, all pre-existing Ordinances and parts of Ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict.

R. Severability

If any section, provision, or part of this ordinance shall be adjudged to be invalid, such adjudication shall not affect the validity of this ordinance as a whole, nor any section, provision or part thereof not adjudged invalid.

S. Effective Date

This ordinance shall be in effect in each jurisdiction immediately after its final passage by the governing body of that jurisdiction, and publication, as required by law.

APPENDIX I

The controlling Federal authority for the Mason City Municipal Airport is:

Federal Aviation Administration, Central Region
Office of the Manager, Airports Division
901 Locust
Kansas City, MO 64106-2641

APPENDIX II

Notice of Proposed Construction or Alteration, FAA Form 7460-1 shall be sent to:

Express Processing Center, Federal Aviation Administration
Southwest Regional Office, Air Traffic Division Airspace Branch, ASW-520
2601 Meacham Boulevard
Fort Worth, TX 76137-0520

Or may be filed electronically using the internet at: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

ARTICLE 6: GENERAL REGULATIONS**6.1 AGRICULTURE**

This ordinance does not apply to farms, farm houses, farm barns, farm outbuildings or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used.

However, the ordinance may apply to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream.

6.2 CONFORMANCE REQUIRED

Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the district in which it is located.

However, a building that is nonconforming, as to setback requirements only, may be enlarged upon application and grant of a special exception by the Board of Adjustment. Said special exception may be granted if the particular setback requirement in question is not reduced beyond the existing yard dimension if closer than 50 percent of the applicable setback requirement and all other standards established under Section 24.4(A)(2)(a) of this ordinance are satisfied.

6.3 CONTINUING EXISTING USES

Any use, building or structure existing at the time of the enactment of this Ordinance may be continued even though such use, building or structure may not conform with the provisions of this Ordinance for the district in which it is located. Neither shall any change of title or of right to possession affect such continuation of any existing use.

No structure alteration or repair to any non-conforming structure over the life of the structure shall exceed 50 percent of its fair market value at the time of its becoming a non-conforming use, unless the structure is permanently changed to a conforming use.

6.4 NONCONFORMING USES OR BUILDINGS

No existing building or premises devoted to a use not permitted by this Ordinance in the district in which such building or premises is located, except when required to do so by law or order shall be enlarged, extended, reconstructed, substituted, or structurally altered unless the use thereof is changed to a use permitted in the district in which such building or premises is located. Whenever a nonconforming use has been changed or altered so as to become more in compliance with the regulations of the district it is located in, such use shall not thereafter revert or be changed to a use which is in less compliance with district regulations except as follows:

A. Discontinuance

If a nonconforming use is discontinued for one (1) year or more, it shall not be re-established.

B. Replacing Damaged Buildings

Any nonconforming building or structure damaged more than fifty (50) percent of its fair market value, prior to destruction and exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or Act of God shall not be restored or reconstructed and used as before such occurrence; but if less than fifty (50) percent damaged above the foundation, it may be restored, reconstructed or used as before, provided that it be done within six (6) months of such occurrence and is in accordance with current and acceptable building practices and requirements.

6.5 ZONING FOR FAMILY HOMES

A Family Home shall be considered a residential use of property for the purposes of zoning and shall be treated as a permitted use in all residential zones or districts, including all single family residential zones or districts, of the County. No Conditional Use Permit, Special Use Permit, Special Exception, or Variance shall be required by the owner, or operator of any Family Home as required by Chapter 335, Code of Iowa (or as amended).

A new Family Home shall not be located within one-fourth (1/4) of a mile from another family home.

A home for person with disabilities, an elder group home, or a home or community-based services waiver recipient residence shall be regulated the same as a family home, as specified by Chapter 335, Code of Iowa (or as amended)..

6.6 PENDING APPLICATIONS FOR ZONING PERMITS

Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals and required permits have been granted before the enactment of any amendment to this Ordinance, the construction of which conforms with such plans shall have been started prior to the effective date of such amendment to this Ordinance and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builders' control.

6.7 STREET FRONTAGE REQUIRED

Except as otherwise permitted in this Section, no lot shall contain any building used in whole or in part for residential purposes unless such lot abuts for at least twenty (20) feet on at least one (1) street.

6.8 DWELLING

It is the intent of this provision to allow one dwelling structure, either single family or duplex, where permitted, per lot in the A-1 and A-2 Agriculture Districts, and the R-Single Family Residence Districts. However, in the R-4 Multi-Family Residence District and the Commercial Districts, more than one multi-family dwelling structure per lot would be permitted.

6.9 ACCESSORY STRUCTURES OR USES IN RESIDENCE DISTRICTS AND AGRICULTURAL DISTRICTS

- A. No accessory structure or use shall be established in any required court or in any required yard other than a rear yard except as provided hereinafter.

Accessory structures or uses shall be located at least ten (10) feet from the principal building, and shall also be distance at least ten (10) feet from any other separate structure on the same lot, and at least three (3) feet from all rear lot lines.

In residential districts, where it is desired to build a detached garage or other accessory structure to the side of a dwelling or less than ten (10) feet behind the rear line of the principal building, the minimum front, side and rear yard requirements for a principal building in the Zoning District shall be observed in placing and erecting said accessory structure. No accessory structure shall be placed between the dwelling and the front lot line.

In agricultural districts, accessory structures may be placed in any location on the property, including between the dwelling and front lot line, as long as the above separation distances are met and the minimum front and side yard requirements for a principal building in the Zoning District are observed.

On Lake lots, a detached garage or other accessory structure may be built in the front yard as long as all setback and separation requirements are followed.

Sleeping and bathroom accommodations are prohibited in detached accessory structures.

- B. No accessory structure or use or group of accessory structures or uses in any residential district shall cover more than twenty-five (25) percent of the required rear yards.
- C. Accessory structures, except those housing animals or fowl, maybe erected as part of the principal building or maybe connected thereto by a breezeway or similar structure provided all yard requirements for a principal building are complied with and the accessory structure or use for the purpose of determining yard requirements will be treated as an addition to the principal building.
- D. Animals may be kept in agricultural districts only, and as permitted in Article 7 and Article 8.
- E. In any residential or agricultural district, no more than six (6) boat hoists shall be permitted to be stored on any lot except as otherwise provided for in this Ordinance.

6.10 REQUIRED YARD CANNOT BE REDUCED

No lot shall be reduced in area so as to make any yard or any other open space less than the minimum required by this Ordinance. No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required under this Ordinance for another building or structure.

Off-street parking and loading areas may occupy all or any part of any required yard or open space except as otherwise specified in this ordinance. In districts where permitted, however, no permanent parking of vehicles, travel trailers, mobile homes, or implements (whether for sale or not), shall be permitted within one-half (1/2) of the required yard distance nearest the street or streets.

6.11 FRONT YARD SETBACK AVERAGE

In any District there shall be a minimum front yard required as stated in the yard requirements for that particular district; provided, however, that where lots comprising thirty (30) percent or more of the frontage within 200 feet of either side lot line are developed with buildings at a greater or lesser setback, the front yard minimum requirement shall be the average of these building setbacks. In computing the average setback, buildings located on reverse corner lots or entirely on the rear half of lots, shall not be included in the computation.

6.12 OFF-STREET PARKING AND LOADING

In Residence Districts one (1) commercial vehicle (pickup or panel type) may be parked on a lot, however, no commercial vehicle with dual rear wheels (four [4] or more wheels on the rear of the vehicle) may be parked on such lots.

Such permitted use shall be for the purpose of transportation, not commercial purposes which are not permitted in Residential and Agricultural Districts.

In any Commercial or Industrial District, spaces for loading or unloading shall be provided, and in all districts, parking spaces for parking and storage of vehicles shall be provided in accordance with the provisions of Article 19.

6.13 HEIGHTS, HOW MEASURED

On a corner or interior lot, the height shall be the vertical distance from the average established curb grade or from the average finished grade at the building line if higher.

6.14 STORIES

The lowest story or the ground story, or first story of any building is the lowest story, the floor of which is not more than three and one-half (3-1/2) feet below the average contact ground level at the exterior walls of the building; except that any basement used for residence purposes, other than for a janitor or caretaker of his family, shall be deemed a ground or first story.

6.15 FRONT YARD ON LOTS RUNNING THROUGH THE BLOCK

In any district where a lot runs through a block from street to street and where a front yard is required, such front yard shall be provided along each street lot line, not a side street lot line.

6.16 FRONT YARD DEPTHS, HOW MEASURED

The minimum front yard depth as specified, shall be measured from the established right-of-way line of the street on which the lot fronts.

6.17 STORAGE OF TRAVEL TRAILERS

It shall be strictly prohibited in all zoning districts to allow the storage of a recreation vehicle, travel trailer, camper, utility trailer and other similar vehicles and devices in any required front yard.

In order to facilitate the demands for temporary storage of such vehicles and devices, such temporary storage may be allowed in appropriate parking areas for a period not to exceed seventy-two (72) hours and in not greater frequency than twice a month.

Permanent storage of such vehicles in all zoning districts shall be permitted in side and rear yards only. Setback requirements for accessory structures must be observed. Refer to Article 22-D concerning availability of temporary occupancy permits.

6.18 BUILDING LINES ON APPROVED PLATS

Whenever the plat of a land subdivision, approved by the County Board of Supervisors and recorded, for purposes of creating a front yard or side street yard line, the building line thus shown shall apply along such frontages in place of any other yard line required in this Ordinance unless specific yard requirements in this Ordinance require a greater setback.

6.19 MINIMUM WIDTH REQUIREMENT PER DWELLING UNIT

- A. The minimum dimension of the main body of the dwelling unit shall not be less than twenty-two (22) feet
- B. In no case shall two (2) or more structures constructed as individual dwelling units be allowed to be attached for the purpose of satisfying the width requirements, nor shall any structure constructed as an individual dwelling unit have additions constructed for the purpose of satisfying the width requirements.
- C. Provisions of the minimum width requirement per dwelling unit does not apply to lake lots in a residential district.

6.20 MINIMUM GROUND FLOOR AREA REQUIREMENT PER DWELLING UNIT

- A. A one (1) floor dwelling shall contain not less than seven hundred twenty (720) square feet of usable ground floor area exclusive of open porches, garages or steps.
- B. A story and one-half or two-story dwelling shall contain no less than six hundred fifty (650) square feet of ground floor area exclusive of open porches, garages or steps.

6.21 PRINCIPAL USE ON A COMMERCIAL OR INDUSTRIAL LOT

In any commercial or industrial district, more than one (1) permitted or permissible principal use may be allowed on a single lot, provided that yard and other requirements of this Ordinance shall be met for each use as though it were an individual lot.

6.22 SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS

No parcel of land which has less than the minimum width or area requirements for the district in which it is located may be cut off from another parcel of land for the purpose, whether immediate or future, of building or development as a lot unless a special exception is granted by the Board of Adjustment. Said special exception shall only be granted if all resultant lots conform or are less non-conforming to the respective district requirements in which the lots are located.

6:23 LOTS OF RECORD - UNDERSIZE

If any district in which dwellings are permitted, a single family dwelling shall be permitted on a single lot of record at the time of passage of this Ordinance, subject to other provisions of this Ordinance. Side yards for dwellings on lots of record at the time of passage of this Ordinance which do not meet the minimum width requirement of the district in which located may be reduced as follows unless otherwise provided in the district regulations:

- A. Interior Lots. The width of each of the side yards may be reduced to ten percent of the width of the lot on lots having a width of fifty (50) feet, or more. On lots having a width less than fifty (50) feet, each side yard shall be no less than three (3) feet.
- B. Corner Lots. The width of the side yard adjacent to the side street may be reduced to not less than twelve and one half (12-1/2) feet. The width of the side yard opposite the side street may be reduced to ten percent of the width of the lot on lots having a width of fifty (50) feet, or more. The width of the side yard opposite the side street shall be no less than three (3) feet on lots having a width less than fifty (50) feet.

6.24 CONSTRUCTION OF ACCESSORY BUILDING BEFORE PRINCIPAL BUILDING

No permit for an accessory building shall be issued unless and until a permit has been issued for the principal building.

6.25 SALE OR LEASE OF REQUIRED SPACE

No space needed to meet the width, yard, area, coverage, parking or other requirements of this Ordinance for lot or building may be sold or leased away from such lot or building.

6.26 WATER AND SEWAGE REQUIREMENTS

In all cases where a proposed building or proposed use will involve the use of sewage facilities and public sewer and/or water is not available, the sewage disposal and/or the domestic water supply shall comply with the requirements of the County Board of Health and the application for a building permit shall be accompanied by a certificate of approval from said Board of Health. The following minimum lot area and frontage requirements for single family dwellings shall apply in such cases except in districts where the said minimum for any single family dwelling is greater than those listed below.

No public sewer and water:	Minimum area - 20,000 square feet 100 foot lot width
Public water supply, no public sewer:	Minimum area - 10,000 square feet 80 foot lot width

6.27 STRUCTURES PERMITTED ABOVE HEIGHT LIMITS

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

- A. Chimneys, cooling towers, elevators, bulkheads, fire-towers, monuments, stacks, tanks, water towers, ornamental towers and spires, commercial radio or television towers or necessary mechanical appurtenances may be erected to the height with a special exception granted by the Board of Adjustment.
- B. Public, semi-public or public service building, hospitals, sanitariums or schools, when permitted in a district may be erected to a height not exceeding sixty (60) feet, and churches and temples when permitted in a district may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each property line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is located.
- C. Flag poles, light poles, and similar single pole structures may be established within the required front yard setback but may not be established in the required side and rear yard setbacks. The height of such a structure shall not exceed thirty (30) feet in height without a special exception granted by the Board of Adjustment.
- D. Private communication towers, including base and guyed wires, may not be established in the required yard setbacks, and may not be established in the front of the front line of the principal building. The height of such a structure shall not exceed sixty (60) feet in height, as measured to the highest point of the structure including the antenna, unless a special exception is granted by the Board of Adjustment. Private radio tower and antennas not exceeding sixty (60) feet in height may be permitted in any agricultural or residential district.
- E. Wind energy systems that are accessory to a principal permitted use shall be permitted only in the A-1 and A-2 Districts, and on lots greater than 20,000 square feet in the R-1, R-4, C-2, C-3, M-1 and M-2 Districts subject to the following standards.
 1. Wind energy systems located in the A-1 and A-2 Districts may be located anywhere on the lot in conformance with these standards. Wind energy systems in any other district listed above shall be located in a rear yard.
 2. The base of the wind energy system shall be located a distance equal to the height of the tower measured from its base to the height of the blade at its apex from any property line or road right-of-way line. A lesser setback may be authorized with a special exception granted by the Board of Adjustment if a structural engineer, licensed in the State of Iowa, certifies in writing that the collapse of the system will occur within a lesser distance under all foreseeable circumstances. Guy wire anchors shall be set back from lot lines a distance equal to the setbacks required in the zoning district in which the wind energy system is located.
 3. In no case shall a wind energy system exceed a height of:
 - a. 80 feet on parcels of two (2) acres or less; and
 - b. 120 feet on parcels greater than two (2) acres.
 4. Wind energy systems shall not exceed 60 dBA as measured at the closest neighboring inhabited dwelling. This level may be exceeded during short-term events such as utility outages and/or periods of high winds.
 5. Wind turbines shall have been approved under a certification program or standards recognized by the American Wind Energy Association.
 6. Evidence of the wind energy system's compliance with applicable Federal Aviation Administration regulations shall be required.
 7. No wind energy system shall be installed until evidence has been provided that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. The wind energy system shall meet the requirements for interconnection and operation as set forth by the utility company and the Iowa Utilities Board. Systems that are not interconnected with the utility company's system shall be exempt from the requirement to notify the local utility company.
 8. Electrical equipment boxes, control panels, external ladders, and other similar appurtenances shall be locked or secured by other means to prevent tampering and unauthorized access.

9. Non-functional or inoperative wind energy systems shall be deemed to be abandoned after a period of one (1) year. Upon proof that a replacement turbine has been ordered, the tower structure, foundations, and transmission equipment may remain, however, the turbine shall be removed. If no replacement turbine is ordered within one (1) year of non-function or inoperability or if structural components are in disrepair which may result in collapse, the entire system including the tower structure and transmission equipment shall be removed.
- Non-function or inoperability may be verified from reports provided by the utility company if the wind energy system is interconnected. If such removal is required, the Zoning Administrator shall notify the owner/operator.

6.28 OTHER EXCEPTIONS TO YARD REQUIREMENTS

The following exceptions shall apply to yard requirements:

- A. Every part of a required yard shall be open to the sky unobstructed with any building or structure except for an accessory building as permitted in Article 6.9 and except for ordinary projections not to exceed twenty-four (24) inches including roof overhang.
- B. Porches, canopies, decks, or similar architectural features as a part of a dwelling that are open and unenclosed may encroach into the required front yard but shall not exceed more than twenty percent (20%) of the front yard requirement. This exception shall not apply to a front yard setback average as applied in Article 6.11. On lake lots, open decks or raised patios without a roof or canopy may encroach into a required side yard but shall not encroach closer than fifty percent (50%) into the required side yard of the applicable district.
- C. Front and rear yard requirements shall not apply to the projection of usual steps. Steps may encroach into a required side yard but shall not encroach closer than fifty percent (50%) into the required side yard of the applicable district.
- D. Yard requirements shall not apply to typical exterior appurtenances incidental and necessary to the use of a dwelling, such as air conditioning units, LP tanks used for home heating, or similar appurtenances as determined by the Zoning Administrator. This exception shall not apply to buildings. It shall be the property owner's responsibility to ensure said appurtenances meet all applicable federal, state, and local rules.
- E. Any lake lot that abuts an unimproved public right-of-way that has lake access shall be treated as an interior lot for the purposes of yard requirements and shall not be considered a corner lot.

6.29 SUB-LOTS

When authorized as a permitted use in the zoning district in which it is proposed to be located, dwellings with common party walls may be constructed on a sub-lot, and separately conveyed subject to compliance with all of the following conditions:

- A. Site Requirements
 - 1. Recorded Lots. Each sub-lot shall be located in a recorded subdivision lot--said lot shall contain an area of not less than seven thousand five hundred (7,500) square feet.
 - 2. Number of Sub-Lots. The allowable number of sub-lots shall be determined by dividing the gross area of the platted lot by the density limits of the zoning district. In no case, however, shall a sub-lot have an area of less than three thousand five hundred (3,500) square feet or more than one (1) dwelling unit thereon.
 - 3. Building Limitations. The yard, height, and area requirements of the district shall apply to the entire area of the platted lot or of the development tract.
 - 4. Parking. Off-street parking shall be provided in accordance with Article 19 of this Ordinance.
- B. Procedure

The procedure for the approval of a sub-lot plan by the Board of Supervisors and the resultant issuance of building permits, shall be the same as that for a subdivision.

6.30 SWIMMING POOLS

- A. All swimming pools shall be enclosed by a solid wall or fence or chain link fence not less than five (5) feet nor more than six (6) feet in height to prevent unauthorized and uninvited access.
- B. In the Agricultural and Residential District, private swimming pools can be located beside, in front of, or behind the principal use but shall not be located within any of the required yard areas. Where decks and/or canopies are used in conjunction with this use, conformance shall be made with all required setbacks and codes of the district for accessory structures. See Article 6, General Regulations, "Accessory Structures or Uses in Residence Districts and Agricultural Districts."
- C. No public swimming pool shall be located closer than twenty-five (25) feet to any lot line on which it sets.

6.31 FENCES, WALLS, AND VISION CLEARANCE

- A. On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the center line grades of the area described as follows:

That area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines twenty-five (25) feet from the point of intersection of said right-of-way lines.

- B. Notwithstanding the provisions of Article 6 "ACCESSORY STRUCTURES OR USES IN RESIDENCE DISTRICTS AND AGRICULTURAL DISTRICT," the following provisions shall prevail:
 1. On any lot used for residential purposes, fences and walls not exceeding six (6) feet in height are permitted within the limits of the required side yards and rear yards except on a lake lot. A fence or wall not exceeding three (3) feet in height is permitted within the limits of the required front yards or rear yards of a lake lot.
 2. Within the limits of the required front yards on any lot not zoned or used for residential purposes, a chain link fence or structure of similar density is permitted. Within or bounding the required side or rear yard, a wall, fence, or chain link fence is permitted. The height of any of these structures shall be no greater than that for structures in that district.
 3. In the case of retaining walls supporting embankments, the above requirements shall apply only to the part of the wall above the ground surface of the retained embankment.
 - a. Grade for determining the maximum height above grade for fences and walls:
 - (1) For a fence along a street right-of-way, grade shall be the highest point of the pavement lying between the intersection of the center line and a projection of the side lot lines.
 - (2) For a fence or wall between the front lot line and the front building lines, grade shall be prorated between the grade at the front lot line and the grades at the building.
 - (3) For a fence or wall along the rear lot line or between the front building line and the rear lot line, grade shall be the grade at the building.
 - b. Fences and walls on a corner lot shall comply with the vision clearance requirements of Paragraph A on the previous page.

6.32 CONTROLLED ACCESS

It is the intention of this article to protect the public and those property owners and residents whose lands, homes and buildings abut any county road and at the same time provide for the free flow of traffic upon, entering upon and existing from any county road.

This article shall in no way affect existing access facilities as long as these access facilities are maintained and used for their present purposes. This article shall not be construed to refer to access facilities used only for agricultural purposes.

Except as hereinafter provided, any parcel or tract of land of record, which subsequent to the effective date of this Ordinance is subdivided or for which access to a county road is desired, shall be provided such access facilities only upon a marginal access road (frontage road). The marginal access road shall serve the property desirous of an access facility. Entrance to and exit from such properties shall be upon this marginal access road and thence by access facilities to the prime facility (a county road). However, where special problems exist, the Zoning Commission after careful study may recommend that direct access to the prime facility be allowed.

Permission for access facilities shall be granted only after a thorough study of the topography of the area under consideration, the future need for extending such marginal access road beyond the limits of the property under consideration, the traffic density on the county road upon which the marginal road will have access, and any other related features which would affect the proposed access facilities.

After the effective date of this Ordinance, access to county roads shall be granted to a property owner or subdivider only by the County Board of Supervisors upon the recommendation of the County Zoning Commission after the Commission has made a thorough study and heard evidence on the proposal. Marginal access roads shall become the property of the County after proper legal dedication and acceptance by the county.

6.33 SITE PLAN FEES

- A. For any use which requires a site plan that affects an area of one (1) acre or less, the fee shall be \$100.00. For any use which requires a site plan that affects an area of one (1) acres or more, the fee shall be \$200.00. For any use which requires a site plan and is located on more than one (1) non-contiguous lot, an additional \$100 fee shall be assessed for each additional site. The fees as described in this section are for site plan review only.
- B. Site plans are required for the following: Planned Shopping Center, Planned Area Development, Go-Kart Tracks, Racetracks, Dragstrips, Sewage Treatment Plants and Waste Stabilization Lagoons, Public or Private Utility Service, Mobile Home Park, Travel Trailer Park, Anhydrous Ammonia Pumping and Storage Facilities, Wholesale Storage of Gasoline, fuels, oils, flammable or toxic substances, Commercial feedlots and confinement operations, Salvage Yards and/or junk yards, Extraction and Primary Material Processing and Permanent Asphalt Plants and commercial composting operations.

6.34 HOME OCCUPATIONS

- A. Home occupation standards. Home occupations are permitted in the "A" Agriculture Districts and "R" Residential Districts. To qualify as a Home Occupation, the following conditions shall be met:
 1. There shall be no alterations to the exterior of the dwelling or any exterior evidence of the Home Occupation except as hereafter permitted.
 2. A Home Occupation shall not produce excessive noises, obnoxious odors, electrical disturbances, or significant additional vehicular traffic which would render the use objectionable or detrimental to or incompatible with the residential character of the neighborhood.
 3. The Home Occupation shall not create a need for additional on or off-street parking beyond normal dwelling needs.
 4. There shall be no advertising on the premises other than one (1) sign not exceeding the dimensions for nameplates in Agricultural and Residential Districts stated in Article 19 of this Ordinance.

5. The home occupation, its materials, supplies, equipment, and products shall occur in and be confined to the dwelling or a permitted accessory building or buildings located on the premises. Outdoor displays of any kind are prohibited.
 6. Direct sales of products, except sales of products incidental to the provision of personal professional services and those produced as part of the home occupation, shall not be allowed, however, catalog, telephone or Internet orders may be picked up as part of a home occupation.
 7. In residential districts, no heavy equipment or trucks, connected in any way with the home occupation and exceeding eight (8) ton capacity shall be parked on the premises, except entirely within an enclosed structure.
 8. Unless specifically prohibited in Section B below, nothing in this section shall be construed or applied to prohibit the provision of professional or personal services or counseling on an appointment basis to individuals or families so long as the provision of such services in all other respects complies with the requirements for a home occupation. Examples of professional or personal services include, but are not limited to financial planning, tax preparation, counseling, and legal representation.
- B. Prohibited Home Occupations. The following uses are expressly prohibited as Home Occupations and shall not be allowed in any district unless allowed by Special Use Permit pursuant to Article 20, or another section of this Ordinance.
1. Contractor's storage yards for the parking of contractor's equipment and/or the storage of construction or scrap materials.
 2. Motor vehicle and small engine repair, motor vehicle sales, auto body or fender repair, motor vehicle painting, and minor auto repair garages.
 3. Animal hospital, veterinary clinic or kennels.
 4. Restaurants, clubs, and drinking establishments.
 5. Undertaking establishments and funeral homes or parlors.
 6. Sexually oriented businesses.
 7. Salvage yards and/or junk yards.
 8. Health care facilities and medical offices for doctors and dentists.
 9. Shops for contractors and tradesmen, including but not limited to electricians, plumbers, and carpenters on residentially-zoned parcels. Such shops are permissible in agriculturally-zoned districts.
 10. Trash-hauling operations.
 11. Tattoo and body-piercing services.
- C. No permit shall be required for a home occupation.

6.35 FEES FOR PAYMENTS AND ONLINE APPLICATIONS

Where a credit card, debit card, or any other form of payment is accepted for any fees authorized under this Ordinance and a convenience charge, service fee, or any other such type of fee are assessed by the servicer of said form of payment, all such fees shall be assessed to the applicant or person or persons making request in addition to all other such fees assessed and authorized under this Ordinance.

Where a fee or convenience charge is assessed by a servicer for the use of submitting application or request through an online portal, all such fees shall be assessed to the applicant or person or persons making request in addition to all other such fees assessed and authorized under this Ordinance.

ARTICLE 7: A-1 AGRICULTURAL DISTRICT**7.1 DECLARATION OF INTENT**

The A-1 Agricultural District is one of agricultural uses which is designed to permit the continued use of such land for agricultural purposes. Such areas shall not be less than ten (10) acres in size.

The following regulations and the General Regulations contained in Article 6 shall apply in the A-1 Agricultural District.

7.2 PRINCIPAL PERMITTED USES

- A. Farms and farmhouses.
- B. Specialized farms where livestock, such as hogs, cattle horses, poultry, pigeons, rabbits, and other common farm animals are bred and/or raised, but not including the feeding or disposal of community or collected garbage.
- C. Specialized horticultural operations, including truck gardens, orchards, and wholesale nurseries.
- D. Forest and wildlife preserves.
- E. Stables (private) providing that any such structure built to accommodate horses must be located in the rear yard (if there is also a residence) and at least fifty (50) feet from all property lines.
- F. Sod farms.
- G. Single family homes on platted lots in existing subdivisions, on auditor's plats or on existing parcels of less than ten (10) acres as of the adoption date of this Article.
- H. Cemeteries, mausoleums and crematories.
- I. Church or other places of worship, including parish house, Sunday school building and bulletin boards.

7.3 ACCESSORY PERMITTED USES

- A. Accessory buildings and uses customarily incident to any of the uses in Section 7.2 above.
- B. Home occupation and home industry.
- C. A private garage or parking space.
- D. Seed and feed dealerships, provided however, there is no evidence of showroom or other commercial activities. A sign not exceeding ten (10) square feet in area may be located on the building storing the seed and feed during the sales season.
- E. Roadside stands offering for sale only products grown on the premises from any of the above uses. Such stands shall be removed during any season or period when they are not being used.

7.4 SPECIAL PERMITTED USES

See Article 20.

7.5 HEIGHT REGULATIONS

No building hereafter erected or structurally altered shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet.

7.6 YARD REQUIREMENTS

Each lot shall have front, side and rear yards not less than the depths or widths following:

- A. Front yard depth, fifty (50) feet.
- B. Each side yard width, twenty-five (25) feet.
- C. Rear yard depth, thirty (30) feet.

ARTICLE 8: A-2 AGRICULTURAL DISTRICT

8.1 DECLARATION OF INTENT

The A-2 Agricultural District is intended to serve the agricultural community and guide urban land use development in the rural area. It does allow for a limited number of agricultural service related businesses. Such areas shall be not less than two (2) acres in size.

The following regulations and the General Regulations contained in Article 6 shall apply in the A-2 Agricultural District.

8.2 PRINCIPAL PERMITTED USES

- A. Any use permitted in the A-1 Agricultural Protection District using the same restrictions.
- B. Church or other places of worship, including parish house, Sunday school building and bulletin boards.
- C. Cemeteries, mausoleums, and crematories.
- D. Parks, playgrounds, golf courses, both public and private, service organizations, and recreational uses including, but not limited to, Boy or Girl Scout camps and church camps.
- E. Schools, both public and private educational institutions; preschool and day care facilities operating no more than from 6 A.M. to 8 P.M. daily; providing that a single-family dwelling also may be co-located for use by the landowner or custodian.
- F. Institutions of a religious, charitable, philanthropic or similar nature.
- G. Public stables.
- H. City and County buildings and facilities.

8.3 ACCESSORY PERMITTED USES

- A. Accessory buildings and uses customarily incident to any of the uses in Section 8.2 above.
- B. Other accessory uses as allowed in A-1 District.

8.4 SPECIAL PERMITTED USES

See Article 20.

8.5 HEIGHT REGULATIONS

No building hereafter erected or structurally altered shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet.

8.6 YARD REQUIREMENTS

Each lot shall have front, side and rear yards not less than the depths or widths following:

- A. Front yard depth, fifty (50) feet.
- B. Each side yard width, twenty-five (25) feet.
- C. Rear yard depth, fifty (50) feet.

ARTICLE 9: R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**9.1 DECLARATION OF INTENT**

The R-1 Single Family Residential District is one of single family dwelling units designed to maintain, protect and preserve the character of development on lots with a minimum area of twenty thousand (20,000) square feet and a lot width not less than one hundred twenty (120) feet. No more than one (1) dwelling unit and the customary accessory buildings shall be allowed on one (1) lot.

The following regulations and the General Regulations contained in Article 6 shall apply in the R-1 Single Family Residential District.

9.2 PRINCIPAL PERMITTED USES

- A. Single-family dwellings.
- B. Family Homes, Homes for Persons with Disabilities, or Elder Group Homes in compliance with Chapter 335, Code of Iowa (or as amended)
- C. Churches or other places of worship, including parish houses. Other accessory church uses such as Sunday School buildings, nursery schools, preschools, and child care centers, which would be compatible with church uses. A completely fenced and screened play lot shall be provided for nursery schools, preschools and child care centers. Said fencing and screening shall be located not less than twenty (20) feet from any other lot in any "R" District.
- D. Public and parochial schools and colleges for academic instruction.
- E. Public buildings and properties of the cultural, administrative or public service type but not including such uses as storage yards, warehouses, garages or sewage pumping stations.
- F. Home and community-based services waiver recipient residence in compliance with Chapter 335, Code of Iowa (or as amended)

9.3 ACCESSORY PERMITTED USES

- A. Accessory buildings and uses customarily incident to any allowed use within the district.
- B. Accessory utility services and equipment for use by adjacent properties.
- C. Home occupations.
- D. Private swimming pool.
- E. Temporary buildings for uses incidental to construction work which buildings shall be removed upon the completion or abandonment of the construction work. This shall include trailers and house trailers used as offices.
- F. Truck gardens, orchards and nurseries; provided, however, that no storage of manure or odor or dust producing substances shall be permitted within one hundred (100) feet of any property line.
- G. Roadside stands offering for sale only products grown on the premises. Such stands shall be removed during any season or period when they are not in use.

9.4 SPECIAL PERMITTED USES

See Article 20.

9.5 HEIGHT REGULATIONS

No building hereafter erected or structurally altered shall exceed two and on-half (2-1/2) stories or thirty-five (35) feet.

9.6 YARD REQUIREMENTS

Each lot shall have front, side and rear yards not less than the depths, widths or area following:

- A. Front yard depth, fifty (50) feet.
- B. Each side yard width, twenty-five (25) feet.
- C. Rear yard depth, fifty (50) feet.
- D. On corner lots the side yard requirement on the street side shall be twenty-five (25) feet.

ARTICLE 10: R-2 SINGLE FAMILY RESIDENTIAL DISTRICT**10.1 DECLARATION OF INTENT**

The R-2 Single Family Residential District is one of single family dwelling units designed to maintain, protect and preserve the character of development on lots with a minimum area of twelve thousand (12,000) square feet and lot width not less than eighty (80) feet. No more than one (1) dwelling unit and the customary accessory buildings shall be allowed on one (1) lot.

The following regulations and the General Regulations contained in Article 6 shall apply in the R-2 Single Family Residential District.

10.2 PRINCIPAL PERMITTED USES

A. Any principal uses permitted in the R-1 Single Family Residential District.

10.3 ACCESSORY PERMITTED USES

A. Any accessory uses permitted in the R-1 Single Family Residential District.

10.4 SPECIAL PERMITTED USES

See Article 20.

10.5 HEIGHT REGULATIONS

No building hereafter erected or structurally altered shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet.

10.6 YARD REQUIREMENTS

Each lot shall have front, side and rear yards not less than the depth, width or area following:

- A. Front yard depth, fifty (50) feet.
- B. Each side yard width, fifteen (15) feet.
- C. Rear yard depth, thirty (30) feet.
- D. On corner lots the side yard requirement on the street side shall be twenty-five (25) feet.

ARTICLE 11: R-3 SINGLE FAMILY RESIDENTIAL DISTRICT**11.1 DECLARATION OF INTENT**

The R-3 Single Family Residential District is one of single family dwelling units designed to maintain, protect and preserve the character of development on lots with a minimum area of five thousand (5,000) square feet and lot width of not less than fifty (50) feet. No more than one (1) dwelling unit and the customary accessory buildings shall be allowed on one (1) lot.

The following regulations and the General Regulations contained in Article 6 shall apply in the R-3 Single Family Residential District.

11.2 PRINCIPAL PERMITTED USES

A. Any principal uses permitted in the R-1 Single Family Residential District.

11.3 ACCESSORY PERMITTED USES

A. Any accessory uses permitted in the R-1 Single Family Residential District.

11.4 SPECIAL PERMITTED USES

See Article 20.

11.5 HEIGHT REGULATIONS

No building hereafter erected or structurally altered shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet.

11.6 YARD REQUIREMENTS

Each lot shall have front, side and rear yards not less than the depth, width or area following:

- A. Front yard depth, thirty (30) feet.
- B. Each side yard width, six (6) feet or ten (10) percent of the lot width, whichever is greater, up to a twelve (12) foot maximum.
- C. Rear yard depth, thirty (30) feet.
- D. On corner lots the side yard requirement on the street side shall be twelve and one-half (12-1/2) feet.

ARTICLE 12: R-4 MULTI-FAMILY RESIDENTIAL DISTRICT**12.1 DECLARATION OF INTENT**

The R-4 Multi-Family Residential District is one of the residences and other compatible uses designed to maintain, protect and preserve the character of development with not more than one (1) dwelling unit and the customary accessory buildings for each five thousand (5000) square feet of lot area.

The following regulations and the General Regulations contained in Article 6 shall apply in the R-4 Multi-Family Residential District.

12.2 PRINCIPAL PERMITTED USES

Only the use of structures or land listed in this section shall be permitted in the R-4 District.

- A. All principal uses permitted in the R-1 District.
- B. Two-family dwellings, with a minimum lot area of five thousand (5,000) square feet per family.
- C. Multiple-family dwellings with a minimum lot area of three thousand five hundred (3,500) square feet per family.
- D. Tourist homes, rental cabins, lodging and rooming houses, and dormitories.
- E. Clubs, lodges, social and recreational centers, fraternity and sorority houses, except those of which the chief activity is carried on for gain.
- F. Nursing, convalescent, and boarding homes, provided that no such building shall be located within fifty (50) feet of any adjoining lot line.
- G. Hospitals, clinics and sanitariums, provided that no such use shall be established or permitted on a parcel of land less than two (2) acres in area, nor shall any part or portion of such use be permitted within fifty (50) feet of any adjoining lot line.
- H. Building devoted to professional offices; provided such group does not exceed eight (8) offices.

12.3 ACCESSORY PERMITTED USES

- A. Accessory uses and structures as permitted and regulated in the R-1 District, except as hereafter modified.
- B. Accessory utility services and equipment.

12.4 SPECIAL PERMITTED USES

See Article 20.

12.5 HEIGHT REGULATIONS

No building hereafter erected or structurally altered shall exceed three (3) stories or forty-five (45) feet.

12.6 YARD REQUIREMENTS

Unless otherwise provided in this article by specific mention, the front, side and rear yard depths, widths and areas shall not be less than the following:

- A. Front yard depth, thirty (30) feet.
- B. Each side yard width, ten (10) feet.
- C. Rear yard depth, thirty (30) feet.
- D. On corner lots the side yard requirement on the street side shall be twelve and one-half (12-1/2) feet.

ARTICLE 13: C-1 LOCAL COMMERCIAL DISTRICT

13.1 DECLARATION OF INTENT

The C-1 Local Commercial District is one of light neighborhood (local) type retail and customer service uses designed to be compatible with each other and nearby residential districts. No lot shall have a width of less than twenty (20) feet.

13.2 DISTRICT RESTRICTIONS

- A. All commercial uses are restricted to closed buildings except the parking lots and certain service station operations.
- B. Outdoor displays are prohibited in any yard.
- C. Any lighting shall be so placed so as to reflect the light away from adjacent residential districts. No noise, odor or vibrations shall be emitted so that it exceeds the general level of noise, odor, or vibration emitted by uses outside the site. Such comparisons shall be made at the boundary of the site.
- D. Outside storage of materials or supplies is prohibited.

The following regulations and the General Regulations contained in Article 6 shall apply in the C-1 Local Commercial District.

13.3 PRINCIPAL PERMITTED USES

All uses allowed and as regulated in the R-4 District and any retail business or service establishments supplying commodities or performing services such as the following:

A. Business Service

- Bank
- Funeral homes, including crematoriums
- Interior decorating shop
- Loan office
- Messenger service
- Professional or commercial office
- Real estate office
- Travel bureau

B. Clothing Service

- Apparel Shop
- Personal laundry and dry-cleaning establishment
- Shoe sales or repair
- Tailor

C. Equipment Service

- Household appliances and repair
- Phono-record shop
- Photographic studio

D. Food Service

Cafe
 Caterer
 Drugstore
 Meat market
 Restaurant

E. General Retail Service

Bakery, retail sales only
 Book store
 Cigar store
 Florist shop
 Furrier
 Hardware
 Hobby shop
 Paint and wallpaper store
 Toy shop
 Variety store

F. Personal Service

Beauty parlor
 Barber shop
 Cosmetics
 Masseur salon
 Tanning salon

G. Any of the following uses subject to a special exception being granted by the Board of Adjustment:

1. Assembly hall or auditorium.
2. Bars and cocktail lounges.
3. Laboratory, clinical or research.
4. Radio and television broadcasting studios, but not including outside towers or other devices used in transmitting and receiving.

H. Any use which is interpreted by the Zoning Administrator to be a use similar to one of the above-named uses, and in his opinion, conforms to the intent of this Article.0

13.4 ACCESSORY PERMITTED USES

- A. Accessory uses and structures as permitted in the R-4 District.
- B. Other accessory uses and structures, customarily accessory and incidental to any permitted principal use.

13.5 SPECIAL PERMITTED USES

See Article 20.

13.6 HEIGHT REGULATIONS

No structure shall exceed three (3) stories or forty-five (45) feet in height except as provided in Article 6.

13.7 YARD REQUIREMENTS

- A. Each lot shall have front, side and rear yards not less than the depths, width or area following:
- B. Front yard depth, thirty (30) feet.
- C. Each side yard width, ten (10) feet.
- D. Rear yard depth, thirty (30) feet.

ARTICLE 14: C-2 GENERAL COMMERCIAL DISTRICT**14.1 DECLARATION OF INTENT**

The C-2 General Commercial District is one of general commercial uses necessary for the orderly growth and development of Cerro Gordo County. Lot width shall not be less than sixty (60) feet.

14.2 DISTRICT RESTRICTIONS

- A. All lighting shall be placed so as to reflect the light away from adjacent residential districts. No noise, odor, or vibration shall be emitted so that it exceeds the general level of noise, odor, or vibration emitted by uses outside the site. Such comparisons shall be made at the boundary of the site.
- B. Except as otherwise provided, all permitted uses and storage of materials or supplies shall be conducted entirely within a closed building.
- C. The outside display of merchandise is permissible only if specifically approved by, and subject to any limitations or restrictions imposed by, the Board of Adjustment, unless such outside displays are specifically permitted by this Article.
- D. The requirements of subsection 14.2(B) and (C) shall not apply to the sale, distribution, and storage of consumer fireworks as defined in Cerro Gordo County Ordinance No. 58.

The following regulations and the General Regulations contained in Article 6 shall apply in the C-2 General Commercial District.

14.3 PRINCIPAL PERMITTED USES

- A. Any use or structure permitted and as regulated in the C-1 District, except residences, apartments and dormitories.
- B. Grocery stores.
- C. Drive-in eating and drinking establishments.
- D. Industrial laundry and dry cleaning establishment.
- E. Automobile, trailer, travel trailer, truck, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots), including as incidental to these major uses all repair work in connection with their own or customers' vehicles. Not included are uses in which the major source of revenue is from body and fender work. Outside display areas for the above vehicles shall comply with the off-street parking requirements of Article 19. This paragraph shall not be construed to include automobile, tractor or machinery wrecking, and rebuilding of wrecks, or used parts yards.
- F. Theaters; provided that for drive-in theaters the screen shall be so located as to not be visible from adjacent streets or highways and said screen shall be set back not less than two hundred (200) feet from the established right-of-way of any highway.
- G. Animal hospital, veterinary clinic or kennel but not including any outside exercising runway; provided any structure or area used for such purposes shall be at least two hundred (200) feet from any R-District and one hundred (100) feet from any A- or C-1 District boundary.
- H. Public swimming pools, commercial baseball fields, skating rinks, golf driving ranges or similar open air recreational uses and facilities.
- I. Service establishments, including non-offensive, minor processing and assemblage, only when totally enclosed within a structure and which are not objectionable due to emission of odor, smoke, dust, gas or noise.

- J. Hotels and motels.
- K. Minor auto repair garages (Auto body and fender repair allowed only pursuant to Article 20).
- L. Ballrooms and dance halls.
- M. Amusement enterprises, including assembly halls, billiard parlors, pool halls, bowling alleys, indoor recreation buildings, and pinball arcades.
- N. Manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises.
- O. Undertaking establishments and funeral homes or parlors.
- P. Automotive services, including automobile service stations, bus depots, public parking, tires and auto accessory stores.
- Q. Any use which is interpreted by the Zoning Administrator to be a use similar to any of the above-named uses, and, in his opinion, conforms to the intent of this Article.

14.4 ACCESSORY PERMITTED USES

- A. Accessory uses and structures as permitted in the C-1 District.
- B. Other accessory uses and structures customarily accessory and incidental to any principal permitted uses, except that no accessory use or structure shall be located closer than fifteen (15) feet from any A- or R- District.

14.5 SPECIAL PERMITTED USES

See Article 20.

14.6 HEIGHT REGULATIONS

No structure shall exceed three (3) stories or forty-five (45) feet in height, except as provided in Article 6.

14.7 YARD REQUIREMENTS

Each lot shall have front, side and rear yards not less than the depths, widths or area following:

- A. Front yard depth, thirty (30) feet.
- B. Each side yard width, ten (10) feet.
- C. Rear yard depth, thirty (30) feet.

ARTICLE 14A: SEXUALLY ORIENTED BUSINESS

14A.1 DECLARATION OF INTENT

It is the purpose of this ordinance to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the county, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the county. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

14A.2 DEFINITIONS

ADULT ARCADE:

Any place to which the public is permitted or invited wherein coin-operated 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 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

ADULT BOOKSTORE OR ADULT VIDEO STORE:

A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or (2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."

ADULT CABARET:

A nightclub, bar, restaurant or similar commercial establishment which regularly features: (1) Persons who appear in a state of nudity; or (2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or (3) Films, motion picture, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT MOTEL:

A hotel, motel or similar commercial establishment which: (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or (2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

ADULT MOTION PICTURE THEATER:

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT THEATER:

A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

ESCORT:

A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY:

A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

ESTABLISHMENT:

Means and includes any of the following: (1) The opening or commencement of any sexually oriented business as a new business; (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; (3) The additions of any sexually oriented business to any other existing sexually oriented business; or (4) The relocation of any sexually oriented business.

PERMITTEE AND/OR LICENSEE:

A person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

NUDE MODEL STUDIO:

Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

NUDITY OR A STATE OF NUDITY:

The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

PERSON:

An individual, proprietorship, partnership, corporation, association, or other legal entity.

SEMI-NUDE:

A state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER CENTER:

A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration: (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

SEXUALLY ORIENTED BUSINESS:

An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

SPECIFIED ANATOMICAL AREAS:

The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

SPECIFIED SEXUAL ACTIVITIES:

Means and includes any of the following: (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy; (3) Masturbation, actual or simulated; or (4) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

SUBSTANTIAL ENLARGEMENT:

A sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five (25) percent, as the floor areas exist on January 1, 1996.

TRANSFER OF OWNERSHIP OR CONTROL:

Transfer of ownership or control of a sexually oriented business means and includes any of the following: (1) The sale, lease or sublease of the business; (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or (3) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

14A.3 CLASSIFICATION

Sexually oriented businesses are classified as follows:

- A. adult arcades;
- B. adult bookstores or adult video stores;
- C. adult cabarets;
- D. adult motels;
- E. adult motion picture theaters;
- F. adult theaters;
- G. escort agencies;
- H. nude model studios; and
- I. sexual encounter centers.

14A.4 PERMIT AND/OR LICENSE REQUIRED

- A. A person commits a simple misdemeanor and/or a county infraction if he operates a sexually oriented business without a valid permit and/or license, issued by the county for the particular type of business.
- B. An application for a permit and/or license must be made on a form provided by the Zoning Administrator. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- C. The applicant must be qualified according to the provisions of this article and the premises must be inspected and found to be in compliance with the law by the health department, fire department and building official.

- D. If a person who wishes to operate a sexually oriented business is an individual, he/she must sign the application for a permit/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit and/or license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a ten (10) percent or greater interest in the corporation must sign the application for a permit and/or license as applicant.
- E. The fact that a person possesses other types of state or county permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business permit and/or license.

14A.5 ISSUANCE OF PERMIT AND/OR LICENSE

The Cerro Gordo County Zoning Administrator shall approve the issuance of a permit and/or license to an applicant within thirty (30) days after receipt of an application unless he finds one or more of the following to be true:

- A. An applicant is under eighteen (18) years of age.
- B. An applicant or an applicant's spouse is overdue in his payment to the county of taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.
- C. An applicant has failed to provide information reasonably necessary for issuance of the permit and/or license or has falsely answered a question or request for information on the application form.
- D. An applicant is residing with a person who has been denied a permit and/or license by the County to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
- E. The premises to be used for the sexually oriented business have not been approved by the health department, fire department and building official as being in compliance with applicable laws and ordinances.
- F. The permit and/or license fee required by this ordinance has not been paid.
- G. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.
- H. The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

The health department, fire department and building official shall complete their certification that the premises is in compliance or not in compliance within twenty (20) days of the receipt of the application by the Zoning Administrator. The certification shall be promptly presented to the Zoning Administrator.

14A.6 FEES

The annual fee for a sexually oriented business permit and/or license is five hundred (\$500.00) Dollars.

14A.7 INSPECTION

- A. An applicant or permittee and/or licensee shall permit representatives of the sheriff's department, health department, fire department, zoning department or other county departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.
- B. A person who operates a sexually oriented business or his agent or employee commits a simple misdemeanor and/or county infraction if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

14A.8 EXPIRATION OF PERMIT AND/OR LICENSE

- A. Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided in Article 14A.5. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit and/or license will not be affected.
- B. When the Zoning Administrator denies renewal of a license, the applicant shall not be issued a permit and/or license for one year from the date of denial. If subsequent to denial, the Zoning Administrator finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date denial became final.

14A.9 SUSPENSION

The Cerro Gordo County Zoning Administrator shall suspend a permit and/or license for a period not to exceed thirty (30) days if he determines that a permittee and/or licensee or an employee of a permittee and/or license has:

- A. violated or is not in compliance with any section of this ordinance;
- B. engaged in excessive use of alcoholic beverage while on the sexually oriented business premises;
- C. refused to allow an inspection of the sexually oriented business premises as authorized by this article;
- D. knowingly permitted gambling by any person on the sexually oriented business premises.

14A.10 REVOCATION

- A. The Cerro Gordo County Zoning Administrator shall revoke a permit and/or license if a cause of suspension in Article 14A.1 occurs and the permit and/or license has been suspended within the proceeding twelve (12) months.
- B. The zoning administrator shall revoke a permit and/or license if he determines that:
 - 1. A permittee and/or licensee gave false or misleading information in the material submitted to the auditor during the application process;
 - 2. A permittee and/or licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises;
 - 3. a permittee and/or licensee or an employee has knowingly allowed prostitution on the premises;

- 4. a permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended.
 - 5. a permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises;
 - 6. a permittee and/or licensee is delinquent in payment to the county or state for any taxes or fees past due.
- C. When the Zoning Administrator revokes a permit and/or license, the revocation shall continue for one (1) year, and the permittee and/or licensee shall not be issued a sexually oriented permit and/or license for one (1) year from the date revocation became effective. If, subsequent to revocation, the Cerro Gordo County Zoning Administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the revocation became effective.
- D. Appeals governed by procedures set forth in Article 24.3-24.4 of the Cerro Gordo County Zoning Ordinance and Rules of Procedure adopted by the Cerro Gordo County Board of Adjustment.

14A.11 TRANSFER OF PERMIT AND/OR LICENSE

A permittee and/or licensee shall not transfer his permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license at any place other than the address designated in the application.

14A.12 LOCATION OF SEXUALLY ORIENTED BUSINESSES

- A. The Cerro Gordo County Zoning Ordinance will include the following uses in a C-2 General Commercial District. The permitted principal uses and structures shall be those enumerated in Article 14.3 of the Cerro Gordo County Zoning Ordinance as well as the following:
- 1. adult arcades;
 - 2. adult bookstores or adult video stores;
 - 3. adult cabarets;
 - 4. adult motels;
 - 5. adult motion picture theaters;
 - 6. adult theaters;
 - 7. escort agencies;
 - 8. nude model studios; and
 - 9. sexual encounter centers.

The permitted accessory uses and structures; permitted special exceptions; prohibited uses and structures; minimum lot area; minimum lot width; minimum yard requirements; maximum lot coverage by all building; maximum height of structures; minimum off-street parking and loading requirements; and sign regulations shall be the same as those required under the C-2 General Commercial District classification as cited in Article 14 of the Cerro Gordo County Zoning Ordinance.

- B. A person commits a simple misdemeanor and/or county infraction if he operates or causes to be operated a sexually oriented business outside of a designated C-2 district. All sexually oriented businesses shall be located within a C-2 district.
- C. A person commits a simple misdemeanor and/or county infraction if he operates or causes to be operated a sexually oriented business within one thousand (1,000) feet of:
1. a church;
 2. a public or private elementary or secondary school;
 3. a boundary of any residential district;
 4. a public park adjacent to any residential district;
 5. the property line of a lot devoted to residential use.
- D. A person commits a simple misdemeanor and/or county infraction if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand (1,000) feet of another sexually oriented business.
- E. A person commits a simple misdemeanor and/or a county infraction if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
- F. For the purpose of this article, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district or residential lot.
- G. For purposes of Subsection D of this section, the distance between two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- H. Any sexually oriented business lawfully operating on January 1, 1996, that is in violation of Subsection A through G of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.
- I. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of a church, public or private elementary or secondary school, public park, residential district, or a residential lot within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.

14A.13 ADDITIONAL REGULATIONS FOR ADULT MOTELS

- A. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttal presumption that the establishment is an adult motel as the term is defined in this article.

- B. A person commits a simple misdemeanor and/or a county infraction if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit and/or license, he rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or subrents the same sleeping room again.
- C. For purposes of Subsection B of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

14A.14 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS

- A. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - 1. Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The Cerro Gordo County Zoning Administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
 - 2. The application shall be sworn to be true and correct by the applicant.
 - 3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Zoning Administrator or his designee.
 - 4. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
 - 5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
 - 6. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in Subsection 5 remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure the no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection 1 of this section.
 - 7. No viewing room may be occupied by more than one person at any time.

8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level.
 9. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above, is maintained at all times that any patron is present in the premises.
- B. A person having a duty under Subsection 1 through 9 of Subsection A above commits a simple misdemeanor and/or county infraction if he fails to fulfill that duty.

14A.15 EXEMPTIONS

- A. It is a defense to prosecution under Articles 14A.5 and 14A.12 that a person appearing in a state of nudity did so in a modeling class operated:
1. by a proprietary school, licensed by the State of Iowa; a college, junior college, or university supported entirely or partly by taxation;
 2. by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 3. in a structure:
 - a. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - b. where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - c. where no more than one nude model is on the premises at any one time.

14A.16 CONFLICTING ORDINANCES REPEALED

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

ARTICLE 15: C-3 PLANNED SHOPPING CENTER DISTRICT**15.1 DECLARATION OF INTENT**

The Planned Shopping Center District provides for well-designed shopping facilities in appropriate locations. Intent is also that the district be laid out and developed as a unit according to an approved plan.

It shall be the responsibility of the developer to either post a performance or guarantee bond or establish an escrow account which is equal to one hundred (100) percent of the proposed public improvements as provided by a certified engineer. These funds or bonds will be made payable to the county in the event that the developer is unable to finish the improvements. It is also the responsibility of the developer to provide proof of such measures to the extent which is required to suffice the Zoning Commission and Board of Supervisor requirements.

15.2 DISTRICT RESTRICTIONS

- A. All commercial uses shall be restricted to closed buildings except parking lots, plant nurseries, and certain service station operations. Only the normal pump island services will be permitted as outdoor service station operations.
- B. Any lighting shall be placed so as to reflect the light away from adjacent residential districts. No noise, odor, or vibrations shall be emitted so that it exceeds the general level of noise, odor, or vibration emitted by uses outside the boundaries of the Planned Shopping Center District.

The following regulations and the General Regulations contained in Article 6 shall apply in the Planned Shopping Center District.

15.3 PRINCIPAL PERMITTED USES

- A. All residential district uses are prohibited.
- B. All uses permitted in the C-1 District subject to Paragraph A above.

15.4 ACCESSORY PERMITTED USES

- A. Accessory uses and structures as permitted in the C-1 District.
- B. Other accessory uses and structures, customarily accessory and incidental to any permitted principal use.
- C. Signs. The following shall apply to all signs displayed for observation from outside a building whether displayed on or within a building, or in a free-standing situation:
 - 1. Signs shall be limited to those (a) identifying the uses conducted in the shopping center; or (b) necessary for directional purposes; or, (c) used to advertise the sale or lease of real property on buildings on which displayed; or, (d) identifying the shopping center by name or symbol only.
 - 2. The total allowable area of all use identification signs on any building of a business establishment shall be determined by permitting two (2) square feet of sign area for each horizontal foot of the building wall displaying such sign or signs.
 - 3. In addition to the above, one or more signs identifying the shopping center may be provided for each C-3 District Shopping Center on the following basis:
 - a. Each shopping center may have one (1) or more shopping center identification signs with a total aggregate area of three hundred (300) square feet for the first nine (9) or less acres of total shopping center site area, and an additional one hundred (100) square feet of total aggregate sign area for each additional nine (9) acres of total shopping center site area.

- b. Such shopping center identification sign or signs may be free-standing or attached to the face of a building.
 - c. Free-standing shopping center identification signs--(a) shall not exceed four hundred fifty (450) square feet in area for each face of each sign (subject to the maximum permitted in c.1 above); and (b) shall not be located so that the bottom of the sign is closer than ten (10) feet to the ground, nor the top more than twenty-five (25) feet above the ground; and (c) shall not be located closer than one thousand (1,000) feet from each other.
4. The total allowable area of all signs advertising the sale or lease of real property on buildings shall not exceed two hundred (200) square feet, but no single such sign shall exceed one hundred (100) square feet.
 5. For the purpose of this section, the sign area allowed by Subsections 2. and 3. above, shall:
 - a. For free-standing letters, be computed by taking the area enclosed within the smallest rectangle needed to completely encompass each word or insignia of the sign.
 - b. For signs, other than free-standing letters, be computed by taking the total area of the facing on the total area within the outer edge of an existent border of the sign.
 6. All signs shall be fixed and shall not be audible; no illumination shall be intermittent, flashing or scintillating; nor shall any sign or illumination be revolving or animated. No sign shall have moving parts including devices set in motion by movement of the atmosphere.
 7. No wall mounted sign shall project out from a wall or face of a building more than two (2) feet, nor project above the roof line more than four (4) feet.
 8. Service stations located in the Shopping Center District shall be limited to one (1) square foot of sign area for each lineal foot of street frontage occupied by such use. Where a service station located in the C-3 Shopping Center District has frontage on more than one (1) street, only one (1) street frontage may be used to compute allowable sign area. In no case shall the total area of all signs for any one service station exceed one hundred fifty (150) square feet.
 9. All signs shall conform at all times to such requirements as to size and location within the foregoing limitations as may be specified as part of the action by the Zoning Commission on the site plans as provided by Section 3 of this Article.

15.5 ZONING COMMISSION PROCEDURE

- A. An applicant for a C-3 Planned Shopping Center District shall apply directly to the Commission upon forms to be prescribed by the Commission. Said application shall be filed with the Zoning Administrator and be transmitted by him to the County Zoning Commission. Such application shall be accompanied by a preliminary development plan for the entire tract involved, together with supporting data.
- B. Upon receipt of such application, development plan and data, the Commission shall review the same and shall set the date for public hearing. Public hearing shall be held as prescribed by law. At said hearing the Commission will consider such applications and objections from persons interested in or affected by such proceedings.
- C. The Commission shall consider such objections and shall review the proposed development plans and supporting data upon the basis of the requirements of this Article. Thereafter, the Commission shall take action as follows:
 1. If it shall find that such plan meets the requirements of this Article, it shall approve the same as the final development plan and so recommend to the Board of Supervisors.

2. If it shall find that upon said plan being amended, altered and changed as specified by the Commission, it will meet the requirements of this Article, it shall so notify the applicant. Thereupon the applicant shall prepare and file with the commission a final development plan and supporting data incorporating such specifications. Upon the filing of a final development plan complying with the specifications of the Commission, the Commission shall approve the same and so recommend to the Board of Supervisors.
3. If it shall find that such plan does not comply with the requirements of this Article and is not susceptible to alteration, change or amendment to meet requirements or if the applicant fails to file a final development plan in compliance with Subsection 2. hereof, the Commission shall disapprove the same and make the appropriate recommendation to the Board of Supervisors.
4. The Board of Supervisors, upon receipt of the recommendations of the Zoning Commission, shall then hold a public hearing on the site plan or plans and may require changes thereon and approve or disapprove said plan or plans.
5. Upon approval a site plan by the Board of Supervisors, a signed copy thereof shall be filed in the office of the Zoning Administrator.
6. Whenever the building inspector finds that any proposed construction or occupancy will not, in his opinion, substantially comply with the site plan or stipulations, he shall refer the question to the Board of Supervisors for its review, in written format detailing the items that are deemed to be unacceptable and also making suggestions as to the appropriate measures that need to be taken to correct the deficiencies.

15.6 DEVELOPMENT PLAN REQUIREMENTS

In determining approval or disapproval of a development plan, the Commission shall be governed by the following:

- A. The area to be occupied by buildings in this district shall be twenty-five (25) percent or less of the net area of the district.
- B. The location of the shopping center shall be on property which has an acceptable relationship to major thoroughfares. The Commission shall satisfy itself as to the adequacy of the thoroughfare to carry the additional traffic engendered by the development.
- C. The plan for the proposed shopping center should present a unified and organized arrangement of buildings with a functional relationship to property comprising the development and adjacent properties.
- D. The location, size and use of all buildings and structures; nature and intensity of the operation involved in or in connection with the center; its site layout including the location, size, and arrangement and capacity of all areas to be used for vehicular access, parking, loading and unloading; and its relationship to streets giving access so as to not create undue hazards to normal traffic in the vicinity.
- E. Location, size and arrangement of areas to be devoted to planting, lawns, trees or other purposes so that the center will be harmonious to the neighborhood in which it is situated.
- F. The submittal of information for plan review must follow the format which is outlined in the Subdivision Ordinance of Cerro Gordo County and any additional information or site plan requirements as deemed necessary by the Zoning Commission or Zoning Administrator.

15.7 DEVELOPMENT SCHEDULE

An application for a Planned Shopping Center District shall be accompanied by a development schedule indicating to the best of the applicant's knowledge, the approximate date on which construction of the project can be expected to begin, the states of development, and the anticipated rate of development and completion. The approved development schedule shall become a part of the development plan and shall be adhered to by the owner of the property and his successors in interest.

If, in the opinion of the Zoning Commission, the development schedule is not being adhered to, the Zoning Commission may initiate proceedings to amend the Ordinance to remove the Planned Shopping Center District from the Official Zoning Map.

However, the Zoning Commission may also recommend to the Board of Supervisors that the limits imposed by the development schedule be extended.

15.8 OFF-STREET PARKING AND LOADING REQUIREMENTS

(See Article 19 for "Off-Street Parking and Loading Requirements")

ARTICLE 16: M-1 LIGHT INDUSTRIAL DISTRICT**16.1 DECLARATION OF INTENT**

The M-1 Light Industrial District is one of light industrial uses designed to serve the needs of Cerro Gordo County for industrial activity least offensive to the uses in nearby Commercial and Residential Districts.

16.2 DISTRICT RESTRICTIONS

- A. No use is permitted which will emit any offensive odor, dust, noxious gas, noise, vibration, smoke, heat, glare, refuse matter or water-carried waste beyond the boundaries of the lot on which such uses are conducted.
- B. Subject to being granted a special exception by the Board of Adjustment, one dwelling unit may be maintained for a watchman or a caretaker and his family.
- C. All uses specified in Subsection 16.3-B thru Y inclusive, shall be conducted wholly within a completely enclosed building except for parking, loading and unloading facilities.

The following regulations and the General Regulations contained in Article 6 shall apply in the M-1 Light Industrial District.

16.3 PRINCIPAL PERMITTED USES

- A. Any use permitted and as regulated in the C-2 General Commercial District.
- B. Automobile assembly and major repair.
- C. Creamery, bottling, ice manufacturing and cold storage plant.
- D. The manufacturing, compounding, processing, packaging, or treatment of cosmetics, pharmaceuticals, wine and food products.
- E. The manufacturing, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork, fiber, leather, paper, plastics, metals or stones, tobacco, wax, yard and wood.
- F. Manufacture of musical instruments, novelties and molded rubber products.
- G. Manufacture or assembly of electrical appliances, instruments and devices.
- H. Manufacture of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
- I. Laboratories - experimental, film or testing.
- J. The manufacture and repair of electric signs, advertising structures, light sheet metal products, including heating and ventilating equipment.
- K. Blacksmith, welding or other metal shop excluding drop hammers and the like.
- L. Foundry casting lightweight non-ferrous metals or electric foundry not causing noxious fumes or odors.
- M. Bag, carpet and rug cleaning; provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
- N. Enameling, lacquering or japanning.

- O. Crematory.
- P. Sawmill, planing mill; including manufacture of wood products not involving chemical treatment.
- Q. Printing and/or publishing houses.
- R. Boat hoist storage facility, Mini-storage, warehouses, wholesale warehouse or wholesale business.
- S. Truck terminals, including warehousing.
- T. Woodworking shop, sheet metal shop, plumbing shop, sign painting shop.
- U. Truck repair and sales.
- V. Building material sales yards, lumber yard, contractor's equipment storage yard or plant or rental of equipment commonly used by contractors; storage and sale of feed or fuel; storage yards for vehicles of a delivery service, provided dust is effectively controlled.
- W. Circus, carnival, or similar transient enterprise; provided such structures or buildings shall be at least two hundred (200) feet from any R District.
- X. Inflammable liquids, provided that all current rules and regulations are followed.
- Y. Any use which is interpreted by the Zoning Administrator to be a use similar to any of the above-named uses, and in his opinion, conforms to the intent of this Article.
- Z. First Class Consumer Fireworks sales and/or retail operations in which the sale of second-class consumer fireworks or novelties exceeds 50% of the retail floor space, provided that such structures or buildings shall be at least two hundred (200) feet from any residential district and at least fifty (50) feet from the nearest structure on an adjacent lot.

16.4 ACCESSORY PERMITTED USES

- A. Accessory uses and structures customarily accessory and incidental to any M-1 permitted principal use, except that no accessory use or structure shall be located closer than twenty-five (25) feet from any A- or R-District boundary.

16.5 SPECIAL PERMITTED USES

See Article 20.

16.6 HEIGHT REGULATIONS

No building hereafter erected or structurally altered shall exceed a height of three (3) stories or forty-five (45) feet, except special consideration shall be given to the height of grain elevators and storage bins.

16.7 LOT REQUIREMENTS

There is no minimum required lot area or width, except that when a lot is not served by a public sanitary system, the open and undeveloped yard area shall be not less than the area required to provide suitable sanitary treatment facilities which shall be developed in accordance with the related rules and regulations of the County Department of Health.

16.8 YARD REQUIREMENTS

Each lot shall have front, side and rear yards not less than the depths or width following:

- A. Front yard depth, fifty (50) feet.
- B. Side yard widths, ten (10) feet; except that any lot bordering a district having more restrictive yard requirements will provide a side yard the same as the more restrictive adjoining district.
- C. Rear yard depth, thirty (30) feet.

ARTICLE 17: M-2 HEAVY INDUSTRIAL DISTRICT

17.1 DECLARATION OF INTENT

The M-2 Heavy Industrial District is one of heavy uses designed to serve the needs of Cerro Gordo County for industrial activity generally offensive if located near commercial and residential uses.

17.2 DISTRICT RESTRICTIONS

- A. No use is permitted which will emit any offensive odor, dust, noxious gas, noise, vibration, smoke, heat, glare, refuse matter or water-carried waste beyond the boundaries of the lot on which such uses are conducted.
- B. No Zoning Permit shall be issued for any use in conflict with any resolution of Cerro Gordo County or law of the State of Iowa regulating nuisances.
- C. No Zoning Permit shall be issued for any dwellings, schools, hospitals, clinics, and other institutions for human care.

The following regulations and the General Regulations contained in Article 6 shall apply in the M-2 Heavy Industrial District.

17.3 PRINCIPAL PERMITTED USES

- A. Any use permitted and as regulated in the M-1 District subject to the District Restrictions above.
- B. Any of the below listed uses, but not until and unless the location of such use shall have been authorized by the Board of Adjustment as provided for under Article 20.
 - 1. Slaughter houses or stock yards.
 - 2. Cement, lime, gypsum or plaster of paris manufacture.
 - 3. Explosive manufacture or storage.
 - 4. Fat rendering; fertilizer, gas; or glue manufacture.
 - 5. Garbage, offal or dead animal reduction or dumping.
 - 6. Petroleum or petroleum products refining.
 - 7. Smelting or reduction of ores or metallurgical products.
 - 8. Any use which is interpreted by the Zoning Administrator to be a use similar to any of the above-named uses, and in his opinion, conforms to the intent of this Article.

17.4 ACCESSORY PERMITTED USES

Same as M-1

17.5 SPECIAL PERMITTED USES

See Article 20.

17.6 REQUIRED CONDITIONS

- A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance shall be employed.
- B. All principal buildings and accessory buildings or structures, including loading and unloading facilities, shall be located at least two hundred (200) feet from any R-District Boundary line, and not less than one hundred (100) feet from any other district boundary line, except an M-1 District Boundary line.

17.7 HEIGHT REGULATIONS

No building hereafter erected or structurally altered shall exceed three and on-half (3-1/2) stories or fifty (50) feet.

17.8 LOT REQUIREMENTS

There is no minimum required lot area or width, except that when a lot is not served by a public sanitary system, the open and undeveloped yard area shall be not less than the area required to provide suitable sanitary treatment facilities which shall be developed in accordance with the related rules and regulations of the County Department of Health.

17.9 YARD REQUIREMENTS

Each lot shall have the front, side and rear yards not less than the depths or widths following:

- A. Front yard depth, fifty (50) feet.
- B. Side yard widths, ten (10) feet; except that any lot bordering a district having more restrictive side yard requirements will provide a side yard the same as the more restrictive adjoining district.
- C. Rear yard depth, thirty (30) feet.

ARTICLE 18: P.A.D. - PLANNED AREA DEVELOPMENT DISTRICT**18.1 DECLARATION OF INTENT**

Planned Area Development is intended to encourage a more innovative approach to the development of land by permitting flexibility in design, placement of buildings and use of open spaces, while at the same time retaining substantially the same population density and area coverage permitted in the district in which the project is to be located.

It shall be the responsibility of the developer to either post a performance or guarantee bond or establish an escrow account which is equal to one hundred (100) percent of the proposed public improvements as provided by a certified engineer. These funds or bonds will be made payable to the county in the event that the developer is unable to finish the improvements. It is also the responsibility of the developer to provide proof of such measures to the extent which is required to suffice the Zoning Commission and Board of Supervisors requirements.

18.2 PRINCIPAL PERMITTED USES

In a Planned Area Development only the following uses are permitted:

A. In a residential Planned Area Development:

1. Single-family, two-family and multiple dwellings.
2. Other uses as permitted in the R-4 District.
3. Neighborhood retail uses and those uses permitted in the C-1 Commercial District may be specifically and selectively authorized as to type and size only when integrated by design as an accessory element of the project, provided the development is planned for more than one hundred fifty (150) dwelling units.

B. In a Planned Area Development designed primarily for other than residential uses as permitted above, the uses shall be limited to those permitted in the zoning district in which the use is to be located.

18.3 USE CONTROL

A. In a residential Planned Area Development, the zoning of areas for commercial uses shall not become effective until one-half (1/2) of the total number of dwelling units planned is completed.

B. In a residential Planned Area Development there shall be a minimum of ten (10) percent of the total area of the Planned Area Development dedicated or reserved as usable common open space land. Common open space land shall be clearly designated on the plan as to character of use and development and shall not include:

1. Areas reserved for the exclusive use or benefit of an individual tenant or owner, nor
2. Dedicated streets, alleys and other public rights-of-way, nor

Vehicular drives, parking, loading and storage areas.

18.4 SIGNS

Signs shall be permitted subject to the limitations of the Zoning District within which the sign is to be located.

18.5 LAYOUT AND DESIGN REQUIREMENTS

The regulations, requirements and standards of the Zoning District in which the Planned Area Development is to be located, shall apply to the layout and design of the total project.

Where necessary, to insure compatibility of buildings and uses with each other and with off-site properties, the Commission may recommend and the Board of Supervisors may specify modification of such regulations, requirements and standards.

The layout and design shall be subject to the following limitations.

18.6 YARDS

The yard requirements for the district in which the Planned Area Development is to be located shall apply to all exterior boundary lines of the site, except as otherwise provided on the approved development plan.

18.7 OPEN SPACE

The distance between the buildings (under thirty-six [36] feet in height) which contain dwelling units shall not be less than that required for the district in which the property is located. A comparable building which exceeds a height of thirty-five (35) feet must maintain a distance the equivalent of the required side yard plus one (1) foot for each one (1) foot such building exceeds thirty-five (35) feet in height. This distance must be maintained from any other building on the site or off the site which contains a dwelling unit.

Accessory buildings exceeding a height of thirty-five (35) feet will observe the same distances as residential buildings.

18.8 REAR AND SIDE YARD SETBACK

For buildings and structures exceeding fifteen (15) feet in height, there shall be maintained a distance from the side and rear boundaries equal to the required yard plus one (1) additional foot for each foot of building height in excess of fifteen (15) feet.

18.9 NUMBER OF DWELLING UNITS

The number of dwelling units permitted shall be determined by dividing the net development area of the site by the minimum lot area per dwelling unit required in the district in which the project will be located. Net development area shall be that area remaining after subtracting those portions of the site set aside for non-residential uses, such as schools, parks and commercial.

18.10 SITE COVERAGE

The permitted percentage of coverage by buildings and structures of the net development area as determined by the above shall not exceed the percentage of coverage permitted in the district in which the project is located.

18.11 OFF-STREET PARKING

The total required off-street parking facilities shall not be less than the sum of the required parking facilities for the various uses computed separately and in accordance with Article 19.

18.12 APPLICATION

C. An application to establish a Planned Area Development project shall be filed by:

1. The owner or owners having title to all of the property in the area proposed for the Planned Area Development, or
2. The County Zoning Commission.

D. Site Plan

The site plan should be drawn at a scale of not less than 1" = 100' and twelve (12) copies of the site plan shall be submitted with the permit application. The site plan shall include but not be limited to the type of structures proposed, number and size of dwelling units, floor area of office or industrial building, buffers, landscaping, parking area, walls, density, floor area ratio, sewer and water proposed, anticipated expansion and other information deemed necessary to illustrate compliance with the requirements of this Ordinance. In addition, the map will show dimensions of open-space, public dedications, and the horizontal and vertical dimensions of all proposed buildings and structures.

E. Statement

An explanatory statement of the general purpose of the project shall accompany the application. The statement shall supplement the site plan with narrative information. The adoption of the text of the statement specifying the particular non-residential uses shall constitute a limitation to those specific uses.

- F. The submittal of information for plan review must follow the format which is outlined in the Subdivision Ordinance of Cerro Gordo County and any additional information or site plan requirements as deemed necessary by the Zoning Commission or Zoning Administrator.

18.13 PROCEDURE**A. Preliminary Plan**

The approval of a Planned Area Development shall be by the Board of Supervisors upon recommendation of the Zoning Commission subject to procedures required in amending the Ordinance. A preliminary Development Plan shall be submitted to the Zoning Commission for its review and recommendation. The Commission shall then advise the Board of Supervisors that such plans do or do not comply with the development policies of the county. Preliminary approval by the Board shall be binding as to the general intent and apportionment of land and improvements, but shall not be construed to render inflexible the ultimate design, specific uses or final plan of the project.

B. Final Development Plan

The applicant shall within one (1) year of the date of preliminary plan approval by the Board submit a final Development Plan identifying the location and the extent of uses and improvements as authorized in the approved preliminary plan complying with any stipulations of the Board.

If the final plan is in conformity with the approved preliminary plan, a Resolution shall then be prepared for Board adoption as part of the Official Zoning Map and identified thereon appropriately. Amendment procedure shall then take place.

C. Noncompletion

Upon written notice of the abandonment--or upon expiration of three (3) years from the final approval by the Board of Supervisors of the Planned Area Development which has not by then been completed, shall be cause for the approval to be terminated by the Board after having given due consideration to the preservation of open space to that part of the project which has already been developed.

18.14 SITE SIZE

A Planned Area Development project in a Residential District shall contain an area of not less than five (5) acres; in other districts, not less than four (4) acres.

ARTICLE 19: LOADING AND PARKING AREA REQUIRED, FILLING STATIONS, BUFFER ZONE, LANDSCAPING, OUTDOOR ADVERTISING SIGNS AND BILLBOARDS

19.1 OFF-STREET LOADING SPACES REQUIRED

In any district in connection with every building or part thereof hereafter erected having a gross floor area of ten thousand (10,000) square feet or more which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of ten thousand (10,000) square feet.

- A. Each loading space shall be not less than twelve (12) feet in width and forty (40) feet in length.
- B. Such space may occupy all or part of any required yard or court space.

19.2 OFF-STREET PARKING AREAS REQUIRED

- A. In all districts in connection with every industrial, commercial, business, trade, institution, recreational or dwelling use, and similar uses, spaces for parking and storage of vehicles shall be provided in accordance with the following schedule:
 - 1. Automobile sales and service garages - fifty (50) percent of floor area.
 - 2. Banks, business and professional office - fifty (50) percent of floor area.
 - 3. Bowling alleys - five (5) spaces for each alley.
 - 4. Churches and schools - one (1) space for each eight (8) seats in a principal auditorium or one (1) space for each seventeen (17) classroom seats, whichever is greater.
 - 5. Dance halls, assembly halls - two hundred (200) percent of floor area used for dancing or assembly.
 - 6. Dwelling - one (1) parking space for each family or dwelling unit.
 - 7. Funeral homes, mortuaries - one (1) parking space for each five (5) seats in the principal auditorium.
 - 8. Furniture and appliance stores, household equipment or furniture repair shops over one thousand (1,000) square feet of floor area one hundred (100) percent of floor area.
 - 9. Hospitals - one (1) parking space for each four (4) beds.
 - 10. Hotels, lodging houses - one (1) space for each two (2) bedrooms.
 - 11. Manufacturing plants - one (1) space for each three (3) employees on the maximum working shift.
 - 12. Restaurants, beer parlors and night clubs over one thousand (1,000) square feet floor area - two hundred (200) percent of floor area.
 - 13. Retail stores, super markets, etc., over two thousand (2,000) square feet floor area - two hundred (200) percent of floor area.
 - 14. Retail stores, shops, etc., under two thousand (2,000) square feet floor area - one hundred (100) percent of floor area.
 - 15. Sports arenas, auditoriums other than in schools - one (1) parking space for each six (6) seats.

16. Theaters, assembly halls with fixed seats - one (1) parking space for each six (6) seats.
 17. Wholesale establishments or warehouses - one (1) space for each two (2) employees.
- B. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply.
- C. Where a lot does not abut on a public or private alley or easement of access there shall be provided an access drive not less than eight (8) feet in width in the case of a dwelling and not less than twenty-four (24) feet in width in all other cases leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question, except where provided in connection with a use not permitted in a residential district, such easement of access or access drive shall not extend more than one hundred 100 feet from the boundary of the less restrictive Zoning District.
- D. Every parcel of land hereafter used as a public or private parking area including a commercial parking lot and equipment or vehicle storage yard shall be developed and maintained in accordance with the following requirements:
1. No part of any parking space shall be closer than five (5) feet to an established street right-of-way or alley line. In case the parking lot adjoins an "R" District, it shall be set back at least five (5) feet from the "R" District boundary and shall be effectively screen-planted to conform to the requirements of this Article pertaining to the buffer zone and landscaping requirements found herein.
 2. Any off-street parking or loading area, including any commercial parking lot, for more than five (5) vehicles, shall be surfaced with an asphaltic or portland cement binder pavement or such other surfaces as shall be approved by the County Engineer so as to provide a durable and dustfree surface; shall be so graded and drained as to dispose of all surface water accumulation within the area and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.
 3. Any lighting used to illuminate any off-street parking area, including any commercial parking lot shall be so arranged as to reflect the light away from adjoining premises in any "R" District.
- E. Subject to the requirements of Article 19, off-street parking areas may be established in any "R" District that immediately joins a "C" or "M" District or its directly across an alley from a "C" or "M" District; provided, however, that such transitional use shall not extend more than one hundred (100) feet from the boundary of the less restricted zone.

19.3 FILLING STATIONS

- A. No gasoline filling station or a commercial customer or employee parking lot for twenty-five (25) or more motor vehicles or a parking garage or automobile repair shop shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of any school, public playground, church, hospital, public library or institution for dependents or for children except where such property is in another block or on another street which the lot in question does not abut.
1. Pump islands, light standards and related minor accessory equipment not involving repair work or servicing of vehicles other than for fuel, air and water shall be permitted in the yard areas provided no gasoline pump or fuel dispensing equipment shall be located within twelve (12) feet of any street right-of-way.
 2. No oil draining pit or appliance for such purpose shall be located within twenty-five (25) feet of any "R" District boundary nor within twelve (12) feet of any street right-of-way line unless enclosed within a building.

3. A curb of at least four (4) inches in height and width shall be required for the entire length of pump islands and shall be placed parallel to the islands near the sidewalk or right-of-way of the property. It shall be constructed of concrete, asphalt or other similar material.
- B. On all corner lots, all vehicular entrances to or exists from, and curb openings shall be set back a minimum of fifty (50) feet from the projecting intersection of curb lines and such openings shall not exceed forty-five (45) feet in width at the curb line. There shall be a minimum of twenty (20) feet measured along the curb line between any series of driveways.

19.4 BUFFER ZONE REQUIRED

A. Conditions

The following conditions shall require a buffer between abutting districts:

1. Any "C" or "M" District which abuts any "R" or "A" District shall be buffered as required in this Article.
2. Any Mobile Home Park Residence District shall be buffered as required in this Article.

B. Permissive Buffers

Buffers required under the provisions of this Article or elsewhere in this Ordinance shall be accomplished by any one or approved combination of the following methods:

1. A Buffer Wall

Such shall be not less than six (6) feet in height; constructed of a permanent, low-maintenance material such as concrete block, cinder block, brick, concrete, precast concrete, tile block, earthen berm, etc.; the wall shall be designed by an architect or engineer for both structural adequacy and aesthetic quality; the use of weather resistant wood, metal or manufactured substitutes may be used as an accessory material for aesthetic quality.

2. A Buffer Park

Such park shall be not less than forty (40) feet in width in any "C" District and sixty (60) feet in any "M" District, designed and landscaped by a qualified architect, engineer or landscape architect; predominate planting shall be evergreen type trees, shrubs and plants so as to assure year-round effectiveness; density and height of planting shall be adequate to serve as a solid and unpenetrable screen.

C. Burden of Provision of a Buffer

The burden of provision and selection of the buffer shall be as follows:

1. Where two different Districts, requiring a buffer between them, are both in an existing improved condition, the above requirement is not retroactive and should a buffer be desired, it shall be by mutual agreement between property owners or as otherwise provided by law. However, in the event of any or all of the improved property is abandoned, destroyed, demolished, etc., for the purpose of renewal, redevelopment, etc., that portion of such property being renewed, redeveloped, etc., shall be considered vacant land subject to the requirements herein.
2. Where one of two different Districts requiring a buffer between them is partially developed, the developer of the vacant land shall assume the burden.
3. Where both Districts, requiring a buffer between them, are vacant or undeveloped except for agricultural use, the burden shall be assumed by the developer as the land is improved or developed.

D. Waiver of Buffer Requirement

Where the line between two districts, requiring a buffer, follows a street, right-of-way, railroad, stream, or other similar barrier, the requirement for a buffer may be waived, provided such waiver does not permit the exposure of undesirable characteristics of land use to public view.

19.5 LANDSCAPING OF PARKING LOTS REQUIRED

A. Conditions

When a parking lot is determined to have met the qualifying criteria as developed herein, it shall be the responsibility of the developer to provide a detailed landscaping plan as prepared by a registered architect, landscape architect or engineer for the lot that upon approval shall be implemented on a schedule as agreed to by the Zoning Administrator.

Continued maintenance of the landscaping materials shall be the responsibility of the property owners. Before a zoning permit can be finalized, the landscaping must be completed to the full extent of the landscape plan as approved.

Any parking lot or designated area that is intended to accommodate ten (10) or more vehicles shall meet the requirements of this Article and shall provide that fifteen (15) percent of the gross area of the parking lot or area is devoted to screening and landscaping. This Article shall not be deemed applicable to frontages of automobile sales lots or other businesses which display vehicles or machinery out of doors. However, such businesses are still required to meet all other requirements established in this article which do not affect street frontage visibility as determined by the Zoning Administrator.

B. Landscaping

Landscaping and screening of parking lots required under the provisions of this article or elsewhere in this ordinance shall be accomplished by any one or an approved combination of the following methods:

1. Screening

It is required that for parking lots or designated parking areas that they shall be screened in such a manner as to reduce the visual impact made by such areas on surrounding properties and street frontages. This may be accomplished on strips of ground running the entire length of the lot on both side yard lines and street frontages which are not less than five (5) feet in width through the construction of a small earthen berm or small wall or fence not less than three (3) feet in height which is planted with a mixture of shrubs, plants, and other low to mid level height ground cover. Along with this, it shall be necessary to introduce shade trees in such a manner as to completely reduce the visual impact of the development from the area of not less than ten (10) feet in height. The intent of the screening is to address all visual access points from ground level to a height of thirty (30) feet and yet allowing visual access points to the business in such a manner that the store front is visible.

All plantings and groupings shall be done in such a manner that the density and heights of the plantings shall be adequate to serve as a solid and unpenetrable screen for each visual access area that is being addressed.

If a wall is to be used as either a replacement of the berm or in conjunction with a planting design, it shall be constructed of permanent, low-maintenance material such as concrete, concrete block, cinder block, brick, precast concrete, tile block or other similar material which must reflect a cohesiveness with the design and materials used in the construction of the building. The wall shall be designed by an architect, landscape architect or an engineer for both structural adequacy and aesthetic quality.

If a fence is to be used in place of a berm and in conjunction with a planting design, it shall be constructed of durable low maintenance material such as treated wood, cedar or redwood, metal

or other similar material. The architect, landscape architect or engineer designing the landscape shall include a statement concerning the use of selected materials and the compatibility of the fence with the design and materials used in the construction of the building(s) for which the parking lot or area serves.

2. Landscaping of Interior Lots

In conjunction with the screening of a parking lot or parking area, it shall be necessary to include on the overall landscaping design and to install islands throughout the parking lot or area in which a combination of plantings are used to address low to high level fields of vision and which divide the expanse of the parking lot or area and provide relief from the impact of the sun's heat and glare.

An island shall be a minimum of five (5) feet in width and fifteen (15) feet in length and shall be landscaped with shrubs, plants and ground cover. Shade trees shall also be provided in such a manner that no island has less than two (2) shade trees or the trees are planted at intervals of no greater than fifteen (15) feet. The intent is to provide plantings in such a manner as to serve as a solid and unpenetrable screen, on both the ground and along the tree line. Islands shall be provided throughout the parking lot or area in such a manner that at least every other row of parking abuts either an island or a section of the required screening. In some instances it may require that additional lot area be reserved for use for landscaping and screening in addition to the minimum percentage that is required in this or any section of the ordinance.

C. Planting Materials

Planting materials need only be deciduous to the growing region Cerro Gordo County is located in and which will also meet the requirements as established herein. This section is intended to be flexible in order to accommodate the diversity of combinations of plantings and physical structures in order to allow the most effective and aesthetically pleasing environment as possible.

D. Burden of Provision of Landscaping

The burden of provision of the requirements established herein shall be with the developer of the property. After the initial installation of the material, it shall be the responsibility of the property owner from thereon to insure the continual maintenance of both physical structures and the planting materials used. The repair and/or replacement of either structures or plantings due to damage, death or age, shall be done in a timely manner not to exceed a normal growing season.

19.6 OUTDOOR ADVERTISING SIGNS AND BILLBOARDS

A. Purpose

The purpose of this section is to establish minimum requirements to regulate the location, use, and size of signs within the various zoning districts while providing for the protection and enhancement of the aesthetic environment, creating an environment that promotes economic development, and protecting and improving pedestrian and traffic safety. Further, it is the intent of this section to permit and regulate signs in compliance with the Code of Iowa, and such administrative rules retulating outdoor advertising.

B. Definitions

The following definitions are to be used in the administration of this section:

ADVERTISING SIGN

A sign that directs attention to a business or profession conducted, or to a product or service sold, offered, rented, or manufactured, or to an entertainment offered on or off the premises on which the sign is located.

BUILDING-MOUNTED SIGN

A sign fastened to, supported by, or painted on a building or wall and includes terms such as wall sign, awning sign, marquee sign, and roof sign.

DIRECTIONAL SIGNS, PUBLIC

Signs normally erected by a governmental entity and: (1) for guiding the safe movement of pedestrian or vehicular traffic; (2) containing directional information about public places owned or operated by a governmental entity; or (3) other signs erected for a public purpose including OFFICIAL SIGNS as defined herein.

FACE

That part of an advertising sign that is devoted to the display of advertising and that is visible to traffic proceeding in any one direction.

FREESTANDING SIGN

A permanent, non-movable sign not building-mounted and which is supported by one or more uprights or braces in or upon the ground. The definition includes billboards.

OFFICIAL SIGN

A sign or notice placed and maintained by a public agency, including its officers and agencies, within their jurisdiction, and pursuant to and in accordance with direction or authorization contained in federal, state, or local law, for the purposes of carrying out an official duty or responsibility. The definition includes a historical marker lawfully erected by a state or local government agency.

OFF-PREMISE SIGN

An advertising sign which is not an on-premise sign.

ON-PREMISE SIGN

An advertising sign that advertises the sale or lease of, or activities being conducted upon, the property where the sign is located and: (1) consists solely of the name of the establishment or that identifies the establishment's principal or accessory products or services offered on the property; (2) is located on the same property as the advertised activity or the same property as that advertised for sale or lease; and (3) is limited to advertising the property's for sale or lease, or identifying the activities located on or products or services available on the property.

SIGN OR SIGNAGE

Any object, device, display, or structure, or part thereof, visible from a the public right-of-way, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected or electronic images.

SIGN AREA

The face or display surface used for the advertising message, exclusive of supporting structures provided there is no advertising on said supporting structures.

TEMPORARY SIGN

A sign that is not permanent, building-mounted, or attached to or in the ground and includes portable signs with or without a hitch and wheels, or signs constructed of light material designed or intended to be displayed for a short period of time.

C. General Provisions Applying to All Signs

1. Distances from Intersections. No advertising sign nor any part thereof shall be placed within a distance of three hundred (300) feet from the nearest point of on or in the intersection of a road right-of-way with another road right-of-way or intersection with a railroad right-of-way. A building-mounted advertising sign is permissible within such distances if the sign does not cause any greater obstruction of vision or distraction than that caused by the building itself.
2. Distances from Certain Uses. No advertising sign shall be located within three hundred (300) feet of the nearest property line of a parcel containing a residence; church; school; historical monument; federal, state, county, or municipal park or public use area; or a cemetery.

3. Prohibited Signs. Signs meeting any of the following provisions are prohibited:
 - a. Signs placed in, encroaching on, or hanging over the right-of-way of any federal, state, county, municipal, or private street or road except those authorized by this Ordinance.
 - b. Non-public or unofficial signs creating a traffic hazard by: (1) attempting or appearing to attempt to direct the movement of traffic; (2) interfering with, imitating, or resembling any official sign, signal, or device; (3) impairing the vision of any motor vehicle driver; (4) obstructing the view of any street, road, or railroad to the extent it poses a danger; or (5) obscuring or physically interfering with an official traffic control sign, signal, or device.
 - c. Signs erected or maintained upon trees, painted or drawn upon rocks or other natural features.
 - d. Advertising signs affixed to or painted on a motor vehicle, travel trailer, semi-trailer, utility trailer, or similar device, except those in transit or in use.
 - e. Advertising signs illuminated by flashing, intermittent, or animated or moving light or lights, or automated signs that change the advertising message, except those giving public service information such as time, date, temperature, weather, and news.
 - f. Signs with illumination used in such a way that beams or rays of light are directed at any portion of the main traveled way or that cause glare or otherwise impair the vision of the driver of any motor vehicle, or otherwise interferes with any driver's operation of a motor vehicle.
 4. Advertising signs located along Interstate, freeway-primary, and non-freeway primary highways will be required to comply with the Code of Iowa, and such administrative rules regulating outdoor advertising, and obtain approval from the Iowa Department of Transportation.
- D. Signs Permitted in All Zones. The following signs are permitted in all zones without a permit, provided they comply with the requirements of Section 19.6(C) and do not exceed the requirements herein:
1. Farm Product Signs. Advertising signs located on any farm which do not exceed 20 square feet in size and which relate in whole or in part to farm products, merchandise, or service sold, used, produced, manufactured, or furnished on such farm including signs indicating the type of seed or hybrid used or farm product supplier affiliation.
 2. For Sale Signs. Real estate signs, not exceeding 20 square feet in size, advertising the sale, rental, or lease of property upon which they are located.
 3. Church, Municipal Recognition, Institutional or other Public Signs. Church, municipal recognition, institutional or other public signs of a non-profit nature and which do not singularly exceed 20 square feet in size or when used in a series do not exceed 35 feet in their total aggregate.
 4. Utility, Safety, and Public Agency Signs. Miscellaneous traffic or other signs of a public agency, utility, or common carrier such as railroad crossing signs, and signs warning of danger, hazards, or unsafe conditions.
 5. Required Signs. Signs and notices required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation.
 6. Incidental signs. Incidental signs, including no spraying, no hunting, and no trespassing signs.
 7. Agricultural Products and Produce. Signs advertising the on-premise sale of agricultural products and produce.
 8. Construction Signs. Construction signs identifying the architects, engineers, contractors, or other individuals involved in the construction of a building on property upon which such a sign is located,

or directing traffic related to construction. Such signage shall not exceed thirty-two (32) square feet in area per sign and shall not exceed ten (10) feet above ground level. Such signs shall remain no longer than ninety (90) days following the initial occupation of the buildings.

9. Political Signs. Political signs not in violation of Iowa Code Section 68A.406 (2007), announcing candidates seeking public office, a political or ballot issue, or a sign containing other information relating to a specific election.

E. Sign Regulations by Zoning District.

1. All Agricultural Districts.

- a. One nameplate per residence, mounted on a structure or free-standing, shall be allowed provided the nameplate is limited to two (2) sides, does not exceed twelve (12) square feet in size on any side, and is non-illuminated. Nameplates shall be limited to the address, name(s) of occupants, and/or terms descriptive of any farming operation (for example, "Century Farm" or "Smith Acres"). If not a farming operation, then no information other than address and/or name(s) of occupants are permitted. Such nameplates shall not require a permit.
- b. No off-premise advertising sign shall exceed thirty-two (32) square feet in area on a single face or a height of more than twelve (12) feet above finished grade, exclusive of supporting structures. All parts of such advertising signs shall be limited to two faces. Such signs shall be placed no less than twenty-five (25) feet from the nearest right-of-way line and meet required side and rear yard setbacks for the district in which it is located. No off-premise advertising sign shall be placed within six hundred sixty (660) feet of another lawful off-premise advertising sign. Off-premise signs shall comply with the Code of Iowa as applicable.
- c. One illuminated, on-premise sign for churches, public buildings, hospitals and institutions permitted in the A-1 and A-2 districts shall be allowed provided such signs do not exceed twenty-four (24) square feet in face area on each side, do not exceed six (6) feet in height above finished grade, and are located in the front yard. Such signs shall be placed no less than twenty-five (25) feet from a right-of-way line and meet required side and rear yard setbacks for the zoning district in which it is located.
- d. Temporary signs of a nature listed in Section 19.6(D) shall be allowed without a permit as long as all requirements of this Ordinance are met.
- e. Illuminated signs are prohibited, except as authorized by this Ordinance.

2. All Residential Districts.

- a. One nameplate per residence, mounted on the residence or free-standing, containing only names of occupants and/or the address of the residence shall be allowed provided the nameplate is limited to two (2) sides and does not exceed one and one-half (1½) square feet in size on any side. Nameplates may be illuminated by recessed or landscape lighting. Such nameplates shall not require a permit.
- b. Advertising signs shall be prohibited, unless authorized as part of a home occupation or by variance or special use permit granted by the Board of Adjustment.
- c. One double-faced, illuminated, on-premise sign for churches, public and buildings, hospitals and institutions permitted in the R-1, R-2, R-3, and R-4 districts shall be allowed provided such signs do not exceed twenty-four (24) square feet in area on each face, do not exceed six (6) feet in height above finished grade, and are located in the front yard. Such signs shall be placed no less than ten (10) feet from a right-of-way line and meet required side and rear yard setbacks for the zoning district in which it is located.
- d. One double-faced, illuminated, on-premise sign shall be allowed for a permitted use in an R-4

district, provided that such sign does not exceed twenty-four (24) square feet in area on each face, and do not exceed six (6) feet in height above finished grade. Such signs shall be placed no less than ten (10) feet from a right-of-way line and meet required side and rear yard setbacks for the R-4 district.

- e. Temporary signs of a nature listed in Section 19.6(D) shall be permitted without a permit as long as all requirements of this Ordinance are met.
- f. Illuminated signs are prohibited, except as authorized by this Ordinance.

3. All Commercial and Industrial Districts.

a. Signs permitted in Residential Districts are permitted in the Commercial and Industrial Districts.

b. On-premise Advertising Signs. On-premise advertising signs not in violation of the Code of Iowa shall be permitted as follows:

- (1) Advertising signs shall be limited to a maximum of one hundred (100) square feet of total advertising surface area on any one (1) face, and limited to a maximum of two (2) faces.
- (2) On any single development property, no more than one (1) advertising sign shall be permitted for every one hundred fifty (150) feet of adjoining highway, road or frontage road frontage. A minimum of one hundred fifty (150) foot spacing shall be maintained between advertising signs, whether on or off the property. In the case of shopping centers or other groupings of businesses, individually sized-limited advertising signs may be grouped on one sign that meets all of the requirements of this Ordinance.
- (3) Where the property fronts upon a frontage road, such adverting signs may be located anywhere within the buildable area or within the front yard of the developed property. Where the subject property does not front upon a frontage road, a twenty-five (25) foot front yard setback shall be required of all advertising signs, except within the C-1 Local Commercial District.
- (4) Side yard and rear yard setbacks, including corner lot side yards on the street side, shall be not less than those specified for structures in the respective districts.
- (5) No advertising sign shall overhang adjacent property lines or frontage road, road, or highway right-of-way lines.
- (6) The advertising sign shall advertise only the product produced, the business conducted or the manufacturing conducted upon the premises.
- (7) Building-mounted advertising signs shall be limited to a sign area not to exceed twenty-five (25) percent of the area of the front wall of the principal building occupied by the commercial or industrial operation.
- (8) No free-standing or building-mounted advertising sign shall exceed the maximum height permitted for a structure within the zoning district in which the sign will be located.
- (9) One (1) temporary, on-premise advertising sign shall be permitted on a lot for a period of no more than thirty (30) days without a permit.

c. Off-Premise Advertising Signs. Off-premise advertising signs are permitted only on developed commercial and industrial-zoned lots. Off-premise advertising signs not in violation of the Code of Iowa shall be permitted as follows:

- (1) Front, side, and rear yard setbacks, including corner lot side yards on the street side, shall be not less than those specified for structures in the respective districts.

- (2) The advertising sign shall not exceed the lesser of five hundred (500) square feet of advertising surface area on any one (1) face, with a maximum of two (2) faces, or an area in square feet on any one (1) face which is equal in number to the front foot width of the property on which the sign is located.
- (3) The advertising sign shall not be located within six hundred sixty (660) feet of another lawful off-premise advertising sign.
- (4) Such advertising signs may be illuminated subject to the restrictions of Section 19.6(C)(3)(e) and (f).

F. Permit Requirements.

1. Any sign that is to be erected, modified, or placed on a lot or building shall obtain a permit, unless not required to do so under this Ordinance. The owner of such sign shall secure a sign permit prior to the sign being erected, constructed, reconstructed, moved, enlarged, altered or illuminated. Non-compliance with this section shall result in the assessment of the administrative fee stated in Section 22(l) of this Ordinance in addition to the permit fee for the sign.
2. No permit of any kind shall be issued for an existing or proposed sign unless such sign is in conformity with these regulations.
3. An application for a sign permit shall be accompanied by the following:
 - a. The dimensions of the sign face; and where applicable, the dimensions of the wall surface to which the sign will be attached.
 - b. The dimensions of the sign support structure on a free-standing sign.
 - c. A dimensioned site plan showing the location of the sign in relation to the boundaries of the lot and all existing and/or proposed buildings or structures on the lot.
 - d. A dimensioned elevation drawing of the proposed sign, including the support structure of a free-standing sign, if applicable.
4. Fees. Upon approval of an application for a sign permit, the owner of the sign shall pay the required fee in accordance with the following schedule:
 - a. \$25.00 if the advertising area of the sign does not exceed fifty (50) square feet.
 - b. \$50.00 if the advertising area of the sign exceeds fifty (50) square feet but does not exceed two hundred (200) square feet.
 - c. \$100.00 if the advertising area of the sign exceeds two hundred (200) square feet.

G. Non-Conforming Signs.

1. Signs that do not conform these regulations, and existing at the time of adoption of these regulations, shall not be altered or enlarged in any way to exacerbate the non-conforming condition. The non-conforming sign shall not be moved or replaced unless to bring the sign more into conformity with these regulations.
2. If a non-conforming sign is destroyed, then replacement shall be according to the requirements of this Ordinance.
3. The message of a non-conforming sign may be changed, but shall not create any new non-conformity.

ARTICLE 20: SPECIAL USES

20.1 REGULATIONS

The regulations set forth in this Article or elsewhere in this Ordinance which are applicable shall apply to the special uses listed in this Article. It is recognized that certain uses possess characteristics of such unique and special form as to make impractical their being included automatically in any class of use as set forth in the various districts established by this Ordinance; therefore, these uses shall be subject to certain conditions and standards set forth in this Article.

The Board of Adjustment may by special permit after public hearing authorize the location of any of the following structures or uses in the districts and according to the regulations specified below. In approving any "special use" the Board of Adjustment may prescribe appropriate conditions and safeguards; however, a special use permit may not be granted for a use in a zoning district from which it is specifically excluded by the provisions of this Ordinance. In addition, special permits in connection with which a violation occurs shall be subject to revocation by the Board of Adjustment.

20.2 SPECIAL USES

- A. Any public building erected and used by any department of the Township, County, State or Federal Government. Any District.
- B. Airport, heliport, or private landing field. A-1, A-2, C-2, M-1, and M-2 Districts provided that the following minimum requirements are met:
 - 1. An operational plan shall be developed for the facility, and subsequent activities shall be conducted in accordance with the plan.
 - 2. Additional controls may be established to control noise during the operation of the facility, including but not limited to limitations on hours of operation.
 - 3. Site lighting shall be of the least conspicuous type and exist only to satisfy Federal Aviation Administration (FAA) requirements. Red lights shall be preferable to white lights.
 - 4. All repair or aircraft and machinery shall be conducted inside an enclosed building.
 - 5. Any building, hanger, or other structure associated with the use shall be setback one hundred (100) feet from all property and road right-of-way lines.
 - 6. The Board of Adjustment may require berms or vegetative buffers as deemed necessary to mitigate conflicts between the facility and other land uses in the vicinity.
 - 7. The applicant shall demonstrate compliance with all state Department of Transportation and/or FAA rules, regulations, and standards for the facility and file documentation of such compliance at the time of application.
 - 8. No facility is allowed in an area encompassed by the Airport Zoning Ordinance in Article 5, unless documented approval has been received from the FAA.
- C. Bed and Breakfast Inn.
 - 1. Minimum Development Requirements:
 - a. Operated in a residence only.
 - b. Operated as an accessory use to the owner's residential use. The Bed and Breakfast Inn shall be operated by the owner of the property only.
 - c. Check-in/check-out time shall be between 9:00 a.m. and 8:00 p.m. only.
 - d. Breakfast shall be the only meal served to guests.
 - e. No long term rental of rooms shall be permitted. The maximum stay for guests shall be seven (7) days.
 - f. No cooking facilities shall be allowed in the guest rooms.
 - g. If the use at any time becomes unduly intrusive to the neighborhood, the permit may be revoked at the discretion of the Board of Adjustment. The decision of the Board of Adjustment shall be final
 - h. The historic character of the structure shall be maintained.
 - i. Bed and Breakfast Inns shall comply with all applicable adopted County fire and building codes.
 - j. The number of rooms permitted in the Bed and Breakfast Inn shall be specified in the special use permit.

- k. Parking shall be provided at a ratio of one off-street parking space for each guest room plus two (2) spaces for the owner's unit. In addition, one space shall be provided for each employee of the shift of maximum employment.
 - l. One sign shall be permitted subject to approval of the Board of Adjustment at the time of the special use permit consideration. Such sign shall be compatible with the historic character of the structure in design, color and materials. The sign shall not exceed 12" wide by 16" long and shall be mounted at a maximum height of four (4) feet. Modification of the sign, at a later time, shall be subject to the approval of the Zoning Administrator.
 - m. Bed and Breakfast Inns shall comply with the design regulations for the underlying zone in which the site is located.
- D. Establishments or enterprises involving large assemblages of people or automobiles including, but not limited to:
- 1. Amusement parks.
 - 2. Carnivals, circus and fairgrounds, except as hereinafter provided.
 - 3. Commercial sport or recreational enterprises, including amphitheatres, convention halls and auditoriums.
 - 4. Rodeo grounds, music festivals and sports festivals. A-1,A-2, C-1, C-2, M-1 and M-2 District.
- E. Garbage Disposal. A-1, A-2, M-1 and M-2 Districts.
- F. Go-Kart tracks, racetracks and dragstrips. A-1, A-2, M-1 and M-2 Districts. The requirements of Article 18.12 (B) and (C) shall be adhered to.
- 1. Minimum Development Requirements:
 - a. Minimum lot area - twenty (20) acres
 - b. Minimum lot width - six hundred (600) feet
 - c. Minimum front yard setback - two hundred (200) feet
 - d. Minimum side yard - two hundred (200) feet
 - e. Minimum rear yard - two hundred (200) feet
 - f. Off-street parking. A minimum of one and one-half (1-1/2) parking spaces for each racer based on the maximum capacity of the track plus an additional one hundred (100) parking spaces for spectators shall be provided.
 - g. Lighting. Any lighting provided shall be so arranged that it will not shine directly onto adjacent properties.
 - h. Buffering. Noise buffering in the form of landscaping or fencing may be required by the Board of Adjustment as needed according to its discretion.
 - i. Distance from existing dwellings. No track shall be located closer than six hundred (600) feet from any existing dwellings other than dwellings owned by the applicant for the proposed track.
 - j. Surfacing. The track shall be surfaced with asphalt or treated with oil and/or water to reduce dust.
- G. Golf courses and country clubs. Any district unless otherwise prohibited.
- H. Hospitals, sanitariums, and institutions of an educational, religious, philanthropic or charitable in character. Any district except M-1 and M-2.
- I. Public and private cemetery, including a mausoleum or crematory. R-1, R-2, R-3, R-4, C-1 and C-2 Districts.
- J. Commercial microwave, radio and television towers, public utility structures and accessory equipment, including their transmitting stations and towers, and wireless telecommunications facilities. Any district except residential provided the following requirements are met:
- 1. Application. In making application for a Special Use Permit, the applicant shall file the following in addition to the standard application for Special Use Permit:
 - a. A site plan, drawn to scale, identifying the site boundary; tower or facility location; height of structure(s); guy wires and anchors; and existing and proposed structures including accessory structures.
 - b. If the applicant is not the site owner, written authorization from the site owner.

- c. The applicant shall provide evidence that available public or private sites are unsuitable for operation of the facility under applicable telecommunications regulations and applicant's technical design requirements. A new tower shall not be permitted if co-location can be found upon an existing or alternative tower structure that meets engineering requirements of an applicant's wireless network within a one (1) mile radius of the proposed new tower site. Cost shall not be used as a reason against co-locating of antennas.
 - d. Evidence that all permits required by any other governmental entity have been obtained, or, if all such permits cannot practicably be obtained prior to the public hearing, the written acknowledgement by the applicant that any special use permit granted will be contingent upon the applicant obtaining all such permits and providing conclusive evidence thereof to the Administrative Officer, as the latter may require.
2. Conditions. Any applicant shall provide documentation that all of the following applicable conditions will be met for all towers:
- a. The tower shall be constructed or easily modifiable, within thirty (30) days, to support the equipment of at least three (3) communications companies.
 - b. Towers and telecommunications facilities shall be of camouflage design, if possible. Examples of camouflage facilities include, but are not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, communications and telecommunications towers designed to blend into the surrounding environment or to look like an object other than a tower. Where camouflage design is impossible or impractical, the tower shall be built of materials that make it nearly invisible. Lighting on the tower shall be of the least conspicuous type and exist only to satisfy Federal Aviation Administration (FAA) requirements.
 - c. The tower owner and the tower operator shall provide proof of adequate liability insurance in writing, to the Administrative Officer of Cerro Gordo County for Planning and Zoning, under such further conditions and in such amounts as the Board of Adjustment or the Administrative Officer may direct, but in no event shall such proof be required more often than annually.
 - d. The base of the tower shall be at least the height of the tower from any public right-of-way and any existing principal or accessory structure, other than the base station. Guy wires, guy anchors, and base station structures shall comply with all setbacks for the zoning district in which they are located. No guy anchors, towers, or base station structures shall be located in an easement located on the property except that held by the applicant.
 - e. Any signal interference complaints associated with the tower or related equipment shall be addressed within thirty (30) days in accordance with Federal Communications Commission (FCC) rules and procedures.
 - f. The tower and all appurtenances shall be removed upon the end of its useful life and the site restored to its condition prior to tower placement within one hundred eighty (180) days.
 - g. Access from any public road shall be subject to the standards of the County Engineer. An access permit shall be obtained from the County Engineer prior to construction.
 - h. A zoning permit shall be applied for and approved, subject to Article 22 of the Zoning Ordinance, prior to any construction.
 - i. A sign shall be placed on the base station structure or at the base of the tower that identifies a name and phone number of whom to contact in case of emergency. No advertising device is permitted anywhere on the facility except as permitted by this Ordinance.
3. Exceptions. The Special Use Permit procedure shall not apply where:
- a. An applicant proposes to add an antenna to an existing tower and the addition of such antenna will not increase the total height of the tower.
In such cases, the applicant shall file an Application for Zoning Certificate for review by the Zoning Administrator, along with evidence that the required FAA and FCC permits have been obtained.
4. Transmission lines. The routing of transmission lines shall be restricted to locations that minimize the disruption of agricultural activity and developed residential areas.
- K. Sewage treatment plants and waste stabilization lagoons, public or private; and any building, structure, or land used by a public or private utility service for the purpose of transmitting power, liquids or gases. Also, newspaper distribution buildings. No part of any treatment facility (structure or levee) shall be closer than two hundred (200) feet from any property line or road right-of-way. The requirements of Article 18.12 (B) and (C) shall be adhered to.

- L. Explosive manufacture or storage provided that no special permit for the storage of explosives may be issued unless the proposed location of the magazine or magazines for the storage of explosives complies with the current American Table of Distances for Storage of Explosives as revised and approved by the Institute of Makers of Explosives and that all current rules and regulations are followed. A-1, A-2 and M-2 Districts only.
- M. Animal Rescue Leagues. A-1, A-2 and M-2 Districts only.
- N. Dumps, including sanitary landfill. A-1, A-2, M-1 and M-2 Districts only.
- O. Commercial swimming pools, fishing lakes, gun clubs, skeet shooting ranges and similar uses. A-1 and A-2 Districts only.
- P. Mobile Home Parks. A-1 and R-4 Districts.
 - 1. Principal Permitted Uses:
 - a. Mobile Home Parks, in accordance with regulations of the State of Iowa and minimum requirements contained herein, but not including mobile home sales and display area. No part of any park shall be used for non-residential 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 a resident owner of a mobile home located on a mobile home stand and connected to the pertinent utilities.
 - 2. Accessory Uses:
 - a. Accessory uses may include common facility service buildings which provide laundry facilities, a semi-public swimming pool, short order food service, accessory supplies, vending machines, etc.; also park management buildings, maintenance building, community building, one dwelling unit to be occupied by the owner or administrator, and other uses of a similar nature. All such buildings shall be located within the central "park" area, and shall be restricted to the use of the park occupants.
 - b. One permanent identification sign shall be permitted at any main entrance to a Mobile Home Park. Such sign shall be of ornamental metal, stone, masonry, or other permanent material and shall indicate only the name of such Mobile Home Park. Such signs shall not exceed twenty (20) square feet in surface area.
 - 3. Height Regulations:
 - a. No mobile home or accessory building shall exceed twenty (20) feet in height.
 - 4. Lot Area, Lot Frontage and Yard Requirements:
 - a. The minimum area proposed for a Mobile Home Park shall have at least ten (10) acres of gross development area. The maximum density allowed for the gross development area shall be eight (8) mobile home units per gross acre.
 - b. All Mobile Home Park perimeter yard requirements shall be not less than thirty-five (35) feet.
 - c. No part of any mobile home space shall be closer to any public street upon which the park adjoins than seventy-five (75) feet; however, interior park streets may be located within the setback area.
 - d. The individual mobile home lot shall contain not less than 4,500 square feet in area with a minimum depth of ninety (90) feet. Each lot shall have a front yard not less than fifteen (15) feet in depth measured from the edge of the surfaced private street to the closest point of the lower face of the mobile home. Side and rear yards shall be provided and maintained so as to provide a minimum separation at the nearest point between mobile homes, and other buildings and structures on adjoining lots, of at least twenty-five (25) feet; however, this may be reduced to fifteen (15) feet between a mobile home and a garage or other accessory structure on adjoining lots, provided the garage or accessory structure has a firewall. Any roof, canopy, carport, or other accessory enclosure, whether attached to or detached from a mobile home, shall be distant at least fifteen (15) feet from its nearest point to a mobile home on an adjacent lot. No accessory enclosure or detached structure shall be permitted in the front yard setback area of the mobile home lot.
 - e. A minimum of two hundred fifty (250) square feet for each lot shall be provided for one or more recreational 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.

5. Parking:
 - a. A minimum of two (2) off-street car spaces for each mobile home lot shall be provided. 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 (200) feet from the mobile home that it is intended to serve. All parking areas shall be constructed with a concrete or asphaltic concrete surface.
6. Streets:
 - a. The entrance road connecting the park streets with a public street shall have a minimum road pavement width of thirty-one (31) feet, measured back to back of curbs. All interior streets shall be not less than twenty-eight (28) feet in width, measured back to back of curbs.
 - b. All streets shall be constructed with either hot mix asphaltic concrete or Portland cement concrete with an approved curb to provide for drainage.
7. Mobile Home Stands:
 - a. The area of the mobile home stand shall be improved to provide an adequate foundation for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.
 - (1) The mobile home stand shall be constructed in such a manner that it will not heave, shift, or settle unevenly under the weight of the mobile home due to inadequate drainage, vibration or other forces acting on the superstructure. The mobile home stand shall be constructed at a minimum with six (6) inch deep by thirty (30) inch wide poured concrete ribbons with 6x6#10 wire mesh reinforcing and of sufficient length to support all wheels and undercarriage supports of any mobile home that may be placed on the mobile home stand, or by another method which will provide equal or better stability and which is approved by the Administrative Officer.
 - (2) The mobile home stand shall be provided with anchors, arrowhead anchors, or other devices insuring the stability of the mobile home.
 - (3) Tie-down or anchors shall be placed at least at each corner of the mobile home stand to provide a readily accessible anchor for the mobile home and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2800) pounds.
8. Skirting:
 - a. Skirting of a permanent type material and construction shall be installed within fourteen (14) days to enclose the open space between the bottom of a mobile home floor and the grade level of the mobile home stand. This skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the Mobile Home Park.
9. Utilities:
 - a. Sewer and water facilities shall be provided for each Mobile Home Park space in accordance with the requirements of the County Department of Health. Any lagoons, or other treatment facility, constructed in conjunction with the development, shall be located not less than seventy-five (75) feet from any public road or street or lot line (in the case of a lagoon, this distance shall be measured from the outside toe of the levee slope). The provisions of this paragraph do not require a "Special Use Permit".
10. Site Plan:
 - a. Prior to the issuance of a "Zoning Permit" for the construction of a Mobile Home Park, a comprehensive site plan shall be submitted for review and approval of the Board of Adjustment.
 - b. The site plan shall be prepared at a scale of not less than 1" = 100'.
 - c. The Board of Adjustment may approve said plan or require such changes thereto as are deemed necessary to carry out the spirit and intent of this Ordinance. The site plan shall show, as a minimum, the following:
 - (1) Name and address of owner-developer.
 - (2) Location and legal description of the mobile home development.
 - (3) The area and dimensions of the tract of land.
 - (4) The number, location, and size of all mobile home lots and parking facilities.
 - (5) The location and width of roadways and walkways.
 - (6) The location of water and sewer lines, fire hydrants, and riser pipes.
 - (7) Plans and specifications of the water supply and refuse and sewer disposal facilities.
 - (8) Plans and specifications of all buildings constructed or to be constructed within the mobile home development.
 - (9) The location and details of lighting and electrical systems.

(10) The location of recreation areas and facilities.

(11) A buffer or landscaping as required in Article 19.

11. After Board of Adjustment approval and before issuance of required permit, it shall be the responsibility of the developer to either post a performance or guarantee bond or establish an escrow account which is equal to one hundred (100) percent of the proposed public improvements as provided by a certified engineer. These funds or bonds will be made payable to the County in the event that the developer is unable to finish the improvements. It is also the responsibility of the developer to provide proof of such measures to the extent which is required to suffice the Board of Adjustment.

Q. Travel Trailer Parks. Any District except M-1 and M-2.

1. Minimum Requirements for Park:

- a. Front Yard. Same as district or fifty (50) feet, whichever is greater. This requirement shall apply to any and all roads or streets upon which "park" abuts.
- b. Side Yard. Thirty-five (35) feet.
- c. Rear Yard. Thirty-five (35) feet.
- d. Minimum Area. One and one-half (1-1/2) acres.
- e. Maximum Density. Twenty (20) unit spaces per gross acre of park site.
- f. Drives. Twenty-five (25) feet in width with asphaltic concrete surface.
- g. A Common Service Building providing laundry facilities, short order food service, accessory supplies, etc., may be included in the "park" permitted in the A-1 and A-2 Districts, provided such building shall not be visible to passing traffic; and shall be restricted to the use of the park occupants. Such service buildings shall be permitted in the C-2 District providing such use shall conform to the requirements provided in the C-2 District Regulations.
- h. The Rear and/or Side Yards shall be screened from adjacent property's visual access by planting screen not less than ten (10) feet in width, or by an unclimbable fence wall in accordance with Article 19.

2. Requirements for "Travel Trailer" Spaces:

- a. Minimum Space Size. Twenty (20) feet by fifty-five (55) feet.
- b. Minimum Space Area. One thousand one hundred (1,100) square feet.
- c. Off-Drive Parking. One (1) parking space for and within the area of each "Travel Trailer" space.
- d. Minimum Front Yard. Ten (10) feet.
- e. Minimum Rear Yard. Five (5) feet.
- f. Minimum Side Yard. Five (5) feet.
- g. Travel Trailer Separation. The minimum distance between any two (2) travel trailers shall be not less than ten (10) feet.

3. Site Plan Requirements:

- a. A site plan of the park site shall be required for review and consideration of a "Special Use" permit. The site plan shall be prepared at a scale of not less than 1" = 100'.
- b. All provisions to meet the requirements of this Ordinance shall be clearly illustrated.
- c. All existing drainage and public utility facilities shall be shown; and proposed methods of storm water removal, waste removal and water distribution shall be stated on the plan. Detailed requirements shall be approved by the appropriate county department prior to the issuance of a special permit.
- d. Final Travel Trailer Park development shall be in accordance with the approved site plan.

4. Storage of Travel Trailers:

- a. Unoccupied mobile homes, travel trailers, campers, converted buses, motor homes, tent trailers or similar devices may be located in travel trailer parks for storage purposes as per the following:
- b. A specific area must be designated as a storage area and all vehicles shall be located in this area during such time as the use is for storage.
- c. The site plan shall identify the sites for occupied use and sites for storage.
- d. Nothing in this article shall be construed to permit the repair, maintenance, sales or servicing of vehicles located in a travel trailer park.

- R. Anhydrous ammonia pumping and storage facilities in any A-1, A-2 or M-2 District providing the following site requirements can be met: Anhydrous ammonia containers shall be located outside of buildings other than those especially constructed for this purpose. Permanent storage shall be located outside of densely populated areas and subject to the approval of the authority having jurisdiction. The container shall not be less than: fifty (50) feet from the line of adjoining property which may be built upon (except that the distance can be reduced to not less than ten [10] feet from a main line railroad); one hundred (100) feet from an open source of drinking water or a dwelling unit; and one thousand (1,000) feet from any school, hospital or other place of public assembly. The requirements of Article 18.12 (B) and (C) shall be adhered to.
- S. Tourist Parks. A-1, A-2 and C-2 Districts only.
- T. The raising of animals and/or poultry for commercial purposes. A-1, A-2 and M-2 Districts only.
- U. Courses and/or activity areas for motor cycles, minibikes, and snowmobiles. A-1 and A-2 Districts only.
- V. Agricultural buildings and structures as a principal use on non-farm parcels in the A-1 and A-2 Districts only.
- W. Animal hospital and veterinary clinic; commercial kennels for the raising, breeding or boarding of dogs or other small animals. Any outside exercising runways shall be at least two hundred (200) feet from all property lines and not nearer than six hundred (600) feet from any zoned residential district, incorporated boundary line or dwelling other than the lessee or owner of the site. A-1 and A-2 Districts.
- X. Commercial stables and riding academies and clubs -- which must be located at least two hundred (200) feet from all boundary lines of the property on which located. Such stables and riding academies and clubs shall be permitted one (1) double-faced sign on the premises not to exceed twenty-five (25) square feet per face. A-1 and A-2 Districts.
- Y. Nursery schools, preschools and childcare centers provided there is established and maintained in connection therewith a completely fenced and screened playlot. A-1 and A-2 District.
- Z. Nurseries and greenhouses; provided that any heating plant shall be distant at least two hundred (200) feet from any dwelling and from any adjoining lot line. A-1 and A-2 District.
- AA. Auto Body or Fender Repair. Within a C-2 District. Excluding salvaging or junking of vehicles: Providing that any painting shall be done in a "Paint Booth" designed to alleviate the hazard of paint vapor and fumes being released into the open air; that all activities producing noise be conducted within an enclosed structure, and the noise produced thereby, when measured at the property boundary, does not exceed the general noise level of the area; and all wrecked or damaged vehicles and new or used parts are stored within an enclosed structure.
- BB. Home occupations. R-4 District
- CC. Wholesale storage of gasoline, fuels, oils, flammable or toxic substances. M-1 and M-2 Districts. Provided that a one thousand (1,000) foot buffer is maintained when such a storage facility is located adjacent to any residential district or use or when located adjacent to any commercial district or use. All state and federal requirements must be adhered to. Any permits required by any other governmental entity must be obtained prior to the operation of the activity for which the permits are required, with such proof of such permits being filed with the Cerro Gordo County Zoning Administrator prior to the operation of the activity for which the permits are required. Failure to file copies of such permits with the Cerro Gordo County Zoning Administrator may be grounds for revoking the special use permit granted pursuant to this section. The requirements of Article 18.12 (B) and (C) shall be adhered to.

DD. Salvage yards and/or junk yards, including auto wrecking and salvage, used parts sales and junk, iron or rags storage and baling. A-1, M-1 and M-2 Districts. Provided the following is met:

1. A minimum five hundred (500) foot setback from any abutting residential district shall be provided.
2. All dismantled vehicles and vehicle parts shall be stored within an enclosed building or within an area completely enclosed by at least a six (6) foot high privacy fence constructed of solid material. The fence must not be visually penetrable and a chain link fence with slats will not constitute a solid fence.
3. Any junk yard which abuts a residential or commercial district shall provide a solid buffer consisting of vegetation and in conformance with the standards as provided in Article 19 under Buffer Zone and Landscaping requirements. This shall be in addition to any other screening requirements found in this or any other section of this ordinance. It shall be the responsibility of the property owner to install and maintain the required buffer/landscaping.
4. At no time shall junk be allowed to become visible either over or through the required screening/buffering requirements.

The requirements of Article 18.12 (B) and (C) shall be adhered to.

EE. Special events venue or temporary special event facilities. A-1 and A-2 Districts.

Minimum Requirements:

1. Sufficient off-street vehicular parking shall be provided, as required by Article 19.2 of this Ordinance for a special events venue or as determined by the County Engineer for temporary special event facilities.
2. The applicant shall be responsible for the timely removal of all solid waste following an event. The applicant shall provide adequate trash receptacles and prevent solid waste from blowing offsite.
3. For any special events venue or temporary event facilities in which there is live a music performances taking place outdoors, in a tent, or in a temporary structure, said live music performance shall cease by 10 p.m., Sunday-Thursday; or by 11 p.m., Friday and Saturday, or on a Sunday that is followed by a federally recognized holiday. However, the applicant may request to be permitted to have the special event take place later than the time here stated. The Board, at its discretion, may take into consideration the surroundings of the location to establish said later time by condition.
4. The applicant shall provide proof of adequate liability insurance in writing to the Zoning Administrator, under such further conditions and in such amounts as the Board of Adjustment or Zoning Administrator may direct, but in no event shall such proof be required more often than annually. Additionally, the applicant shall be responsible for any necessary security as required by condition or as desired by the applicant..

FF. Boat hoist storage facility. A-1 and A-2 Districts.

Minimum Requirements:

1. No land used for the agricultural production of crops shall be used, converted, or taken out of production for the purpose of establishing a boat hoist storage facility.
2. Boat hoists or watercraft shall not be visible from any adjacent public road to a boat hoist storage facility to a minimum height of eight (8) feet. The facility owner shall provide adequate screening, such as berms, fencing, or a vegetative buffers, as necessary.
3. All boat hoists or watercraft shall be stored a minimum of fifty (50) feet from all lot lines.

4. Boat hoists or watercraft may be stored within an enclosed building for the purposes of a boat hoist storage facility. For any outdoor storage, boats hoists or watercraft, shall be stored no closer than the rear side of the principal building, or the rear side of the closest accessory building if there is no principal building, from the public right-of-way. If there are no buildings on an applicable lot, boat hoists shall be stored a minimum of fifty (50) feet from any public right-of-way.
5. The facility owner, at his/her expense, shall provide dust control up to twice per year on applicable gravel-surfaced roads adjacent to any property having a dwelling along said road used to transport boat hoists or watercraft to and from a boat hoist storage facility as desired by the owner of said property. The facility owner shall offer annually to provide said dust control to applicable property owners. All dust control shall be applied by a contractor licensed by the County Engineer's Office following established procedures. The facility owner shall keep records, including contacts made to said property owners and dust control applied, for a minimum of five (5) years. Those records shall be made available to the Zoning Administrator upon request

GG. Reserved

HH. Second dwelling on a farm for someone in the immediate family or a full-time farm employee. A-1 District.

II. Agricultural and neighborhood commercial businesses, provided a buffer zone of at least fifty (50) feet is established between the commercial building's associated work area, and the property lines. Such buffer areas will include any combination of earthen berms, trees, shrubs and bushes, and solid fences to develop compatibility with the adjoining property owners. No more than one (1) acre of cultivated farm land can be converted to the new commercial use. A-1 and A-2 Districts.

JJ. Extraction and primary material processing of coal, stone, gravel, sand, clay, dirt or ores. The Board of Adjustment will look to determine how the operation will minimize fugitive dust, protect the hazardous areas from errant children, and locate only where County roads are adequate to meet the trucking needs of the operation. If the extraction does not create a large body of water, topsoil shall be stockpiled and returned to reclaim the land for future crop production once the operation ceases for more than one (1) year. Primary material processing shall not take place closer than one thousand (1000) feet from an existing residential district or neighboring residence. No phase of the material extraction shall take place within three hundred (300) feet from an existing residential district or neighboring residence nor the right-of-way of any public street or highway. The requirements of Article 18.12 (B) and (C) shall be adhered to. All state and federal requirements must be adhered to. Any permits required by any other governmental entity must be obtained prior to the operation of the activity for which the permits are required, with such proof of such permits being filed with the Cerro Gordo County Zoning Administrator prior to the operation of the activity for which the permits are required. Failure to file copies of such permits with the Cerro Gordo County Zoning Administrator may be grounds for revoking the special use permit granted pursuant to this section. A-1, M-2 District.

KK. Permanent asphalt plants, concrete mixing and concrete manufacturing facilities involved in the manufacturing, storage and distribution of such product. The requirements of Article 18.12 (B) and (C) shall be adhered to. Special emphasis shall be placed on the location of the processing and distribution facilities from residential districts as well as the method of screening or buffering that will be incorporated into the site design. All state and federal requirements must be adhered to. Any permits required by any other governmental entity must be obtained prior to the operation of the activity for which the permits are required, with such proof of such permits being filed with the Cerro Gordo County Zoning Administrator prior to the operation of the activity for which the permits are required. Failure to file copies of such permits with the Cerro Gordo County Zoning Administrator may be grounds for revoking the special use permit granted pursuant to this section. A-1, M-1 and M-2 Districts.

ARTICLE 21: FLOODPLAIN MANAGEMENT

21.1 DECLARATION OF INTENT

The Legislature of the State of Iowa has in Chapter 335, Code of Iowa, as amended, delegated the power of counties to enact zoning regulations to secure safety from flood and promote health and the general welfare.

It is the purpose of the Floodplain Management Article to reduce flood losses, hazards, and related adverse effects in those special flood hazard areas of Cerro Gordo County, Iowa, which are subject to periodic inundation. Flooding can result in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the community.

These flood losses, hazards, and related adverse effects are caused by: a) the occupancy of special flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately evaluated or otherwise protected from flood; and b) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

21.2 STATEMENT OF PURPOSE

It is the purpose of this article to minimize those flood losses described above with provisions designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety, or property in time of flood or which cause excessive increases in flood heights or velocities.
- B. Require that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction or substantial improvement.
- C. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- D. To assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

21.3 LANDS TO WHICH ORDINANCE APPLIES

The provisions of this ordinance shall apply to all lands and uses which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Cerro Gordo County and Incorporated Areas, dated June 5, 2020, which were prepared as part of the Cerro Gordo Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the base flood shall be considered as having significant flood hazards. Where uncertainty exists with respect to the precise location of the base flood boundary, the location shall be determined on the basis of the base flood elevation at the particular site in question. The Cerro Gordo Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

21.4 GENERAL PROVISIONS

A. Rules for Interpretation of District Boundaries

The boundaries of the special flood hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation.

B. Compliance

No structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance.

C. Abrogation and Greater Restrictions

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

D. Interpretation

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

E. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. This ordinance does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Cerro Gordo County or an officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

F. Permits required

Permits required from federal or state agencies must be obtained prior to making application to Cerro Gordo County, Iowa.

21.5 STANDARDS FOR FLOOD PLAIN DEVELOPMENT

All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood data have not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

A. All development within the special flood hazard areas shall:

1. Be consistent with the need to minimize flood damage.
2. Use construction methods and practices that will minimize flood damage.
3. Use construction materials and utility equipment that are resistant to flood damage.
4. Obtain all other necessary permits from federal, state, and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

B. Structures

1. New and substantially improved residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend such elevation at least 8 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be

allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access, which will be passable, by wheeled vehicles during the base flood.

2. New or substantially improved nonresidential structures shall have the first floor (including basement) elevated a minimum of one (1) foot above the base flood elevation or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure below the base flood elevation is watertight with walls substantially impermeable to the passage of water. Fill may be used to accomplish this only after receiving permission from the appropriate agencies. A record of the certification indicating the specific elevation (in relation to the North American Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator.
3. All new and substantially improved structures
 - a. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access, and low damage potential storage.
 - b. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - c. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Factory-built homes

1. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.
2. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

D. Subdivisions (including factory-built home parks and subdivisions)

Subdivisions shall be consistent with the need to minimize flood damage and shall provide adequate drainage to reduce exposure to flood hazards. Development associated with subdivisions shall meet the applicable standards of this section. Subdivision proposals intended for residential use shall provide all lots with a means of access, which will be passable by wheeled vehicles during the base flood.

E. Utility and Sanitary Systems

1. All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of floodwaters into the system as well as the discharge of effluent into floodwaters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.
2. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
3. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.
4. Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

F. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

G. Storage of materials and equipment that are flammable, explosive, or injurious to human, animal, or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or:

1. Not be subject to major flood damage and be anchored to prevent movement due to flood waters; or
2. Be readily removable from the area within the time available after flood warning.

H. Flood control structural works, such as levees, flood walls, or other flood control structures, shall provide, at a minimum, protection from a base flood with a minimum of 3 feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

I. Accessory Structures to Residential Uses

1. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.
 - a. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 square feet in size. Those portions of the structure located less than 1 foot above the BFE shall be constructed of flood-resistant materials.

- b. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
 - c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - d. The structure shall be firmly anchored to resist flotation, collapse, and lateral movement.
 - e. The structure's service facilities, such as electrical and heating equipment, shall be elevated or floodproofed to at least one foot above the base flood elevation.
 - f. The structure's walls shall include openings that satisfy the provisions of Article 21.5(C)(3)(a) of this Ordinance.
2. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

J. Recreational Vehicles

1. Recreational vehicles are exempt from the requirements of Section 21.5(C) of this Article regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:
 - a. The recreational vehicle shall be located on the site for less than 180 consecutive days;
or
 - b. The recreational vehicle shall be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
2. Recreational vehicles that are located on the site for more than 180 consecutive days and are not ready for highway use must satisfy requirements of Section 21.5(C) of this Article regarding anchoring and elevation of factory-built homes

- K. Pipeline, river, and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

L. Special Floodway Provisions

In addition to the Floodplain Development Standards, development within the floodway must meet the following applicable standards. The floodway is that portion of the floodplain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. No development shall be permitted in the floodway that would result in any increase in the base flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

2. All development within the floodway shall:
 - a. Be consistent with the need to minimize flood damage.
 - b. Use construction methods and practices that will minimize flood damage.
 - c. Use construction materials and utility equipment that are resistant to flood damage.
3. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the mainstream, drainage ditch, or any other drainage facility or system.
4. Structures, buildings, and sanitary and utility systems, if permitted, shall meet the applicable General Floodplain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.
5. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
6. Storage of materials or equipment that are buoyant, flammable, explosive, or injurious to human, animal, or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.
7. Watercourse alterations or relocations (channel changes and modifications) shall be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
8. Any fill allowed in the floodway shall be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
9. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

M. Maximum Damage Potential Uses

All new or substantially improved maximum damage potential uses shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2 % annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

21.6 ADMINISTRATION

A. Appointment, Duties and Responsibilities of Zoning Administrator

1. The Zoning Administrator is hereby appointed to implement and administer the provisions of this ordinance and will herein be referred to as the Administrator.

2. Duties of the Administrator shall include, but not necessarily be limited to, the following:
 - a. Review all floodplain development permit applications to assure that the provisions of this ordinance will be satisfied.
 - b. Review all floodplain development applications to assure that all necessary permits have been obtained from federal, state, and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
 - c. Record and maintain a record of the elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.
 - d. Record and maintain a record of the elevation (in relation to North American Vertical datum) to which all new or substantially improved structures have been floodproofed.
 - e. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
 - f. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this ordinance.
 - g. Maintain the accuracy of the community's Flood Insurance Rate Maps when:
 - (1) Development placed within the Floodway (Overlay) District results in any of the following:
 - (a) An increase in the Base Flood Elevations, or
 - (b) Alteration to the floodway boundary
 - (2) Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
 - (3) Development that relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.
 - h. Perform site inspections to ensure compliance with the standards of this Ordinance.
- B. Floodplain Development Permit**
1. **Permit Required.** A Flood Plain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes
 2. **Application for Permit.** Application shall be made on forms furnished by the Administrator and shall include the following:
 - a. Description of the work to be covered by the permit for which application is to be made.

- b. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address, or similar description) that will readily identify and locate the work to be done.
 - c. Indication of the use or occupancy for which the proposed work is intended.
 - d. Base flood elevation.
 - e. Elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
 - f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 - g. For developments involving more than 5 acres, the base flood elevation.
 - h. Such other information as the Administrator deems necessary for the purpose of this ordinance.
3. Procedure for Acting on Permit. The Administrator shall make a determination as to whether the floodplain development, as proposed, meets the applicable provisions of Section 21.3 and shall approve or disapprove the application. In reviewing proposed development, the Administrator shall obtain, review, and reasonably utilize any available floodplain information or data from Federal, State, or other sources.
 4. Construction and Use to be as provided in Application. Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction. Any use, arrangement, or construction at a variance with that authorized shall be deemed a violation of this Article. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Article, prior to the use or occupancy of any structure.

C. Subdivision Review

The Administration shall review all subdivision proposals within the special flood hazard areas to assure that such proposals are consistent with the purpose and spirit of this ordinance and shall advise the Board of Supervisors of potential conflicts. Floodplain development in connection with a subdivision (including installation of public utilities) shall require a Floodplain Development Permit as provided in Section 21.6(B). Proposals for subdivision greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Floodplain (Overlay) District.

21.7 NONCONFORMING USES

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Article, but which is not in conformity with the provisions of this Article, may be continued subject to the following conditions:
 1. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Article.
 2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

- B. If any nonconforming structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Article. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

ARTICLE 22: APPLICATIONS FOR ZONING PERMITS

- A. It shall be unlawful to do any grading, erecting, constructing, reconstructing, enlarging, altering or moving of any building or structure until a Zoning Permit shall have been issued by the Cerro Gordo County Zoning Administrator.

It shall also be unlawful to change the use or occupancy of any building, structure or land from one classification to another or to change a nonconforming use without the issuance of a Zoning Permit.

- B. To secure a Zoning Permit, the applicant shall file with the Administrative Officer a written application on approved forms and shall state the legal description of the property as of public record and the names of the owner and applicant. The applicant shall describe the uses to be established or expanded and any other information the Administrative Officer deems essential for the enforcement of this Ordinance. Each application shall be accompanied by a dimensioned drawing presented on a copy of an official plat or a plan drawing developed by a Registered Land Surveyor and shall show the location of buildings, dimensions of the lot, size of yards and automobile parking areas.

Where public sanitary sewer or water is not available, the application shall include the approval of the County Board of Health as to plans and specifications of the proposed private sanitary disposal or water system.

- C. To secure a Zoning Permit for Temporary Placement of a hot-mix asphalt plant or cold-mix plant, applicant must file a typewritten letter requesting permit stating the type and volume of the contract, parties to the contract for which the plant is to be operated, type of equipment and where the plant is to be located. You must file a drawing showing the location of the plant on the site and the distances to all property lines and nearest residence. (No phase of the operation shall be conducted within a one thousand [1000] foot radius of any residential district or any structure used for dwelling purposes other than the lessee or owner of site, nor within fifty [50] feet of any property line.) You must attach copies of contracts for which work will be done. You must file evidence of compliance with applicable current state and federal regulations. The Zoning Administrator may request additional information deemed essential for review. Permit fee for Temporary Placement \$15.00. This permit will be subject to revocation for applicant's failure to comply with the provisions as herein set forth.

- D. Zoning Permit for Temporary Use

1. Temporary Use Permit for occupancy of a travel trailer outside of a travel trailer park. The Zoning Administrator may issue a permit for the temporary occupancy of a recreation vehicle or travel trailer outside a travel trailer park. The permit may be issued for a period not to exceed fourteen (14) days from date of granting the permit. Said application shall set forth the location of the occupied dwelling or property where such travel trailer is to be used and occupied, the name of the occupant in control of such dwelling or property, the name of the owner or operator of such vehicle together with said operator's driver's license number and the license number of such vehicle. The fee for such application shall be \$25.00.

2. Temporary Use Permit for a one-time block party in a residential district. The Zoning Administrator may issue a permit for a one-time block party in a residential district, and where a road closure of a public street or a live music performance is proposed, provided the following requirements are met:

- a. Application. All applications for a block party shall be accompanied by the following items:

- (1) Completed application

- (2) \$25.00 application fee

- (3) For a block party in which a public street closure is proposed, the applicant shall collect the signatures of a minimum of seventy-five percent (75%) of all adjacent property owners to the section of public street to be closed.

b. Event Requirements

- (1) The application shall be filed with the Planning and Zoning Office a minimum of fourteen (14) days in advance of the date of the requested event. The Zoning Administrator shall issue a decision within seven (7) days of receiving said application.
 - (2) A Temporary Use Permit shall be required for a one-time block party in a residential district that involves a road closure of a public street or live music performance.
 - (3) The applicant shall agree to hold Cerro Gordo County harmless of all liability resulting from the block party. The permittee shall be required to notify the Sheriff's Department the day of the event at least twenty-four (24) hours prior to the beginning of the event. Any desired security for the event shall be at the expense of the permittee.
 - (4) The applicant shall be responsible for the timely removal of all solid waste following the event. The applicant shall provide adequate trash receptacles and prevent solid waste from blowing offsite.
 - (5) For any event which involves a road closure of a public street, a Work in the Right-of-Way Permit shall be obtained from the County Engineer's Office prior to the event. All events involving a road closure shall only be approved on a public street if the posted speed limit is twenty-five (25) miles per hour or less and only if the road is designated a local road by the Iowa Department of Transportation. The public street to be closed shall be appropriately blocked off to prevent regular traffic during the event; however, access to affected properties shall be maintained. The permittee shall be responsible for supplying and placing road blockades to the standards of the County Engineer and the requirements of this section. Any damage to the public right-of-way as a result of the event shall be repaired at the expense of the permittee.
 - (6) For any event which it is proposed to have a live music performance taking place outdoors, in a tent, or in a temporary structure, said live music performance shall cease by 10 p.m., Sunday-Thursday; or by 11 p.m., Friday and Saturday, or on a Sunday that is followed by a federally recognized holiday.
- E. The Administrative Officer shall issue, within seven (7) days of acceptance of said application, a written Zoning Permit or denial thereof with reasons in writing.
- F. Zoning Permits issued in accordance with the provisions of this Article, shall be null and void at the end of one hundred twenty (120) days from the date of issue if the construction, alteration or change of use has not commenced during that period. Such permits shall expire by limitation and become null and void one (1) year from date of issuance.
- G. All applications for Zoning Permits shall be systematically kept for ready public reference by the Administrative Officer who shall also account to Cerro Gordo County for all fees collected.

H. Fees. The following fees shall be charged for zoning permits and are based on the proposed cost of the erection, construction or structural alteration of the building:

CONSTRUCTION COSTS	FEE
\$ 0 to \$ 4,999	\$25.00
\$ 5,000 to \$ 14,999	\$50.00
\$ 15,000 to \$ 29,999	\$75.00
\$ 30,000 to \$ 49,999	\$100.00
\$ 50,000 to \$ 74,999	\$150.00
\$ 75,000 to \$ 99,999	\$200.00
\$100,000 to \$249,999	\$250.00
\$250,000 to \$499,999	\$500.00
Over \$500,000	\$750.00
>\$750,000	\$1000.00

A Zoning Permit that has been issued may be renewed by submitting a fee equal to the permit fee assessed for the permit. Said renewal shall expire after twelve (12) months from the date of issue. No Zoning Permit issued shall be renewed more than once.

I. Administrative Fee. Any person, firm, or corporation not conforming to Section 22(A) above will be assessed a \$200.00 fee or a fee equal to the Zoning Permit fee, whichever is greater, in addition to the Zoning Permit fee.

ARTICLE 23: ENFORCEMENT**23.1 ENFORCEMENT BY ZONING ADMINISTRATOR**

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

23.2 VIOLATIONS AND PENALTIES

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation in or any provisions of this Ordinance or any amendment or supplement thereto adopted by the Board of Supervisors of Cerro Gordo County. Any person, firm or corporation violating any regulation in or any provision of this Ordinance or of any amendment or supplement thereto, shall be punished by a fine of not more than five hundred dollars (\$500.00) or my imprisonment of not more than thirty (30) days. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

In addition, any violation of any regulation in or any provisions of this ordinance or any amendments or supplements thereto that are adopted to this ordinance shall be a county infraction, pursuant to Section 331.307, Code of Iowa (2001), which is punishable by a civil penalty of up to, but not more than five hundred dollars (\$500.00) for each violation, or if the infraction is a repeat offense a civil penalty of up to, but not more than seven hundred fifty dollars (\$750.00) for each repeat offense occurring within two (2) years of a previous civil or criminal conviction for violating any portion of the Cerro Gordo County Zoning Ordinance. Each day that a violation occurs or is permitted by the defendant to exist constitutes a separate offense.

23.3 VIOLATIONS - HOW PREVENTED

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, that the Zoning Administrator may make application to the appropriate court to grant appropriate relief to abate or halt the violation or both.

ARTICLE 24: BOARD OF ADJUSTMENT**24.1 APPOINTMENT AND TERMS**

A Board of Adjustment is hereby created. All members shall be citizens and residents of Cerro Gordo County providing that at all times a majority of the members shall reside in the unincorporated portions of the county. Such Board of Adjustment shall consist of five (5) members appointed by the County Board of Supervisors. The five members of the first Board of Adjustment 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 and vacancies shall be filled for the unexpired terms of any member whose term becomes vacant. The expiration date for all terms of office shall be June 30 at midnight; however, that all members shall hold office until their successors are appointed and approved. The County Board of Supervisors shall have power to remove any member of the Board of Adjustment for cause upon written charges and after public hearing.

24.2 MEETING

The Board of Adjustment shall organize and adopt rules in accordance with provisions of this Ordinance and the Iowa Statute. All meetings of the Board of Adjustment shall be held at the call of the chairman and at such time and place within the County as the Board of Adjustment may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote indicating such fact, and shall keep complete records of its hearings and other official actions. Every rule, regulation, amendment or repeal thereof, and every order, requirement or decision of the Board of Adjustment shall immediately be filed in the office of the Board of Adjustment and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum.

24.3 APPLICATIONS, APPEALS, HEARINGS AND STAY OF PROCEEDINGS**A. Applications - When and by whom taken**

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

B. Appeals - When and by whom taken

An appeal to the Board of Adjustment may be taken by any person aggrieved or by any officer of the County affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

C. Hearings

Upon the filing with the Board of Adjustment of an appeal, an application for a Special Exception or a request for variance, the Board shall hold a public hearing as provided in this Article and the Board of Adjustment's Rules of Procedure. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Iowa Department of Natural Resources.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time after it is submitted.

Each application for variance from a requirement of the Zoning Ordinance or appeal of an order, requirement, decision, or determination by the Zoning Administrator shall be accompanied by a payment of \$200.00 to cover the cost of the procedure. Each application requesting a special exception shall be accompanied by a payment of \$200.00 to cover the cost of the procedure, except that an application for special use as regulated under Article 20 of this ordinance shall be accompanied by a filing fee of \$300.00 and a site plan fee as required for uses as specified under Article 6.33 of this ordinance to cover the cost of the procedure. At the hearing, any party may appeal in person or by attorney. Any taxpayer or any officer, department, board or bureau of Cerro Gordo County, or any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Adjustment.

Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto shall be made which shall be not less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may on application and upon notice to the Board of Adjustment and on due cause shown, grant a restraining order.

The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from, and shall be verified. If upon the hearing, which shall be tried de novo, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take such evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review. Costs shall not be allowed against the Board of Adjustment unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

D. Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

24.4 JURISDICTION AND POWERS OF BOARD OF ADJUSTMENT

A. The Board of Adjustment shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance or of any supplement or amendment.
2. To hear and decide special exception to the terms of this Ordinance upon which such Board of Adjustment is required to pass under this Ordinance.

- a. In addition to the specific conditions for special exceptions as provided elsewhere in the Ordinance, the following shall be considered. The Board of Adjustment in reviewing an application for a special exception shall only be granted if they conform to the provisions under the applicable standards under its respective section established herein under this ordinance. In reviewing an application for special exception in regard to yard requirements, frontage, height, or other bulk provisions of this Ordinance, the Board of Adjustment shall only grant such exception if all of the following criteria are met:
- (1) Strict compliance with the standards governing setback, frontage, height, or other bulk provisions of this ordinance would result in a practical difficulty upon the owner of such property and only where such exception does not exceed 50 percent of the particular limitation or number in question;
 - (2) The exception relates entirely to a permitted use (principal, special, or accessory) classified by applicable district regulations, or to a permitted sign or off-street parking or loading areas accessory to such a permitted use;
 - (3) The practical difficulty is due to circumstances specific to the property and prohibits the use of the subject property in a manner reasonably similar to that of other property in the same district. Such circumstance may include:
 - (a) Topographical conditions;
 - (b) Surroundings;
 - (c) Size and shape of the property;
 - (d) Location of public utilities or improvements on or adjacent to the subject property;
 - (e) Shoreline and bank conditions (lake lots);
 - (f) Other extraordinary or exceptional situations.
 - (4) A grant of the special exception applied for, or a lesser relaxation of the restriction than applied for, is reasonably necessary due to practical difficulties related to the land in question and would do substantial justice to an applicant as well as to other property owners in the locality;
 - (5) Such practical difficulties cannot be overcome by any feasible alternative means other than an exception; and
 - (6) Relief can be granted in a manner that will not alter the essential character of the locality.
- The Board of Adjustment may attach conditions to any such exception granted which it finds are necessary to carry out the purpose of this Ordinance.
- A special exception less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.
- b. The Board of Adjustment in reviewing an application for a special exception regulated as a special use under Article 20 of this ordinance may consider the following:
- (1) Whether the proposed use is harmonious with and in accordance with the general principles and proposals of zoning ordinance for Cerro Gordo County.

- (2) That the use be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
- (3) That the use will not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to the property in the immediate vicinity and to the community as a whole.
- (4) That the proposed use will be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
- (5) That the proposed use will not create an excessive additional requirement at public cost for public facilities and services.
- (6) That the proposed use will not involve uses, activities, processes, materials, and equipment, or conditions of operations that will be detrimental to any person, property, or general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- (7) That the proposed use is consistent with the intent and the purpose of the zoning district in which it is proposed to locate such use.

In addition to the general requirements of this Ordinance, in granting a special use permit, the Board of Adjustment may attach conditions which it finds are necessary to carry out the purpose of this Ordinance, in conformance with what is provided in Article 20 of this Ordinance, and where reasonable and necessary may increase the required lot or yard, control the location and number of vehicular access points to the property, limit the number of signs, limit coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property, and require screening and landscaping to reduce noise and glare and maintain the property in character in keeping with the surrounding area. A special use shall ordinarily comply with the standards of the district concerned for principal uses which are permitted therein, except as modified by the Board of Adjustment in granting a special use permit.

3. 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 special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.

Also, in authorizing any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards which it finds necessary to carry out the purpose of the Ordinance.

No variation in the application of the provisions of this Ordinance shall be made unless and until the Board of Adjustment shall be satisfied that all of the following have been established:

- a. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone.
- b. The plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood, which may reflect the unreasonableness of the zoning ordinance itself.
- c. The use to be authorized by the variance will not alter the essential character of the locality.

A variance less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.

- B. The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any requirement, decision, order, or determination of the Zoning Administrator or to decide in favor of the applicant in regard to any matter upon which the Board is authorized by this Ordinance to render a decision.
- C. It is not the intention to grant to the Board of Adjustment the power or authority to alter or to change the Zoning Ordinance or the District Maps. Such power and authority rests solely with the Board of Supervisors in the manner hereafter provided in Article 24.
- D. Special exceptions, special use permits, and variances which have been granted in accordance with the provisions of this Ordinance shall be null and void at the end of six (6) months from the date of grant if substantial action has not been taken to accomplish the purpose for which the Special Use Permit was issued or the special exception or variance granted. Completion must be within a reasonable length of time.
- E. Special Exceptions, Variances and Appeals must meet all of the above requirements within the jurisdiction of this ordinance. Additionally, the following standards must be met for the Flood Plain District.
 - 1. Variances
 - a. No variance shall be granted for any development within the Floodway District which would result in any increase in floods during a 100-year flood.
 - b. Variances shall only be granted upon:
 - (1) a showing of good and sufficient cause;
 - (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local codes or ordinances.
 - c. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to avoid relief to the applicant.
 - d. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this ordinance, the applicant shall be notified in writing over the signature of the Zoning Administrator that:
 - (1) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (2) such construction increases risks to life and property.
 - e. All variances granted shall have the concurrence or approval of the Iowa Department of Natural Resources.

2. Decisions.

The Board shall arrive at a decision on an appeal, Special Exception or variance within a reasonable time. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Special Exception or variance, the Board shall consider such factors as contained in this section and all other relevant

sections of this ordinance. In passing upon applications for Special Exceptions or requests for variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:

- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - b. The danger that materials may be swept on to other lands or downstream to the injury of others.
 - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - e. The importance of the services provided by the proposed facility to the community.
 - f. The requirements of the facility for a flood plain location.
 - g. The availability of alternative locations not subject to flooding for the proposed use.
 - h. The compatibility of the proposed use to the existing development and development anticipated in the foreseeable future.
 - i. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 - l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
 - m. Such other factors relevant to the purpose of this ordinance.
3. Conditions attached to Special Exceptions or variances. Upon consideration of the factors listed above, the Board may attach such conditions to the granting of Special Exceptions or variances as it deems necessary to further the purpose of this ordinance. Such conditions may include, but not necessarily be limited to:
- a. Modification of waste disposal and water supply facilities.
 - b. Limitation on periods of use and operation.
 - c. Imposition of operational controls, sureties, and deed restrictions.
 - d. Requirements for construction of channel modification, dikes, levees, and other protective measures, such as are approved by the Iowa Department of Natural Resources are deemed the only practical alternative to achieving the purposes of this ordinance.
 - e. Floodproofing measures. Floodproofing measures shall be designed consistent with the floor protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the 100-year flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the 100-year flood

protection elevation and associated flood factors for the particular area. Optional language -- Such floodproofing measures may include, but are not limited to the following:

- (1) Anchorage to resist flotation and lateral movement.
- (2) Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.
- (3) Reinforcement of walls to resist water pressures.
- (4) Use of paints, membranes, or mortars to reduce seepage of water through walls.
- (5) Addition of mass or weight structures to resist flotation.
- (6) Installation of pumps to lower water levels in structures.
- (7) Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
- (8) Pumping facilities or comparable practices for subsurface drainage systems for building to relieve external foundation wall and basement flood pressures.
- (9) Construction to resist rupture or collapse caused by water pressure or floating debris.
- (10) 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 buildings of structures.
- (11) Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding.

ARTICLE 25: ZONING COMMISSION**25.1 CREATION**

Pursuant to the provisions of statutes and regulations of the State of Iowa, and as hereinafter set forth, there is hereby created and established a Planning & Zoning Commission consisting of five (5) members appointed by the Cerro Gordo County Board of Supervisors.

25.2 MEMBERSHIP AND TERMS OF OFFICE

All members shall be citizens and residents of Cerro Gordo County, providing that at all times a majority of the members shall reside in the unincorporated portions of the county. The terms of office of the Commission members shall be as follows: The five (5) members first appointed shall serve terms of one for one (1) year; one for two (2) years; one for three (3) years; one for four (4) years; and one for five (5) years. Thereafter, terms shall be five (5) years. In cases of resignation, the vacancy shall be filled for only the remainder of the original term. The expiration date for all terms of office shall be December 31 at midnight; however, that all members shall hold office until their successors are appointed and approved.

25.3 QUORUM

A majority of the membership of the Commission shall constitute a quorum, and a quorum shall be required to conduct the business of the Commission. Action on proposed amendments to the regulations imposed and districts created by the Zoning Ordinance adopted by Cerro Gordo County shall not be taken until after a public hearing has been held before the Commission.

- A. The presiding Commission member should conduct the meeting, unless it is a joint meeting with a City Planning & Zoning Commission, in which case the presiding officer of each respective body may determine who shall conduct the meeting.
- B. Presiding officer should present an opening statement stating the purpose of the meeting and laying the general ground rules for conducting the meeting.
- C. After the conclusion of said hearing, the Commission shall make a report to the Board of Supervisors that summarizes the views of those in favor of the proposed change and those opposed to the proposed change.

The Commission may make a recommendation to the Board of Supervisors concerning the proposed change if the majority of the quorum present at the meeting so desire.

25.4 MEETINGS

The Zoning Commission shall meet at least once a month and in special cases, on call of the Chairman. There shall be an annual meeting with the Board of Supervisors to discuss the Commission's proceedings and activities, suggestions for policy and Zoning Ordinance revisions and other items relating to the Commission's duties.

25.5 OFFICERS

The Zoning Commission shall elect a Chairperson, a Vice Chairperson and a Secretary from among its members.

25.6 REMOVAL OF COMMISSION MEMBERS

Zoning Commission members are appointed by the Board of Supervisors and may be removed for just cause, upon written charges and after a public hearing.

25.7 JURISDICTION AND POWERS OF ZONING COMMISSION

- A. Recommend the boundaries of the various original districts, and appropriate regulations and restrictions to be enforced therein.
- B. Recommend to the Board of Supervisors amendments, supplements, changes or modifications.
- C. The Zoning Commission, with the approval of the Board of Supervisors, may contract with professional consultants, regional planning commissions, the Iowa department of economic development, or the federal government, for local planning assistance.

ARTICLE 26: DISTRICT CHANGES AND AMENDMENTS**26.1 GENERAL**

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

26.2 PROCEDURE FOR CHANGE

- A. Applications for any change of district boundaries or classification of property as shown on the Zoning Maps shall be submitted to the County Zoning Commission at their public office upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Zoning Commission so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments of the text or requirements of this Ordinance shall likewise be submitted to the County Zoning Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment. Application for rezoning or text amendments shall not be withdrawn from consideration of the Zoning Commission after notice has been given as required.
- B. Before submitting its recommendations on a proposed amendment to the Board of Supervisors, the Zoning Commission shall hold at least one (1) public hearing thereon. When the Zoning Commission has completed its recommendations on a proposed amendment, it shall certify the same to the Board of Supervisors.
- C. After receiving the certification of said recommendations on the proposed amendment from the Zoning Commission and before adoption of such amendment, the Board of Supervisors shall hold a public hearing thereon. Application for rezoning or text amendments or the recommendations of the Zoning Commission shall not be withdrawn from consideration of the Board of Supervisors after notice has been given as required by this paragraph.
- D. After holding the public hearing provided for, the Board of Supervisors shall consider such recommendations and vote on the adoption of the proposed amendment. The proposed amendment shall become effective by a favorable vote of a majority of the members of the Board of Supervisors.
- E. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within five hundred (500) feet on any part of the property proposed to be changed.
- F. The failure to notify as provided in Subsections B and C above shall not invalidate any recommendation of the Zoning Commission, provided that such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Zoning Commission be affected by such amendment or change, shall not invalidate any recommendation adopted hereunder; it being the intention of this Subsection to provide so far as may be, due notice to the persons substantially interested in the proposed change that an application is pending before the Zoning Commission, proposing to make a change in the Zoning Maps or the regulations set forth in this Ordinance.
- G. Each application for an amendment or change to the District Zoning Map, except those initiated by the Zoning Commission, shall be accompanied by a payment of \$200.00. This is to cover the approximate costs of this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said amendment or change to be enacted into law.

- H. Whenever any petition for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have been denied by the Board of Supervisors, then no new petition covering the same property and additional property shall be filed with or considered by the Board of Supervisors until one year shall have elapsed from the date of the filing of a previous petition.

ARTICLE 27: VALIDITY

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

ARTICLE 28: WHEN EFFECTIVE

This Ordinance shall be in full force and in effect in the unincorporated territory of Cerro Gordo County after its passage, approval and publication as provided by law.

March 13, 1990

Motion by Supervisor Jay Urdahl and seconded by Supervisor Willard Gisel: To approve the final reading of Cerro Gordo County Home Rule Ordinance No. 15, entitled the "Cerro Gordo County, Iowa, Zoning Ordinance." Said hearing being continued from the first public hearing held February 13, 1990, and the second hearing held February 20, 1990.

Vote taken resulted as follows:

AYES - Urdahl, Gisel and Ermer
NAYS - none
ABSENT - none

/s/ ROBERT K. ERMER
Robert K. Ermer, Chairman,
Cerro Gordo County Board of Supervisors

/S/ LINDA KAY COLLINS
Linda Kay Collins
Cerro Gordo County Auditor

(NOTE: Summary of Ordinance No. 15 published March 20, 1990.)

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