

ZONING ORDINANCE
for the
UNINCORPORATED AREA OF IDA COUNTY, IOWA

Board of Supervisors

Clifford Friedrichsen, Chairman

Wayne T. Swanger

Raymond H. Ernst

Planning and Zoning Commission

Cornelius Conover, Chairman

Robert Bowen
Ray Bumann, Jr.
Warren Carlson

Robert Mitchell
Edward Schmidt
Lester Vohs

Board of Adjustment

Leon Petersen
Donald Irwin

Bruce Goodenow

Dennis Roeder
Alverne Hustedt

Prepared by
Siouxland Interstate Metropolitan Planning Council
630 Insurance Exchange Building
Box 447
Sioux City, Iowa 51102.
712-279-6286

NOTICE

The Zoning Ordinance Text and especially the Zoning Map are subject to occasional change through Amendments to the Ordinance. Information on Zoning Regulations and District Classifications pertaining to any specific property can be obtained from the Zoning Administrator of the Zoning Commission.

The preparation of this document was financially aided through a Federal Grant from the Department of Housing and Urban Development, authorized by Section 701 of the Housing Act of 1954, as amended

TABLE OF CONTENTS

	RESOLUTION	Page
		1
SECTION 1	TITLE	1
SECTION 2	INTERPRETATION OF STANDARDS	1
SECTION 3	FARMS EXEMPT	2
SECTION 4	DEFINITIONS	2
SECTION 5	ESTABLISHMENT OF DISTRICTS	7
SECTION 6	BOUNDARIES AND OFFICIAL MAP	7
SECTION 7	GENERAL REGULATIONS	8
SECTION 8	NON-CONFORMING BUILDINGS AND USES	9
SECTION 9	AG AGRICULTURAL DISTRICT	10
SECTION 10	CS CONSERVATION DISTRICT	12
SECTION 11	RS SUBURBAN RESIDENTIAL DISTRICT	13
SECTION 12	RM MOBILE HOME PARK DISTRICT	14
SECTION 13	CH HIGHWAY SERVICE COMMERCIAL DISTRICT	15
SECTION 14	ML LIGHT INDUSTRIAL DISTRICT	17
SECTION 15	MH HEAVY INDUSTRIAL DISTRICT	18
SECTION 15a	SAH SPECIAL AIRPORT HAZARD ZONE (OVERLAY)	20
SECTION 16	OFF-STREET LOADING SPACES REQUIRED	20
SECTION 17	OFF-STREET PARKING AREA REQUIRED	20
SECTION 18	EXCEPTIONS AND MODIFICATIONS	22
SECTION 19	BOARD OF ADJUSTMENT: PROCEDURE	23
SECTION 20	BOARD OF ADJUSTMENT: POWERS AND DUTIES	24
SECTION 21	DECISIONS OF THE BOARD OF ADJUSTMENT	24
SECTION 22	CERTIFICATE OF ZONING COMPLIANCE	25
SECTION 23	PLANS	25
SECTION 24	FEE SCHEDULE	25
SECTION 25	AMENDMENTS	26
SECTION 26	ZONING ADMINISTRATOR	27
SECTION 27	VIOLATION AND PENALTIES	27
SECTION 28	SEVERABILITY CLAUSE	27
SECTION 29	REPEALER	27
SECTION 30	EFFECTIVE DATE	27
	ZONING MAP	

ZONING ORDINANCE
of
IDA COUNTY, IOWA

AN ORDINANCE

To regulate and restrict the location and the use of buildings, structures, and land for trade, industry, residence and other purposes;

To regulate and restrict the height, number and size of buildings and other structures;

To establish minimum lot areas;

To regulate the density of population;

To require off-street parking;

To regulate the location, size and number of signs;

To divide the unincorporated area of the County into districts for such purposes;

To provide for the administration, enforcement and amendment of its provisions;

To create a Board of Adjustment; and

To prescribe penalties for the violation of its provisions.

WHEREAS, Chapter 358A, Code of Iowa 1977 empowers the Board of Supervisors to enact a zoning ordinance and to provide for its administration, enforcement and amendment, and

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

WHEREAS, the County has been divided into districts and regulations pertaining to such districts have been prepared in accordance with a comprehensive plan designed to prevent and to lessen congestion on the streets and highways; to secure safety from fire, flood, panic and other dangers; to protect the public health and general welfare, to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sanitation and other public requirements; to conserve and protect the environment, agricultural lands, woodlands, streams, historic sites and other natural resources and physical features; and to encourage the most appropriate use of land throughout the County, and

WHEREAS, all requirements of Chapter 358A, Code of Iowa, 1977 have been met;

NOW THEREFORE, be it resolved by the Board of Supervisors of Ida County, Iowa:

SECTION 1. TITLE

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

SECTION 2. INTERPRETATION OF STANDARDS

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

SECTION 3. FARMS EXEMPT

In accordance with the provisions of Chapter 358A, Code of Iowa, 1977, no regulation or restriction adopted under the provisions of this ordinance shall be construed to apply to land, farm houses, farm barns, farm out-buildings or other buildings, structures, or erections which are primarily adapted, by reason of nature and area, for use for agricultural purposes while so used; provided, however that such regulations or restrictions which relate to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream shall apply thereto. (See Sec. 7-II). In order for land to be designated as land used for agricultural purposes, such land must be at least ten (10) acres in area.

SECTION 4. DEFINITIONS

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

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

Agriculture: The use of land for purposes of growing the usual farm products, including vegetables, fruit, trees and grains; pasturage; dairying; animal and poultry husbandry; and the necessary accessory uses for treating or storing the produce; provided that the operation of such accessory uses shall be secondary to that of the regular agricultural activities.

Basement: A story having part but not more than one-half ($\frac{1}{2}$) of its height below grade. A basement is counted as a story for the purpose of height regulations.

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

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

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

Building, Height of: The vertical distance from the average natural grade at the building line, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

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

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

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

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

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

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

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

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

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

Dwelling, Condominium: A multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the others.

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

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

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over four (4) persons.

Feed Lot: Any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs or sheep. A commercial feed lot is defined in accordance with standards set by Iowa Department of Environmental Quality.

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

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

Home Occupation: An occupation or a profession which

- a. is customarily carried on in a dwelling unit, and
- b. is carried on by a member of the family residing in the dwelling unit, and

- c. is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and
- d. does not employ more than one (1) person outside the immediate family on the premises, and
- e. has no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building other than one (1) sign not exceeding ten (10) square feet in area, and
- f. does not occupy more than 25% of the area of one floor of the dwelling unit, and
- g. produces no offensive noise, vibration, smoke, dust, odors, heat or glare rendering such buildings or premises objectionable or detrimental to the residential character of the neighborhood.

Home Occupation, Farm: An occupation customarily engaged in on a farm, as a supplementary source of income, which

- a. is clearly incidental and secondary to the operation of the farm, and
- b. is carried on by a member of the family residing in the farm dwelling, and
- c. does not employ more than one (1) person outside the resident family on the premises, and
- d. is conducted within or adjacent to the farm dwelling or the customary farm out-buildings, and
- e. has no exterior displays, or storage of materials visible from the public road, or other exterior indication or variation from the agricultural character of the farm other than not more than one (1) sign identifying the product or service available, which sign shall not exceed twelve (12) square feet in area, and
- f. produces no offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference detectable within the limits of the nearest neighboring farm dwelling.

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

Junk Yard: Any area where waste, discarded, or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, stored, abandoned, or handled, including the dismantling or "wrecking" of automobiles or other machinery, used lumber yards and places or yards for storage of salvage, house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building or where processing used, discarded or salvaged materials is part bonafide manufacturing operations.

Kennel, Dog: Any premises on which four or more dogs, six months old or older, are kept.

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

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

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

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

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

Lot Lines: The lines abounding a lot.

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

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

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

Mobile Home: A vehicle or vehicles used, or so originally constructed as to permit being used, as a conveyance upon the public streets or highways and duly licensed as such, and constructed in such a manner as will permit occupancy for human habitation, dwellings, or sleeping places for one or more persons. This definition shall also include and apply to such vehicles or structures that are located on a permanent or temporary foundation but shall not include mobile homes converted to real estate as defined herein. See travel trailer.

Mobile Home Converted to Real Estate: An unencumbered mobile home which has been attached to a permanent foundation on real estate owned by the mobile home owner, which has had the vehicular frame modified or destroyed, rendering it impossible to reconvert to a mobile home and which has been inspected by the assessor, and the mobile home title registration and license plates collected from the owner and the property entered on the tax rolls of the County.

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

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

Parking Space: A permanently surfaced area of not less than one hundred eighty (180) square feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way.

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

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

Recreation Vehicle: See Travel Trailer

Rooming House: A building where a room or rooms are provided for compensation to three (3) or more persons.

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

Sign, Free Standing or Post: Any sign erected or affixed in a rigid manner to any pole or post, and which carries an advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located, including signs, or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof.

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.

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

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

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

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

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, poster panels, wells, water supply storage systems, septic tanks, and disposal systems, including sewage, sanitary, and other, and all parts thereof.

Travel Trailer or Camping Trailer: A vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicle to be used as a place of human habitation by one or more persons. Such vehicle shall be customarily or ordinarily used for vacation or recreation purposes and not used as a place of human habitation for more than 90 days in any 12 month period, or it shall be classed as a mobile home. This definition shall also include house cars and camp cars having motive power and designed for temporary occupancy as defined herein.

Trailer Park: See "Mobile Home Park"

Yard: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the general ground level of the graded lot upward. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.

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

Yard, Rear: A yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On both corner lots and interior lots the opposite end of the lot from the front yard.

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 appointed by the Board of Supervisors to administer and enforce the regulations included in this ordinance.

SECTION 5. ESTABLISHMENTS OF DISTRICTS

In order to carry out the purpose and intent of this ordinance the unincorporated area of Ida County, Iowa, is hereby divided into seven zoning districts as follows:

AG	Agricultural District
CS	Conservation District
RS	Suburban Residential District
RM	Mobile Home Park District
CH	Highway Service-Commercial District
ML	Light Industrial District
MH	Heavy Industrial District

SECTION 6. BOUNDARIES AND OFFICIAL MAP

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

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

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

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

Boundaries indicated as approximately following the center line of streets, roads, highways, alleys, or other public rights-of-way shall be construed to follow such center lines;

Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;

Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits;

Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

Boundaries indicated as approximately following the center lines of rivers, streams, creeks or other waterways shall be construed to follow such center lines;

Boundaries not capable of being determined in the previous paragraphs shall be as dimensioned on the Official Zoning Maps or if not dimensioned shall be determined by the scale shown on the maps.

SECTION 7. GENERAL REGULATIONS

A. Conformance Required. Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by this ordinance for the district in which the building or land is located.

B. Street Frontage Required. Except as permitted in SECTION 20 of this ordinance, 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 public street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to the street; and there shall be not more than one (1) single-family dwelling for such frontage or easement, except that a common easement of access at least fifty (50) feet wide may be provided for two (2) or more such single-family dwellings or for one (1) or more two-family or multiple dwellings.

C. Accessory Buildings. No accessory building shall be erected in any required yard other than a rear yard, except as provided hereinafter. Accessory buildings in rear yards shall be at least five (5) feet from alley lines; and at least two (2) feet from lot lines of adjoining lots which are in any Residence District; and not to exceed twelve (12) feet in height, and on a corner lot they shall conform to the setback regulations on the side street.

D. Corner Lots. For corner lots, platted or of record after the effective date of this ordinance, the front yard regulation shall apply to each street side of the corner lot.

On corner lots platted or of record as of the effective date of this ordinance, the side yard regulation shall apply to the longer street side of the corner lot except in the case of reverse frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than fifty (50) percent of the front yard required on the lots to the rear of such corner lot, and no accessory building on said corner lot shall project beyond the setback line of the lots in the rear, provided further that this regulation shall not be interpreted to reduce the buildable width of the corner lot facing an intersecting street and of record as of the effective date of this ordinance to less than twenty-eight (28) feet nor to prohibit the erection of an accessory building.

E. Front Yard. In all residential districts 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 two hundred (200) feet of either side lot line are developed with buildings at a greater or lesser setback, the front yard requirement shall be the average of these building setbacks and the minimum front yard required for the undeveloped lots. In computing the average setback, buildings located on reverse corner lots or entirely on the rear half of lots shall not be counted. The required front yard as computed herein need not exceed seventy-five (75) feet in any case.

F. Required Yard Cannot Be Reduced. No yard of lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum required by this ordinance.

G. Zoning Districts Dividing Property. Where one (1) parcel of property is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in its respective zoning classification, and for the purpose of applying the regulations of this ordinance, each portion shall be considered as if in separate and different ownership.

H. Property Subject to Flooding, Erosion or Poor Drainage. No land shall be occupied or used in any zoning district which is subject to periodic flooding, undue erosion, or which contains poor drainage facilities. If, in the opinion of the Zoning Administrator, any of such problems may exist, he may require the owner or builder to consult with and conform to recommendations of the Ida County Soil Conservation District. However, if the owner or builder agrees to make improvements which will correct these deficiencies, applications for Certificate of Compliance to use the land may be approved. Property subject to flooding must also consult with the Iowa Natural Resource Council.

I. Water and Sanitary Systems. Prior to the issuance of a permit for any use, the applicant shall submit plans for water supply and sewage disposal systems and shall provide evidence to the administrative officer that such facilities, including sewage lagoons, where needed, are adequate for the proposed use. Water supply and sewage disposal facilities shall be approved by the County Health Department.

SECTION 8. NONCONFORMING BUILDINGS AND USES

The lawful use of any building or land existing at the time of the enactment of these regulations may be continued although such use does not conform with these regulations.

A. Abandonment. Whenever a nonconforming use has been discontinued for a period of two (2) years, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of these regulations.

B. Structural Alterations. No structural alterations shall be made to any such nonconforming structure or building which will increase its degree of nonconformity except as may be ordered or required by law or ordinance or regulations based on law or ordinance. This shall not be construed to prohibit maintenance and repair work necessary to keep a structure in sound condition.

C. Repair or Reconstruction. Should a nonconforming structure be destroyed by any means to an extent of more than seventy-five (75) percent of its replacement cost at the time of destruction, lot and foundation excluded from the appraised value, it shall not be repaired or reconstructed except in conformance with the applicable primary use zoning district regulations and standards.

D. Substitution. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same or more restrictive classification. Whenever a nonconforming use has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

E. Discontinuance of Certain Uses. There are found to be certain uses of land, building and structures which have an adverse effect on the carrying out of the comprehensive plan and which can reasonably be discontinued after a reasonable period of time irrespective of aforesaid rules as to nonconforming uses. The following uses shall be removed or made conforming within the specified discontinuance period. Said discontinuance period shall commence upon the effective date of these regulations.

1. Fences, walls and foliage which constitute a hazard by virtue of impairing sight distances at a curve or intersection shall be made conforming within two (2) calendar years.
2. Billboards and signs. Should any advertising sign or billboard be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost or is removed, the sign or billboard shall not be reconstructed or installed except in conformity with these regulations.
3. All provisions in business and industrial zones of this code setting forth specifications for the operation of a business or industry involving fencing or shielding shall be complied with within one (1) calendar year.

4. Nonconforming open space storage operations, such as truck parking, automobile wrecking, salvage material storage and similar uses not involving structures or buildings shall be made conforming within two (2) calendar years.

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

SECTION 9. AG AGRICULTURAL DISTRICT

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

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

1. Agriculture and the usual agricultural buildings and structures including livestock feedlots, poultry farms, grain storage and grain drying facilities; provided that all feedlots and poultry farms meet all of the waste treatment requirements of the Iowa Department of Environmental Quality and obtain the necessary permits, where applicable. All feedlot operators must consult with the Iowa Department of Environmental Quality and follow all size and location regulations; and further provided that no feedlot or any commercial poultry farm which requires a permit shall be closer than 1/4 mile (1,320 feet) to any RS or RM District or to the corporate limits of any city or town.

2. Single-family dwellings, but not including a mobile home, except as converted to real estate as defined herein.

3. Churches, chapels or cemeteries.

4. Publicly owned parks, playgrounds, golf courses, recreational areas, or any school.

5. Nurseries, greenhouses, truck gardens and kennels for the raising and breeding of dogs or other small animals.

B. Permitted Accessory Uses.

1. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, including private garages or carports, unless otherwise excluded.

2. One mobile home as living quarters for the owner or his spouse, or a full-time employee of the owner or his spouse, or the mother, father, or children of the owner or his spouse as long as so used.

3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

4. One board or sign not to exceed sixteen (16) square feet in area referring to the construction, lease, hire, or sale of a building, premises, or lots; which sign shall refer to property on which the sign is located, and shall be removed as soon as the premises are sold or leased or construction completed.

5. Church or public bulletin boards not to exceed sixteen (16) square feet in area.

6. Roadside stands for the sale of products grown on the premises.

7. Signs, not exceeding ten (10) square feet in area, identifying the premises or indicating the product grown or material and equipment used on the premises.

8. The home office of a physician, dentist, artist, attorney, architect, engineer, teacher or other member of a recognized profession in his bonafied place of residence, or any home occupation, farm or otherwise, as defined in Section 4.

C. Conditional Use Permits. The following uses may be permitted in the AG District subject to approval by the Board of Adjustment after notice and public hearing. In its determination upon the particular use at the location requested, the Board shall consider all of the following conditions:

1. That the proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property;
2. That such use shall not impair an adequate supply of light and air to surrounding property;
3. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety;
4. That such use shall not diminish or impair established property values in adjoining or surrounding property; and
5. That such use shall be in accord with the intent, purpose and spirit of this ordinance and the comprehensive plan.

The uses subject to the above provisions are as follows:

- a. Mink and chinchilla farms and ranches.
- b. Private non-commercial recreational areas and centers, including country clubs, swimming pools, golf courses and riding stables, but not including automotive race tracks, miniature golf courses, drive-in theaters and similar commercial uses.
- c. Public and private airports and landing fields.
- d. Mining and extraction of minerals and raw materials, including sand and gravel pits; subject to approval of the Iowa Natural Resources Council and U.S. Army Corps of Engineers where applicable, of any such operation located in or on the flood plain of any river or stream.
- e. Public or private sanitary landfills and solid waste disposal facilities.
- f. Private gun clubs, skeet-shooting ranges and similar uses.
- g. Private camp grounds.
- h. Any public building erected and used by any department of the Township, County, State or Federal Government, not previously allowed as a principal permitted use.
- i. Public water supply, and public sewage treatment facilities, provided, however, that no part of said facility be less than one thousand (1,000') feet from any house or farm yard, and that approval of the Iowa State Department of Health for said facility is secured.
- j. Electrical and natural gas transmission and regulating facilities and bulk oil pipelines.

Applications for a conditional use permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, the locations of driveways and the points of ingress and egress, including access roads where required, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities.

In the event a conditional use permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

D. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in SECTION 18:

1. Lot Area: Dwellings: 2 acres; no minimum required for other permitted uses.
2. Lot Width: 200 feet.
3. Front Yard: 100 feet.
4. Side Yards: Dwellings: 1 and 1½ stories, total side yard--30 feet, minimum on one side--10 feet. 2 and 3 stories; total side yard--35 feet, minimum on one side--15 feet. Other permitted uses--50 feet on each side.
5. Rear Yard: 100 feet.
6. Maximum Height: No limitation.
7. Maximum Number of Stories: No limitation.

E. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of SECTIONS 16 and 17:

SECTION 10. CS CONSERVATION DISTRICT

Statement of Intent. The CS District is intended to preserve and protect wooded areas, streams, flood plains and other environmentally sensitive areas from adverse future development.

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

1. Agriculture, truck gardening and nurseries, and the usual accessory buildings; but not including commercial livestock feed lots or poultry farms; provided that no permanent dwelling unit shall be erected thereon unless the tract contains ten (10) or more acres.
2. Forests and forestry.
3. Publicly owned parks, playgrounds, golf courses and recreational uses.
4. Mining and extraction of minerals and raw materials; subject to approval of the Board of Adjustment including plans for final site treatment; provided that in areas subject to flooding prior approval is obtained from the Iowa Natural Resources Council.
5. Any use erected or maintained by a public agency.

B: Permitted Accessory Uses.

1. Accessory uses customarily incidental to a permitted principal use.
2. Bulletin boards and signs appertaining to the use of the premises or to the lease, hire or sale of a building or premises, or signs appertaining to any material that is mined, grown, or treated within 10 square feet in area.

C. Bulk Regulations. The following minimum requirements shall be observed in the CS District.

1. Front Yard: 100 feet.
2. Side Yards Two side yards, not less than 50 feet each.
3. Rear Yard: 100 feet.
4. Maximum Height: No limitation.
5. Maximum Number of Stories No limitation.

D. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in sufficient number to accommodate the permitted uses and shall not encroach on any public right-of-way.

SECTION 11 RS SUBURBAN RESIDENTIAL DISTRICT

Statement of Intent. The RS District is intended and designed to provide for certain low-density residential areas of the County now developed with single-family dwellings and areas where similar residential development is determined to be appropriate and likely to occur.

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

1. Single-family dwellings, but not including a mobile home, except as converted to real estate as defined herein.
2. Churches, chapels, temples and schools; provided that all principal buildings be set back a minimum of thirty-five (35) feet from all property lines.
3. Publicly owned parks, playgrounds, golf courses and recreation areas.
4. Cemeteries.
5. Agricultural uses, including nurseries and truck gardens; but not including the feeding or raising of livestock or poultry; provided that no offensive odors or dust are created, and provided further that no retail sales shall be permitted on the premises.

B. Permitted Accessory Uses.

1. Day nurseries and nursery schools.
2. Temporary use of a dwelling structure within a new subdivision as a job office and real estate office for the subject subdivision, which use shall be terminated upon completion or abandonment of the project.
3. Accessory uses permitted in the AG District, subject to all restrictions with the AG District, with the exception of mobile homes.