

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

1. Lot Area: One-family dwelling--10,000 feet.  
Two-family dwelling--12,000 feet.
2. Lot Width: One-family dwelling--80 feet.  
Two-family dwelling--90 feet.
3. Front Yard: 35 feet.
4. Side Yards: 1 and 1½ stories; total side yard-20 feet,  
minimum on one side-8 feet.  
2 and 3 stories; total side yard-25 feet,  
minimum on one side-10 feet.  
Churches and schools--35 feet on each side.
5. Rear Yard: 35 feet.
6. Maximum Height: Principal building--35 feet.  
Accessory building--12 feet.
7. Maximum Number of Stories: Principal building--3 stories.  
Accessory building--1 story.

#### SECTION 12 RM MOBILE HOME PARK DISTRICT

Statement of Intent. The RM District is intended and designed to provide for certain high density residential areas of the County for the development of mobile home parks, which by reason of their design and location, will be compatible with nearby residential and agricultural areas.

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

1. Uses permitted in the RS District.
2. Mobile home parks, in accordance with the provisions of this section, regulations of the Ida County Board of Health and applicable State statutes.

B. Permitted Accessory Uses.

1. Accessory uses permitted in and as limited in the RS District.
2. Service buildings as required by State statute.
3. One indirectly lighted sign may be erected facing each public street or road on which the mobile home park fronts, showing the name of the mobile home park and other information pertinent thereto; provided that such sign shall not have an area of more than twenty (20) square feet.

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

1. For any permitted use excepting a mobile home park, the minimum requirements shall be the same as those set out for the RS District.
2. For any mobile home park the requirements shall be as follows:
  - a. The minimum total area shall be five (5) acres;
  - b. Each yard abutting on a public street or road shall be considered a front yard and shall be a minimum of fifty (50) feet;
  - c. All other yards, whether side or rear, shall be a minimum of fifty (50) feet when adjacent to any residential district and thirty-five (35) feet when adjacent to any other district.

d. The minimum lot space for each mobile home shall be 4,000 square feet and shall measure at least forty (40) by one hundred (100) feet.

e. Mobile homes shall be located on each space so that there will be at least a twenty (20) foot clearance between each mobile home or structure, except where mobile homes are parked end to end, the clearance shall be at least fifteen (15) feet.

D. Access Required. Each mobile home space shall abut on a hard-surface roadway of at least 24 feet in width which shall be adequately lighted and drained and which shall have unobstructed access to a public street or highway.

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..

F. Plan Required. Each petition for a change to the RM zoning classification submitted to the Board of Supervisors shall be accompanied by a mobile home park plan. Said plan shall show each mobile home space, the water, electrical and sewer lines serving each mobile home space, the location of garbage cans, water hydrants, service buildings, driveways, walkways, recreation areas, required yards, parking facilities, lighting and landscaping. Facilities for water supply and sewage treatment shall meet the requirements of the Iowa State Health Department and the Iowa Department of Environmental Quality.

#### SECTION 13. CH HIGHWAY SERVICE COMMERCIAL DISTRICT

Statement of Intent. The Highway Commercial District is intended to provide areas for commercial development which primarily serve the traveling public. This district is also intended to accommodate certain other commercial uses which ordinarily require access to a major street or highway.

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

1. Automotive, truck, farm implement or mobile home sales, service or repair.
2. Motorcycle, boat and recreation vehicle sales, service or repair.
3. Animal hospitals or kennels.
4. Drive-in banks.
5. Hotels and motels.
6. Plant nurseries and garden centers.
7. Antique shops.
8. Restaurants, night clubs and taverns.
9. Drive-in restaurants and refreshment stands.
10. Recreational and amusement activities such as bowling alleys, miniature golf courses, driving ranges, skating rinks, dance halls.
11. Drive-in theaters.
12. Building material sales and distribution.
13. Grocery stores.

14. Recreational vehicle parks, subject to the following:

a. Minimum requirements for recreational vehicle parks:

- Front yard: Same as district
- Side yard: Thirty-five (35) feet and shall be screened from adjacent property access by planting screen not less than ten (10) feet in width, or by an unclimable fence wall.
- Minimum area: Two (2) acres
- Drives: Twenty-five (25) feet in width with an asphaltic or portland cement binder pavement or similar surface, as approved by the County Engineer.
- Service Building: A common service building providing an office, laundry facilities, and accessory supplies may be included in the "parks" provided such building shall be located within the central "park" area and shall be restricted to the use of the park occupants.

b. Space requirements for each recreational vehicle.

- Minimum: Twenty (20) feet by fifty-five (55) feet.
- Off-driveway Parking: One (1) parking space for and within the area of each space.
- Minimum Front Yard: Ten (10) feet.
- Minimum Rear Yard: Five (5) feet.
- Minimum Side Yard: Five (5) feet.
- Vehicle Separation: The minimum distance between any two (2) recreational vehicles shall be not less than ten (10) feet.

c. Site plan requirements. A site plan of the park prepared at a scale of not less than 1"=100' shall be submitted with an application for Zoning Compliance for review and consideration by the Zoning Administrator. All 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.

All points of ingress and egress must be clearly shown.

All provisions of the Ida County Zoning Ordinances not in conflict will apply.

15. Car wash
16. Gift shops
17. Offices, business and professional
18. Combinations of the above uses.

B. Permitted Accessory Uses.

1. Accessory uses customarily incidental to a principal permitted use.
2. Any exterior or roof sign; provided no such sign shall project more than eight (8) feet above the roof line.
3. One free-standing or post sign referring only to a use or uses conducted on the premises may be erected in any yard abutting a public street, road or highway, provided however:
  - a. That such sign shall not have a surface area in excess of two hundred (200) square feet on any one side and not more than two sides of said sign shall be used for advertising purposes;
  - b. The bottom of the surface area of such sign shall not be less than twelve (12) feet above the ground surface upon which it is erected.

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

- |                                  |                        |
|----------------------------------|------------------------|
| 1. Lot Area:                     | No minimum requirement |
| 2. Lot Width:                    | No minimum requirement |
| 3. Front Yard:                   | 50 feet                |
| 4. Side Yards                    | 25 feet                |
| 5. Rear Yard:                    | 40 feet                |
| 6. Maximum Height:               | 45 feet                |
| 7. Maximum Number of<br>Stories: | 3 stories              |

D. 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 14. ML LIGHT INDUSTRIAL DISTRICT

Statement of Intent. The ML District is intended and designed to provide areas of the County suitable for activities and uses of a light industrial nature. It is not intended that any new residential development be permitted in the ML District.

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

1. Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
2. Blacksmith, welding or other metal working shops.
3. Carting, express, hauling or storage yards.
4. Concrete mixing, concrete products manufacture.
5. Contractors equipment storage yard, rental of equipment to contractors, storage yard for delivery vehicles.
6. Creamery, bottling works, ice cream manufacturing (wholesale), ice manufacturing and cold storage plant.
7. Enameling, lacquering or japanning.
8. Laboratories--experimental, film or testing.
9. Machine shop.

10. Manufacturing and processing uses that are contained within a building and have no exterior storage, create no offensive noise, dust, odor or vibration or electrical interference.

11. Storage and sale of livestock feed and grain.

12. Storage and sale of liquid or solid fertilizers.

13. Truck terminals or yards.

14. Wholesale storage and warehouse establishments.

15. Automobile paint and body shops

16. Plumbing, heating, air conditioning and sheet metal shops.

17. Railroads and public utilities including storage and maintenance yards.

B. Permitted Accessory Uses.

1. Signs permitted in and as limited by the CHS District.

2. Accessory uses customarily incidental to a permitted principal use.

C. Required Conditions. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matter or water-carried waste. All facilities required for the discharge, collection and treatment of liquid, solid or gaseous wastes shall be designed, constructed and operated in accordance with the regulations of the Iowa Department of Environmental Quality, Iowa Department of Health and other applicable state regulations.

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

1. Front Yard: 50 feet.
2. Side Yards: None required, except when adjacent to any "RS" District, or street right-of-way line; in which case twenty-five (25) feet.
3. Rear Yard: 20 feet, except that where a railroad right-of-way lies immediately adjacent to the rear of a lot, the rear yard requirement need not apply.
4. Maximum Height: 75 feet; provided however, that no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of any public airport.
5. 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 15. MH HEAVY INDUSTRIAL DISTRICT

Statement of Intent. The MH District is intended and designed to provide areas of the County for activities and uses of a heavy industrial character. Since this is the least restrictive of any district, almost any use is permissible which does not conflict with other ordinances or regulations of Ida County or the State of Iowa. In addition, no residential uses are permitted except farm dwellings in

A. Permitted Principal Uses. A building or premises may be used FOR ANY PURPOSE whatsoever provided the regulations listed in subparagraphs 1, 2 and 3 below are met:

1. No zoning certificate shall be issued for any use in conflict with any ordinance of Ida County or law of the State of Iowa regulating nuisances.

2. No zoning certificate shall be issued for any dwelling, school, hospital, clinic or other institution for human care, except where incidental to a permitted principal use.

3. The following uses and uses of a like or similar nature shall be considered permitted principal uses only in the MH District:

- a. Abattoirs, slaughter houses, meat packing plants and stock yards.
- b. Acid manufacture or wholesale storage of acids.
- c. Anhydrous ammonia storage.
- d. Automobile, tractor or machinery wrecking and used parts yards; provided that any wrecking operation is carried on within a building completely enclosed with walls and roof or within a yard completely enclosed with a wall or fence, reasonably maintained, at least six (6) feet high completely obscuring the activity. Said wall or fence need be no higher than fifteen (15) feet, in any event. There shall be only one opening in the wall or fence facing any public street for each two hundred (200) feet of length.
- e. Cement, lime, gypsum or plaster of paris manufacture.
- f. Distillation of bones.
- g. Explosive manufacture or storage.
- h. Fat rendering.
- i. Fertilizer manufacture.
- j. Garbage, offal or dead animal reduction or dumping.
- k. Gas manufacture and cylinder recharging.
- l. Glue, size or gelatin manufacture.
- m. Junk, iron or rags, storage or baling, and wastepaper yards, where the premises upon which such activities are conducted are wholly enclosed within a building, wall or fence not less than six (6) feet in height, completely obscuring the activity.
- n. Petroleum or its products, refining or wholesale storage of, and asphalt plants.
- o. Rubber goods manufacture.
- p. Smelting of tin, copper, zinc or iron ores.
- q. Transmitting stations.
- r. Wholesale storage of gasoline or other flammable liquids.

B. Required Conditions.

1. The best practical means available 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.

2. All facilities required for the discharge, collection and treatment of liquid, solid or gaseous wastes, shall be designed, constructed and operated in accordance with the regulations of the Iowa Department of environmental Quality.

3. All principal or accessory structures housing a use permitted only in the MH District shall be located at least two hundred (200) feet from any "AG", "CS" or "RS" District boundary.

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

1. Bulk regulations same as SECTION 14 (D)--ML District.

SECTION 15a SAH, SPECIAL AIRPORT HAZARD ZONE (OVERLAY)

The SAH, Special Airport Hazard Zone is designed to be appended to other zones in this Ordinance to prohibit incompatible development in the airplane approach path of an airport.

- A. Permitted Uses. Any permitted use in the parent district is allowed.
- B. Restrictions and Standards. Uses which are permitted in the parent district shall be prohibited if they provide for or facilitate:
1. The release into the air of a substance which would impair visibility, such as steam, dust, and smoke, except from existing heating plants, incinerators and fireplaces.
  2. Light emissions which interfere with or impair pilot vision.
  3. Electrical emissions that interfere with aircraft communications systems or navigational equipment.
  4. Structures of a height which may impair or endanger aircraft in approach or departure patterns.
  5. Dumping of garbage, maintenance of feeding stations or facilities attractive to birds which are a hazard to aircraft operation. A garbage dump, sanitary landfill, or landfill which receives putrescible wastes, will be considered a potential hazard to aircraft and is prohibited within the following distances.
    - a. Ten thousand (10,000) feet of any runway used or planned to be used by turbojet aircraft,
    - b. Five thousand (5,000) feet of any runway used only by a piston type aircraft.

Restrictions and standards in this section apply in addition to and in the case of conflict, and supercede those of the parent district.

SECTION 16. 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. In addition:

1. Each loading space shall not be less than twelve (12) feet in width and forty (40) feet in length.
2. Such space may occupy all or any part of any required yard or open space, except where adjoining an "RS" (residential) District, it shall be set back five (5) feet and effectively screen planted.

SECTION 17. OFF-STREET PARKING AREA REQUIRED

A. In all districts in connection with every industrial, commercial, business, trade, institutional, recreational, or residential use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule. Required off-street parking facilities shall be primarily for the parking of private passenger automobiles of occupants, patrons or employees of the principal use served.

Automotive, farm implement, truck or mobile home sales, service and repair--one (1) space for every three hundred (300) square feet of sales, service or office floor area.

Banks, except drive-in clinics, business and professional offices--fifty (50) percent of gross floor area, but in no case less than ten (10) spaces.

Churches--one (1) space for every five (5) seats in the main auditorium.

Drive-in Banks--three (3) spaces plus storage for three (3) vehicles outside teller lane.

Drive-in restaurants--five (5) spaces per one hundred (100) square feet of floor area.

Drive-in theaters--storage lanes outside ticket booth to accommodate ten percent (10%) of theater capacity.

Dwellings--two (2) spaces per unit.

Funeral homes, mortuaries--one (1) space for each fifty (50) square feet of floor space in parlors.

Hospitals--one (1) space for each five (5) beds, plus one (1) space for each three (3) employees, plus one (1) space for each two (2) staff doctors.

Hotels and motels--one (1) space per unit.

Manufacturing and processing--one (1) space for every two (2) employees on the maximum shift plus one (1) space for each company vehicle.

Nursing, convalescent and retirement homes--one (1) space per eight (8) beds, plus one (1) space per three (3) employees, plus one (1) space for each resident staff member.

Plant nurseries and garden centers--one (1) space per one hundred (100) square feet of floor area.

Railroads, utilities and public maintenance garages and equipment and materials storage yards--one (1) space for each employee plus one (1) space for each company vehicle.

Recreational and amusement activities--bowling--five (5) spaces per lane; golf--three (3) spaces per green; other--one (1) space per one hundred (100) square feet of floor area.

Restaurants, night clubs and taverns--two hundred (200) percent of gross floor area.

Retail stores, super markets, etc.--over two thousand (2000) square feet floor area--two hundred fifty (250) percent of gross floor area; under two thousand (2000) square feet floor area--one hundred (100) percent of gross floor area.

Schools--one (1) space for each staff member or one (1) space for each five (5) seats in auditorium, whichever is greater.

Truck and freight terminals--one (1) space for each employee plus one (1) space for each company vehicle.

Wholesale businesses or warehouses--one (1) space for each employee plus one (1) for each company vehicle.



B. In 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 parking lot does not abut on a public or private street, road, alley or easement of access, there shall be provided an access drive not less than ten (10) feet in width in case of a dwelling, and not less than twenty (20) feet in width in all other cases leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question; provided, however, such easement of access or access drive shall not be located in any agricultural or residence district, except where serving a permitted use in an agricultural or residence district.

D. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

1. No part of any parking space shall be closer than five (5) feet to any established street right-of-way line. In case the parking lot adjoins an "RS" District, it shall be set back at least five (5) feet from the "RS" District boundary and shall be effectively screen-planted.

2. All required off-street parking areas shall be surfaced with an all-weather surface in AG and CS Districts only, and asphaltic or portland cement binder pavement or other similar surface in all other districts, as approved by the County Engineer, so as to provide a durable and dustless surface. They shall be graded and drained to dispose of all surface water accumulation within the area, and shall be arranged 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 shall be arranged to reflect the light away from adjoining premises in any "RS" Residential District.

E. Off-street parking areas in residential districts shall be provided on the same lot with the principal use. Off-street parking and loading areas may occupy all or part of any required yard or open space, subject to the provisions of this section; except that no required off-street parking or loading areas shall be located in any required front yard in a residence district.

#### SECTION 18. EXCEPTIONS AND MODIFICATIONS.

The regulations specified in this ordinance shall be subject to the following exceptions, modifications and interpretations:

A. Structures Permitted Above the Height Limit. The building height limitations of this ordinance shall be modified as follows:

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

B. Area Requirements.

1. In any district in which residences are permitted and where neither public water supply nor public sanitary sewer is available, the lot area and frontage requirements shall be as follows, or the minimum required for the particular district, whichever is the greater:

a. Lot area--twenty thousand (20,000) square feet; lot width at building line--one hundred (100) feet; provided, however, that where a public water supply system is available these requirements shall be fifteen thousand (15,000) square feet and eighty (80) feet respectively.

b. The above requirements shall not apply in subdivision developments, providing private water supply and sewage collection and disposal systems, which have been approved by the Iowa State Department of Health and the Iowa Department of Environmental Quality.

C. Double Frontage Lots. Buildings on through lots extending through from street to street shall provide the required front yard on both streets.

D. Other Exceptions to Yard Requirements. Every part of a required yard shall be open to the sky, unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for the ordinary projections of sills, belt courses, roof overhand, cornices and ornamental features projecting not to exceed twenty-four (24) inches, and in case of wells, water supply storage systems, septic tanks, and disposal systems, including sewage, sanitary, and other, all parts of which shall not be less than thirty (30) feet from the right-of-way.

E. Mixed-Use Yard Requirements. In instances where buildings are erected containing two or more uses housed vertically, the required side yards for the first floor use shall control.

#### SECTION 19. BOARD OF ADJUSTMENT: PROCEDURE.

A. Board Created. A Board of Adjustment is hereby established which shall consist of five (5) members appointed by the Board of Supervisors. The terms of office of the members of the Board of Adjustment and the manner of their appointment shall be as provided by statute.

B. Meetings. The meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum.

C. Appeals. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of Ida County affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days of the decision by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

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

The Board shall fix a reasonable time for the hearing on the appeal, given public notice thereof as well as due notice to the parties of interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee of thirty dollars (\$30) to the County Treasurer to cover the costs of the hearing and the preparation and mailing of notices.

SECTION 20. BOARD OF ADJUSTMENT: POWERS AND DUTIES.

The Board shall have the following powers and duties:

A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator in enforcement of this ordinance.

B. To grant a variation from the terms of this ordinance when a property owner can show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this ordinance actually prohibits the use of his property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of this ordinance would

result in unnecessary hardship; provided, however, that all variations granted under this clause shall be in harmony with the general purpose and intent of this ordinance.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under SECTION 28 of this ordinance.

Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

C. To permit the following exceptions to the district regulations set forth in this ordinance, provided all exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent property, shall not increase congestion in the public streets, shall not increase public danger of fire and safety, and shall not diminish or impair established property values in surrounding areas:

1. To permit erection and use of a building or the use of premises or vary the height, yard or area regulations in any location for a public service corporation for public utility purposes, or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.

2. To permit the extension of a zoning district where the boundary line of a district divides a lot in single ownership as shown of record or by existing contract or purchase at the time of the passage of this ordinance, but in no case shall such extension of the district boundary line exceed fifty (50) feet in any direction.

D. To issue conditional use and other special permits and decide such matters as may be required by other Sections of this ordinance.

SECTION 21. DECISIONS OF THE BOARD OF ADJUSTMENT.

In exercising the above-mentioned powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as it believes proper, and to that end shall have all the powers of the Zoning Administrator. The concurring vote of three of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance; provided, however, that the action of the Board shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and the vote

of each member participating therein, has been filed. Such resolution, immediately following the Board's final decision, shall be filed in the office of the Board and shall be open to public inspection.

Every variation and exception granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.

Any taxpayer, or any officer, department, board or bureau of Ida County, or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

## SECTION 22. CERTIFICATE OF ZONING COMPLIANCE.

No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this ordinance; provided, however, that no permit shall be required for agricultural uses.

No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefor by the Zoning Administrator. No permit shall be issued to make a change unless the changes are in conformity with provisions of this ordinance.

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

Applications for Certificates of Zoning Compliance shall be filed with the Zoning Administrator and upon approval shall be issued within seven (7) days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. Application fees shall be as provided in SECTION 24.

No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been made for a Certificate of Zoning Compliance, and no building or premises shall be occupied until that certificate is issued.

A Certificate of Zoning Compliance shall be required of all non-conforming uses. Application for a certificate for non-conforming uses shall be filed with the Zoning Administrator within twelve (12) months from the effective date of this ordinance, accompanied by affidavits of proof that such non-conforming use was legally established prior to the effective date of this ordinance.

## SECTION 23. PLANS

Each application for a Certificate of Zoning Compliance shall be prepared on official forms supplied by the Zoning Administrator showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, the dimensions of the required yards, parking and open spaces, and such other information as may be required by the Zoning Administrator to provide for the enforcement of this ordinance. A record of applications and plans shall be kept in the office of the Zoning Administrator.

## SECTION 24. FEE SCHEDULE

Fees shall be as follows and shall be paid to the Treasurer of Ida County at the time of application.

Application for:

Certificate of Zoning Compliance

Dwellings	\$10.00 per structure
Mobile Home Parks	5.00 per space
Recreation Vehicle Parks	5.00 per space
Accessory Structures	5.00

All Other Structures:

Valuation	Schedule
\$1,000-\$5,000	\$5.00
\$5,000-\$25,000	\$5.00 first \$5,000 + \$1.00 for each additional \$1,000
\$25,000-\$50,000	\$35.00 first \$25,000 + \$1.00 each additional \$1,000
\$50,000+	\$60.00 first \$50,000 + .50 for each additional \$1,000
Conditional Use Permits	\$15.00
Appeal to Board of Adjustment	30.00
Amendment to Zoning Ordinance	30.00

SECTION 25. AMENDMENTS.

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

A. Procedures. Whenever any person, firm or corporation desires that any amendment or change be made in this ordinance, including the text and/or map, as to any property in the County, and there shall be presented to the Board of Supervisors a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of fifty (50) percent of the area of all real estate included within the boundaries of said tract as described in said petition, and in addition, duly signed by the owners of fifty (50) percent of the area of all real estate lying outside of said tract but within five hundred (500) feet of the boundaries thereof, it shall be the duty of the Board of Supervisors to vote upon such petition within a reasonable time after the filing of the petition.

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

In case the proposed amendment, supplement or change be disapproved by the County Zoning Commission, or a protest be presented duly signed by the owners of twenty (20) percent or more of the area included in such proposed change, or of the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such amendment shall not become effective except by the favorable vote of at least sixty (60) percent of all members of the Board of Supervisors. Whenever any petition for amendment, supplement or change of the zoning districts or regulations herein contained or subsequently established shall have been denied by the Board of Supervisors, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the Board of Supervisors until one (1) year shall have elapsed from the date of the filing of the first petition.

B. Filing Fees. Before any action shall be taken as provided in this section, the owner or owners of the property proposed or recommended to be changed in the district regulations or district boundaries shall pay to the County Treasurer the sum of thirty dollars (\$30) to cover the costs of the procedure. Under no conditions shall said sum or any part thereof be refunded for

SECTION 26. ZONING ADMINISTRATOR.

There is hereby created the position of Zoning Administrator who shall be appointed by the Board of Supervisors. The Zoning Administrator shall administer and enforce the provisions of this ordinance and shall have the following powers and duties, in connection therewith:

- A. He/she shall issue all permits and certificates required by this ordinance.
- B. If he/she shall find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance and the Board of Supervisors to insure compliance with or to prevent violation of its provisions.

The Board of Supervisors, may, by resolution, delegate the powers and duties of the office of Zoning Administrator to any other officer or employee of the County, or of any city, town or governmental subdivision within the County, or may combine the powers and duties of this office with any other office or position.

SECTION 27. VIOLATION AND PENALTIES.

The violation of any of the provisions of this ordinance shall constitute a misdemeanor. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance, upon conviction shall be subject to a fine of not more than one hundred dollars (\$100) or imprisonment of not more than thirty (30) days for each offense. Each day that a violation is permitted to exist constitutes a separate offense.

SECTION 28. SEVERABILITY CLAUSE.

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

SECTION 29. REPEALER.

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

SECTION 30. EFFECTIVE DATE.

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

Passed and approved by the Board of Supervisors of Ida County, Iowa this 8 day of August, 1979.

ATTEST:

Clifford Friedrichsen  
Chairman, Ida County Board of Supervisors

Phyllis Lippincott, Deputy  
Ida County Auditor

