NOTICE OF THE ADOPTION AND PUBLICATION OF ZONING ORDINANCES AND ZONING DISTRICT DESIGNATION MAPPING FOR THE UNINCORPORATED AREAS OF WOODBURY COUNTY, IOWA

An ordinance establishing comprehensive zoning regulations and zoning district designation mapping for the unincorporated areas of Woodbury County, Iowa and providing for the administration, enforcement, and amendment thereof in accordance with the provisions of Chapter 335, Code of Iowa, 2007 has been adopted by the Woodbury County, Iowa Board of Supervisors on the 22nd day of July, 2008. The ordinances and mapping is effective on the date in which the complete text of the ordinances is published. All previous zoning ordinances including zoning district designation mapping is repealed upon the effective date of the new zoning ordinances. The complete text of the newly adopted zoning ordinances, including a County wide zoning district designation map, is published within this date's issue of this publication.

This notice is given pursuant to Chapter 331.302 Code of Iowa, 2007 and by order of the Woodbury County, Iowa Board of Supervisors.

Woodbury County, Iowa
Board of Supervisors
Douglas L. Walish, Chairman

WOODBURY COUNTY
ZONING ORDINANCE

Adopted July 22, 2008
by the
Woodbury County
Board of Supervisors

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ARTICLE 1: TITLE AND AUTHORITY, PURPOSE, APPLICABILITY, INTERPRETATION, ENFORCEMENT, SEVERABILITY, EFFECTIVE DATE

Section 1.01: Title and Authority

This ordinance, which shall be known and referred to as the Zoning Ordinance for Woodbury County, Iowa, is adopted pursuant to authority granted by Chapters 331.304(6) and 335 of the 2007 Code of Iowa.

Section 1.02: Purpose

1. The zoning ordinance and districts as herein established have been made in accordance with a comprehensive plan and policies to promote, in accordance with present and future needs, the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of Woodbury County, Iowa.

2. This zoning ordinance will provide for, among other things:

A. the lessening of congestion in the streets or roads;

B. reducing the waste of excessive amounts of roads;

C. securing safety from fire, flood, panic and other dangers;

D. preventing on the one hand excessive concentration of population and on the other hand excessive and wasteful scattering of population or settlement;

E. promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements, transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil fertility, food supply, protection of the tax base;

F. securing economy in governmental expenditures;

G. preserving the availability of agricultural land;

H. considering the protection of soil from wind and water erosion;

I. encouraging efficient development patterns;

J. promoting conservation of energy resources and reasonable access to solar energy;

K. fostering the State's agricultural and other industries; and

L. the protection of development in unincorporated areas by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces, and the density of use.

3. The zoning ordinance and map have been made with reasonable consideration, among other things, for the existing use and character of property, to the character of the particular district involved, and its peculiar suitability for particular uses, to trends of growth or change, and with a view to conserving natural resources and the value of land and buildings and encouraging the most appropriate use of land throughout the unincorporated territory of Woodbury County, Iowa.

Section 1.03: Applicability

1. General and Territorial Applicability. This provisions and requirements of this ordinance shall be applicable to the development and/or alterations of all land, struc-

tures and uses of land occurring after the effective date of this ordinance in the unincorporated territory of Woodbury County, Iowa.

2. **Farms Exempt**. Notwithstanding subsection 1 above, in accordance with the provisions of Chapter 335, Code of Iowa, and except to the extent required to implement section 335.27, no ordinance adopted under this section shall be applied to land, farm houses, farm barns, farm outbuildings or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. Conversely, the provisions of this ordinance shall be applied uniformly to all land and uses of the land that are not determined to be either farming or directly related to farming and to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream.

3. **Determination of Farm Exemption.** The Zoning Director shall be responsible for determination of whether a particular use of land is a farm and therefore eligible for exemption from the requirements of this ordinance. In making this determination, the Zoning Director shall consider the following factors, which are alternative positive means of identifying a farming operation, rather than required findings:

   A. Any significant (i.e., not incidental) use of land that includes agricultural production defined as the art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock for production of plant crops and livestock for food, fiber and fuel shall be interpreted to be a farm, which is defined as land, farm houses, farm barns, farm outbuildings or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. As part of the determination of the terms “significant” and “incidental”, it is not intended that farming should include gardening or keeping pets for personal use or recreational or hobby purposes; or

   B. Any use of land that occupies 20 acres or more of land that is not clearly nonfarming (i.e. a residence or a commercial or industrial enterprise) may be interpreted to be a farm, or

   C. Any use of land for which the operator attests to filing a Schedule F, or other tax document, as part of a federal income tax return that establishes the economic activity to be a farm, shall be interpreted to be a farm.

   D. Any building, structure or use that is integral to, or accessory to, a farm use is exempt from the requirements of this ordinance. For example, the residence of the owner or operator of property or an employee of the operation determined to be a farm, if on or adjacent to said farm shall be assumed to be a farm house, which is an accessory to the farm operation, and is therefore exempt from the requirements of this ordinance.

4. **Owner’s Right to Restrict Land Uses.** Notwithstanding the right to exemption from the provisions of these regulations for any farm or farm related operations, it is expressly understood that real property owners may voluntarily limit or restrict the range of uses (including agricultural uses) on their land for any current or future occupants and tenants.

5. **Transitional Provisions.**

   A. Nonconformities. Conforming or legal nonconforming uses and structures that were in existence on the effective date of this ordinance that are not legal and

conforming to the provisions of this ordinance shall be allowed to continue as legal nonconforming uses or structures subject to the provisions of Section 4.02.

B. Existing variances and conditional uses.

(1) Any existing variance or conditional use that could be lawfully approved under the provisions of this ordinance shall continue as a lawful variance or conditional use.

(2) Any existing variance or conditional use that could not be lawfully approved under the provisions of this ordinance may continue as a legal nonconforming use subject to the provisions of subsection 4.02-5.

(3) Any conforming use prior to the adoption of this ordinance that is listed as a conditional use in this ordinance shall be considered as an approved conditional use upon adoption of this ordinance.

C. Pending permits and applications.

(1) A building permit issued prior to the effective date of this ordinance or any amendment to this ordinance shall be valid, provided that construction has commenced within 90 days and diligently pursued to completion.

(2) An application made at least 30 days prior to and that is pending on the effective date of this ordinance or any amendment to this ordinance may be subject to the provisions of this ordinance or preceding regulations at the option of the applicant.

(3) An application made less than 30 days prior to the effective date of this ordinance or any amendment shall be subject to the new provisions.

Section 1.04: Interpretation

1. In interpreting and applying the provisions of this ordinance, said provisions shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, order, comfort, prosperity, or general welfare.

2. It is not the intent of this ordinance to interfere with, or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that if this ordinance imposes a higher standard than imposed or required by other resolutions, ordinances, rules, ordinances, or by easements, covenants, or agreements, the provisions of this ordinance shall govern.

Section 1.05: Enforcement.

1. General. The Planning and Zoning Department shall be responsible for the enforcement of the provisions of this ordinance.

2. Enforcement actions. Any violation of the provisions of this ordinance may result in enforcement actions including infraction citations, civil action, and/or misdemeanor charges.

3. Nuisance abatement. Any use of property in violation of the provisions of this ordinance may be determined to be a public nuisance that may be abated pursuant to the County's nuisance abatement procedures.

Section 1.06: Severability.

The provisions of this ordinance are separable. If any court finds any provision to be invalid either totally or in a specific application, such judgment does not affect the validity of the other provisions of this ordinance or the application of any provision of this ordinance to other properties or uses.

Section 1.07: Effective Date.

The term "effective date" when used in this ordinance shall be the date of publication of notice of adoption by the Board of Supervisors.

ARTICLE 2: ADMINISTRATION

Section 2.01: Administrative Officials and Bodies

1. **Planning and Zoning Department**. Within the Planning and Zoning Department, the Planning and Zoning Director (also called the Zoning Director throughout this ordinance) or his/her designee shall be the administrative official with primary responsibility for carrying out the provisions of this ordinance. The roles of the Zoning Director include:

   A. Administration and enforcement of the development regulations, including this ordinance, including:

      (1) Interpretation of the provisions of this ordinance;

      (2) Coordination of the review processes for development-related applications by the Planning and Zoning Commission, the Board of Adjustment, and the Board of Supervisors as provided in this ordinance;

      (3) Administrative review processes (i.e., zoning certificates, sign permits, site plan approvals, etc.) as provided in this ordinance;

      (4) Enforcement of the requirements of this ordinance as provided in Section 1.05 of this ordinance;

      (5) Maintenance of public records related to administration and enforcement of this ordinance.

   B. Serve as Secretary to the Planning and Zoning Commission and the Board of Adjustment, including:

      (1) Provide staff reports on issues and applications that come before the Commission and the Board of Adjustment; and

      (2) Maintain records of the deliberations and decisions of the Commission and the Board of Adjustment.

   C. Provide staff services for the development and maintenance of the County's general planning processes.

2. **Other County Officials and Departments.** Every department and employee of the County shall cooperate in the administration and enforcement of this ordinance.

3. **Board of Supervisors.** As an exercise of the powers and duties conferred upon the Board of Supervisors by the Iowa Code, they shall:

   A. Establish policies for physical development of Woodbury County, including the General Development Plan;

   B. Adopt legislation, including this ordinance and any amendments thereto related to effective management of the physical development of Woodbury County;

   C. Appoint the members of the Planning and Zoning Commission and the Board of Adjustment; and

   D. Appropriate funds, establish fees and levy taxes to provide for the costs of administering the provisions of this ordinance.

4. **Planning and Zoning Commission.**

A. Establishment. Pursuant to Chapter 335 of the 2007 Code of Iowa, a Planning and Zoning Commission, consisting of five members, as previously established, is hereby continued.

B. Appointment and membership

(1) The members of the Planning and Zoning Commission shall be appointed by the Board of Supervisors for terms of five years. Terms of the commissioners shall be staggered so that no more than two memberships expire on December 31 of any year. Vacancies shall be filled in the same manner for the remainder of an unexpired term.

(2) Members of the Planning and Zoning Commission shall be qualified resident electors of the county and shall not be officers or employees of any agency or department of the county. Not less than three of the five members of the Commission shall be residents of the unincorporated area outside any city.

(3) Members of the Planning and Zoning Commission shall serve without compensation.

(4) A member of the Planning and Zoning Commission may be removed for cause by the Board of Supervisors following a public hearing on written charges. Cause for removal may be found by the Board of Supervisors in any action or condition which it determines to be detrimental to the proper functioning of the Commission, including conflicts of interest, violations of laws or regulations pertaining to the role of the Commission, failing to carry out the duties of a member of the commission including failure to attend six or more regular meetings in any twelve month period, or other conduct which casts doubt upon the integrity or effectiveness of the member.

C. Rules of procedure. The Commission shall organize itself and shall adopt and maintain, subject to the approval of the Board of Supervisors, rules of procedure in conformance with the provisions of this ordinance and the Iowa Code to govern the conduct of its business.

D. Powers and duties. The Planning and Zoning Commission shall have the following powers and it shall be its duty:

(1) To prepare and recommend to the Board of Supervisors, a general plan for the county and amendments thereto;

(2) To review and make recommendations to the Board of Supervisors on any proposed dedication, vacation or partial vacation of public rights-of way or public easements within the county, except as provided otherwise in either this ordinance or the Iowa Code;

(3) To review and make recommendations on preliminary and final subdivision plats of land located within the county as provided in the County's Subdivision Regulations;

(4) To initiate as it deems appropriate and in the public interest, amendments to the text or the zoning district map of this ordinance;

(5) To review, conduct hearings as required, and make recommendations to the Board of Supervisors on amendments to the text or the zoning district map of this ordinance, including planned developments; and

(6) To carry out studies and investigations and to make recommendations on other projects and issues related to the development of the county as may be requested by the Board of Supervisors.

5. Board of Adjustment.

A. Establishment. Pursuant to Chapter 335 of the 2007 Iowa Code, a Board of Adjustment, consisting of five members, as previously established, is hereby continued.

B. Appointment and membership.

(1) Members of the Board of Adjustment shall be appointed by the Board of Supervisors for terms of five years. Terms of the Board of Adjustment members shall be staggered so that no more than two memberships expire on December 31 of any year. Vacancies shall be filled in the same manner for the remainder of an unexpired term.

(2) Members of the Board of Adjustment shall be qualified resident electors of the county and shall not be officers or employees of any agency or department of the county. Not less than three of the five members of the Board of Adjustment shall be residents of the unincorporated area outside any city.

(3) Board of Adjustment members shall serve without compensation.

(4) Any member of the Board of Adjustment may be removed for cause by the Board of Supervisors following a public hearing on written charges. Cause for removal may be found by the Board of Supervisors in any action or condition which it determines to be detrimental to the proper functioning of the Board of Adjustment, including conflicts of interest, violations of laws or regulations pertaining to the role of the Board of Adjustment, failing to carry out the duties of a member of the Board of Adjustment, or other conduct which casts doubt upon the integrity or effectiveness of the member.

C. Rules of Procedure. The Board of Adjustment shall organize itself and shall adopt and maintain, subject to the approval of the Board of Supervisors, rules of procedure in conformance with the provisions of this ordinance and the Iowa Code to govern the conduct of its business.

D. Powers and duties. 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 an error in any order, requirement, decision, interpretation, or determination made by the Zoning Director in the enforcement of this ordinance.

(2) To hear and decide by granting or denying a variance from the provisions of this ordinance where unique conditions would result in undue hardship or practical difficulties if strict enforcement of those provisions were required. Such variances shall not be contrary to the public interest, and are to assure that the spirit of the ordinance is preserved and substantial justice is done.

(3) To hear, review and decide on requests for conditional use permits that are authorized by the provisions of the zoning ordinance.

(4) To hear, review and decide on appeals, variances and conditional uses within the flood plain management overlay zones subject to concurrence by the Iowa Department of Natural Resources as required.

Section 2.02: Administrative Procedures.

1. General Requirements.

A. Open Meetings. The Board of Supervisors, the Board of Adjustment and the Planning and Zoning Commission of Woodbury County shall comply with the provisions of the Iowa Open Meetings laws in the conduct of their business.

B. Public Hearings. Public hearings shall be conducted at a reasonable time and place by the authority charged with responsibility for approving or denying or making a recommendation on any requested proposal for an amendment, appeal, variance, conditional use, or exception under this ordinance. The purpose of public hearings is to assure that recommendations and decisions on public issues are based on the best information possible and that such decisions are made in open public forums.

(1) Public notification**.** In addition to Iowa Code Chapter 21 requirements for notice to news media and posting notice of public meetings at least 24 hours prior to a public meeting, notice to the public and due notice to parties in interest of the date, time and location of a public hearing on a zoning issue shall be given not less than four nor more than twenty days prior to the date of the hearing in the manner described herein.

(a) For a Planning and Zoning Commission hearing on amending the text of this ordinance, notice shall be published in a newspaper of general circulation.

(b) For a Planning and Zoning Commission hearing on a proposed amendment of the zoning district map, notice shall be mailed to the owners of all real property lying within 1,000 feet of the subject property. This mailed notice shall not be required in the case of adoption of a countywide zoning district map, in which case, notice shall be published in a newspaper of general circulation including publication of a copy of the proposed zoning map.

(c) For a Board of Supervisors hearing on amendments to either the zoning district map or the text of this ordinance, notice shall be by publication in a newspaper of general circulation.

(d) For a Board of Adjustment hearing on an appeal or variance, notice shall also be mailed to all owners of real property located adjacent to the subject property.

(e) For a Board of Adjustment hearing on a conditional use or special exception, notice shall be mailed to all owners of real property located within 500 feet of the subject property, except that in the case of a conditional use to allow an airport or a sanitary landfill, or construction of a telecommunication tower as provided in subsection 5.06-3, notices shall be mailed to all owners of real property located within one mile of the subject property.

(f) A certified abstractor's listing of the owners needed for the described public notifications shall be provided by the applicant of the requested action.

(g) It is the intent of the county to provide notice of public hearings in the manner prescribed herein; however, an unintentional failure to provide notice due to incorrect addresses or failure of mail delivery or other human error shall not be grounds for upsetting any action taken.

(2) Conduct of public hearings. Within the following guidelines, the administrative official or body charged with either deciding an issue or making a recommendation thereon shall establish rules of procedure for conduct of public hearings.

(a) At a public hearing, any person may appear and testify or provide evidence in support or opposition to the subject of the hearing. To assure opportunity for all interested parties to testify, the chairperson of the hearing body may set time limits for individual speakers and may limit non-germane or repetitious testimony.

(b) The applicant may appear in person or by agent or attorney and present written or oral evidence in support of the request.

(c) Additional information as reasonably deemed necessary, including technical assistance and/or evaluation of an expert or another agency with expertise may be requested. Such information shall be included in the record of the public hearing.

(d) The applicant, as well as any supporters and opponents of the issue, shall have an opportunity to state their positions on the issue and the applicant shall have an opportunity to rebut other's testimony.

(e) The administrative official or body may adjourn the hearing to a later date and time as necessary to allow a more complete hearing of the facts of the issue.

(3) Decisions.

(a) Role of Planning and Zoning Commission and Board of Supervisors. In order to enhance and protect the public interest and general welfare, the Planning and Zoning Commission may recommend and the Board of Supervisors or the Board of Adjustment may approve, approve subject to conditions, or deny any requests brought before them pursuant to their powers and responsibilities outlined in these regulations.

(b) Timeliness. The administrative official or body charged with the responsibility for either deciding an issue or making a recommendation thereon shall do so within a reasonable time. The decision or recommendation must be in writing, setting forth findings of fact and reasons for the decision. The decision or recommendation will be reported to the applicant and to any other official or body charged with a subsequent role in the issue as soon as practical. The concurring vote of at least three members of the Board of Adjustment shall be necessary to approve any item before it. The concurring vote of at least three members of the Planning and Zoning Commission shall be necessary to approve any recommendation before it.

(4) Ex parte communications. Any member of either the Board of Supervisors, the Board of Adjustment or the Zoning Commission charged with the responsibility for deciding an issue or making a recommendation shall rely only on information presented for public record consisting of the application and supporting materials, staff reports, and testimony presented at the public hearing. Any contact with interested parties or their agents outside the hearing process regarding any matter before the administrative official or body shall be fully noted on the record including the content of such contact or communication.

(5) Successive applications

(a) New application barred. If any application, appeal or other request pursuant to this ordinance has been denied, no new application for similar action may be initiated within one year

(b) Exception. If the administrative official or body which originally decided the issue determines that either conditions have changed; new or additional information is available; or a mistake of law or fact was made, a new application may be considered.

(c) Process.

(i) A request within one year for consideration of a new application for an action that has been denied shall be forwarded immediately to the official or body that denied the application.

(ii) The official or body shall review the request for reconsideration and determine whether the application, appeal or other request may be placed on a subsequent agenda for consideration by the same procedure outlined herein. No public notification or hearing on the request for reconsideration shall be required, but if it is determined the matter may be considered again, the public notifications and hearing requirements for the application, appeal or other request shall be fulfilled.

(iii) If the official or body finds that one of the determinations required in subsection (b) above can be made, the petitioner may proceed with the application, appeal or request without regard to the time limit prohibition set forth in this subsection.

2. Building permit requirement. No excavation, erection, construction, reconstruction, enlargement, alteration or moving of any building or structure may be undertaken until a building permit has been issued by the Zoning Director. (Note: Farm structures are exempt from zoning regulations and from any fees associated with building permits but require building permits.)

A. Exceptions:

(1) No building permit is required for a residential accessory storage building less than 120 square feet in area.

(2) No building permit is required for a temporary structure designed and used in a manner that includes moving on skids or wheels from one location to another.

Note: These exempted structures are not exempt from the dimensional standards (e.g. setback requirements) of these regulations.

B. Building permit application. An application for a building permit shall include the following:

(1) Structure plans. Architectural and/or engineering plans and specifications prepared pursuant to the acceptable professional standards.

(2) Site plans. An application for a building permit involving a new or expanded building or for a sign permit shall be accompanied by a site plan that contains the following elements:

(a) North arrow and scale.

(b) Dimensions of the site.

(c) Location and size of existing and proposed structures.

(d) Location and layout of vehicle parking, loading and queuing areas, street accesses, and driveways.

(e) Location, size and description of any existing or proposed signs as required by Section 5.02.

(f) Grading plans if required by the County's grading regulations.

(g) Flood hazard area designations as required by Section 5.03.

(h) Such other information as the Zoning Director may require to determine compliance with the provisions of this ordinance.

(3) Fee. A permit fee, as established by resolution of the Board of Supervisors to defray administrative costs, shall accompany the building permit application.

C. Building permit approval.

(1) Review. The Zoning Director shall submit building permit applications for review, comment and recommendation by appropriate departments and agencies.

(2) Approval. Approval of a building permit by the Zoning Director shall be based upon findings that the proposed use of the site and the proposed location and dimensions of the structure on a subject parcel of real property comply with the zoning provisions of this ordinance.

(3) Denial. If a building permit application is denied, the application shall be returned to the applicant with a written explanation of the reasons for the denial.

D. Validity. Any building permit that is subsequently found to have been issued in conflict with the provisions of this ordinance shall be void.

E. Expiration. A certificate of zoning compliance shall expire and become void if the construction or change in use of the property has not commenced within 180 days or is not completed within one year after issuance. If necessary, additional one-year renewals may be issued.

3. Zoning Ordinance Text Amendment

It is anticipated that changes in the text of this title may be found to be in the public interest. The procedure for amendment of the text of this title shall be as follows:

A. Initiation**.** Amendments to the text of this title may be initiated by the Board of Supervisors or the planning and zoning commission.

B. Planning and Zoning Commission review. The planning and zoning commission shall conduct a public hearing on the proposed amendment of the text of this title in the manner prescribed in subsection 2.02-1.B and shall review the amendment and any supporting information prior to considering a recommendation to either approve or disapprove the proposed amendment.

C. Board of Supervisors hearing. Upon receipt of the recommendation of the planning and zoning commission along with any supporting information, the Board of Supervisors shall conduct a public hearing on the proposed amendment of the text of this title in the manner prescribed in subsection 2.02-1.B.

D. Adoption. Following the public hearing, the Board of Supervisors may:

(1) Defer consideration of the matter for further study; or

(2) Reject the proposed amendment; or

(3) Adopt the ordinance amending the text of this title.

4. Zoning Ordinance Map Amendment.

A. Authority. The Board of Supervisors shall amend the zoning district map (except the flood hazard overlay zones) pursuant to the procedures set out in this subsection and Section 335 of the Iowa Code.

B. Purpose. An amendment to the zoning ordinance map is intended to reflect changing use and development patterns in the county and to move the zoning map into compliance with the adopted long range comprehensive plan.

C. Filing.

(1) Right of amendment. A request to amend the zoning ordinance map may be filed by the Board of Supervisors, the planning and zoning commission or any person with an ownership or contractual interest in the particular real estate.

(2) Form of application. An application to amend the official zoning map shall be submitted to the zoning director and shall include at least the following information:

(a) The name and address of the property owner and the applicant;

(b) The address, if any, and legal description of the property;

(c) A statement of the current and the requested zoning district classification of the property;

(d) A map, drawn to scale, showing the subject property and sufficient area surrounding the property with information regarding zoning, land uses, streets, etc. to illustrate the relationship of the property to its environs;

(e) For planned development zoning districts, either a preliminary or final development plan as described in subsection 2.02-5.E. below;

(f) A statement of the Corn Suitability Rating (CSR) of the property as established by the Natural Resource Conservation Service (NRCS), and

(g) A statement of explanation and justification for the requested change in zoning district classification.

(3) Fee. A filing fee, as established by resolution of the Board of Supervisors to defray administrative costs, shall accompany the application of a property owner to amend the zoning district map.

(4) A certified abstractor's listing of the names and mailing addresses of all owners of real property lying within 1,000 feet from the subject property.

D. Review and decision-making process.

(1) Evaluation criteria. The Planning and Zoning Commission shall base their recommendations and the Board of Supervisors shall base their decision on any requested amendment of the zoning district map on the following criteria:

(a) Conformance with the goals and objectives set forth in the approved General Development Plan for Woodbury County including the Future Land Use Map;

(b) Compatibility and conformance with the policies and plans of other agencies with respect to the subject property;

(c) Consideration of the Corn Suitability Rating (CSR) of the property;

(d) Compatibility with adjacent land uses;

(e) Compatibility with other physical and economic factors affecting or affected by the proposed rezoning; and

(f) Any other relevant factors.

(2) Planning and zoning commission recommendation. The planning and zoning commission shall review and make a recommendation on any proposed amendment to the zoning district map as follows:

(a) Hearing required. The planning and zoning commission shall conduct a public hearing on the proposed zoning district map amendment in accordance with subsection 2.02-1. B.

(b) Notification. Public notification of the planning and zoning commission hearing on the proposed amendment of the official zoning map shall be as required by subsection 2.02-1. B(1). Such notices shall provide information on the time, date and location of the hearing and a brief description of the proposed change in zoning district classification.

(c) Time limit for recommendation. A recommendation to the Board of Supervisors for approval, approval with conditions or disapproval on the proposal, shall be made within 35 days of the conclusion of the public hearing unless the petitioner consents to an extension of time. If no recommendation is made within 35 days from the conclusion of the public hearing, the issue will be forwarded to the Board of Supervisors with no recommendation.

(3) Board of Supervisors action. Following receipt of the recommendation of the planning and zoning commission, the Board of Supervisors shall consider and act upon a proposed amendment to the zoning district map as follows:

(a) Hearing required. The Board of Supervisors shall conduct a public hearing on the proposed zoning district map amendment in accordance with the procedure outlined at subsection 2.02-1. B.

(b) Notification. Public notification of the Board of Supervisors hearing on the proposal shall be as required by subsection 2.02-1. B(1).

(c) Decision. Following the public hearing, the Board of Supervisors may:

(i) Defer consideration of the proposal; or

(ii) Reject the proposal; or

(iii) Proceed subject to subsections (iv) and (v) below, to adopt an ordinance approving the amendment to the zoning district map.

(iv) Super majority required. A 60 percent majority of the Board of Supervisors shall be required to adopt the proposed amendment of the zoning district map if the owners of more than 20 percent of either, (a) the area of the subject property or (b) the area of real property ly-

ing within 500 feet of the subject property file a written objection prior to the conclusion of the public hearing,

(v) The Board of Supervisors may impose restrictive conditions upon the approval of an amendment to the zoning district map if, before the conclusion of the public hearing, the owner agrees to the conditions in writing.

5. Planned Development

A. Authority. The Board of Supervisors may amend the zoning district map to provide for a –PD Planned Development Overlay Zone pursuant to the procedures set out in this subsection and Chapter 335 of the Iowa Code.

B. Purpose. As set forth in subsection 3.01-9. A, the purpose of the –PD Planned Development Overlay Zone is to allow greater flexibility and encourage more creative, innovative development with specific design features not otherwise required or allowed by the provisions of other zoning district regulations. As the title describes, the –PD overlay zone is not intended to be a free-standing zoning district; it is to be applied as an overlay to one of the other zoning districts.

C. Development Plan Required: Any development in a –PD Planned Development Overlay Zone requires approval of a final development plan pursuant to the procedures set forth in this Section. At the option of the developer, a preliminary development plan may be provided for review and approval as part of an incremental process leading to approval of a final development plan. If a preliminary development plan is reviewed and approved in conjunction with the request to establish a –PD Planned Development Overlay Zone, a final development plan must be submitted, reviewed and approved by the same procedure provided in subsections 2.02-5. D, E and F below.

D. Filing.
A request to amend the zoning ordinance map to create a –PD Planned Development Overlay Zone may be filed by any person with an ownership or contractual interest in the particular real estate. Such a request may be filed independently or in conjunction with a request to amend the underlying base zoning district designation. The request must include the following:

(1) An application to amend the official zoning map to establish a –PD Planned Development Overlay Zone including at least the following information:

(a) The name and address of the property owner and the applicant;

(b) The address, if any, and legal description of the property;

(c) A statement of the current and the requested zoning district classification of the property;

(d) A statement of explanation and justification for the requested change in zoning district classification.

(2) A preliminary or final development plan as described in subsection 2.02-5. E below. Either a preliminary or final development plan must be approved as part of approval of a –PD Planned Development Overlay Zone. A preliminary development plan is recommended if the developer wishes to minimize costs in the initial stages of project approval or if the project has multiple phases.

(3) Fee. A filing fee, as established by resolution of the Board of Supervisors to defray administrative costs, shall accompany the application of a property owner to amend the zoning district map.

(4) A certified abstractor's listing of the names and mailing addresses of all owners of real property lying within 1,000 feet from the subject property.

E. Development Plan Requirements.

(1) Preliminary development plan. A preliminary development plan submittal shall include:

(a) A vicinity map, drawn to scale, showing the subject property and sufficient area surrounding the property with information regarding zoning, land uses, streets, etc. to illustrate the relationship of the property to its environs;

(b) A dimensioned, scale drawing of the site plan at an appropriate scale showing the location of proposed structures (including signs), open space, parking and loading areas with access drives and queuing areas, service areas for utilities and waste disposal, and minimum setbacks. Construction site envelopes with minimum setbacks and separations may be indicated to allow flexibility in locating structures on the site.

(c) Land uses to be allowed on the site should be identified either by a listing or reference to allowed uses in the underlying zoning district.

(d) Tabulations of dwelling units, parking spaces and land coverage by structures, open space and paved surfaces in square feet and percentage of total site area.

(e) A preliminary grading plan showing existing and proposed topography.

(f) Existing and proposed utility services.

(g) A preliminary storm water management plan showing retention/detention areas, storm sewers and drainage ways. Any flood hazard areas on the site should be identified.

(h) A preliminary landscaping plan illustrating screening and buffering intended to minimize conflicts with nearby properties and uses.

(i) Proposed phasing of the project.

(j) Any other information necessary to describe the intended development plan.

(2) Final development plan. A final development plan submittal shall include:

(a) A vicinity map, drawn to scale, showing the subject property and sufficient area surrounding the property with information regarding zoning, land uses, streets, etc. to illustrate the relationship of the property to its environs;

(b) A dimensioned drawing of the site plan at a scale of 1" = 100' showing the location of proposed principal and accessory structures (including signs), open space, parking and loading areas with access drives and queuing areas, service areas for utilities and waste disposal, and minimum setbacks. Construction site envelopes with minimum setbacks and separations may be indicated to allow flexibility in locating structures on the site.

(c) Land uses to be allowed on the site should be identified either by a listing or reference to allowed uses in the underlying zoning district.

(d) Tabulations of dwelling units, parking spaces and land coverage by structures, open space and paved surfaces in square feet and percentage of total site area.

(e) A grading plan with 2-foot contours showing existing and proposed topography.

(f) Existing and proposed utility services including size and locations.

(g) A storm water management plan showing retention/detention areas, storm sewers and drainage ways. A drainage report certified by a professional engineer is required to verify the size of retention or detention facilities and outflows from the site. Any flood hazard areas on the site should be identified.

(h) A landscaping plan illustrating screening and buffering intended to minimize conflicts with nearby properties and uses. Species, numbers and initial sizes of plant materials should be indicated.

(i) Any other information necessary to describe the intended development plan.

F. Review and decision-making process.

(1) Planning and zoning commission recommendation. The planning and zoning commission shall review and make a recommendation on any proposed establishment of a –PD Planned Development Overlay Zone and development plan as follows:

(a) Hearing required. The planning and zoning commission shall conduct a public hearing on the proposed establishment of a –PD Planned Development Overlay Zone and development plan in accordance with subsection 2.02-1. B.

(b) Notification. Public notification of the planning and zoning commission hearing on the establishment of a –PD Planned Development Overlay Zone and development plan shall be as required by subsection 2.02-1. B(1). Such notices shall provide information on the time, date and location of the hearing and a brief description of the –PD Planned Development Overlay Zone and development plan.

(c) Time limit for recommendation. A recommendation to the Board of Supervisors for approval, approval with conditions or disapproval on the proposal, shall be made within 35 days of the conclusion of the public hearing unless the petitioner consents to an extension of time. If no recommendation is made within 35 days from the conclusion of the public hearing, the issue will be forwarded to the Board of Supervisors with no recommendation

(2) Board of Supervisors action. Following receipt of the recommendation of the planning and zoning commission, the Board of Supervisors shall consider and act upon a proposed amendment to the zoning district map as follows:

(a) Hearing required. The Board of Supervisors shall conduct a public hearing on the establishment of a –PD Planned Development Overlay Zone and

development plan in accordance with the procedure outlined at subsection 2.02-1. B.

(b) Notification. Public notification of the Board of Supervisors hearing on the proposal shall be as required by subsection 2.02-1. B (1).

(3) Decision. Following the public hearing, the Board of Supervisors may:

(a) Defer consideration of the proposal; or

(b) Reject the proposal; or

(c) Proceed subject to subsections (d) and (e) below, to adopt an ordinance approving the amendment to the zoning district map.

(d) Super majority required. A 60 percent majority of the Board of Supervisors shall be required to adopt the proposed amendment of the zoning district map if the owners of more than 20 percent of either, (i) the area of the subject property or (ii) the area of real property lying within 500 feet of the subject property file a written objection prior to the conclusion of the public hearing,

(e) The Board of Supervisors may impose restrictive conditions upon the approval of establishment of a –PD Planned Development Overlay Zone and development plan if, before the conclusion of the public hearing, the owner agrees to the conditions in writing.

6. Conservation Development

A. Authority. The Board of Supervisors shall amend the zoning district map to provide for a CD, Conservation Development Overlay Zone pursuant to the procedures set out in this subsection and Section 335 of the Iowa Code.

B. Purpose. As set forth in subsection 3.01-10. A, the purpose of the CD, Conservation Development Overlay Zone is to allow a transfer of development rights for residential units between portions of a contiguous development site. As the title describes, the CD overlay zone is not intended to be a free-standing zoning district; it is to be applied as an overlay to the AP, AE, NR and SR zoning districts.

C. Procedure.

(1) Rezoning. The procedure for amending the zoning ordinance map to create a CD, Conservation Development Overlay Zone is the same as rezoning to one of the base zones as described in subsection 2.02-4 above.

(2) Coordination with subdivision. A rezoning to a CD overlay zone may be carried out concurrently with the review and approval process for a preliminary plat pursuant to the requirements of the County subdivision regulations. The transfer of development rights permitted within a development permitted in a CD, Conservation Development Overlay Zone will be accomplished as part of the subdivision platting process.

7. Appeals.

A. Authority. The Board of Adjustment shall hear and decide appeals pursuant to subsection 2.01-5. D subject to the procedures, standards and conditions set out in this subsection.

B. Purpose. An appeal is intended to provide an aggrieved party a process where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the zoning director.

C. Filing.

(1) Right of appeal. An appeal may be filed by any person aggrieved by, or by any officer, department or Board of Adjustment of the county affected by, a decision or interpretation of the zoning director.

(2) Form of appeal. An appeal to the Board of Adjustment must be filed within thirty days of the action being appealed. The application shall be in a form and contain sufficient information as required to set out the alleged error and the grounds for the appeal. If a variance is concurrently sought, the appeal must so state.

(3) Fee. A filing fee, as established by resolution of the Board of Supervisors to defray administrative costs, shall accompany the notice of appeal.

(4) A certified abstractor's listing of the names and mailing addresses of all owners of real property lying adjacent to the subject property if the appeal is related to a specific property.

D. Stay of Proceedings. An appeal shall have the effect of a temporary suspension of enforcement of the provisions of these regulations that are the subject of the appeal until the conclusion of the appeal process, unless the zoning director certifies that the suspension may cause imminent peril to life or property.

E. Review and decision-making process.

(1) Hearing required. The Board of Adjustment shall conduct a public hearing, in accordance with subsection 2.02-1. B.

(2) Notification. Public notification of the Board of Adjustment hearing on the appeal shall be as required by subsection 2.02-1. B(1). Such notices shall provide information on the time, date and location of the hearing and a brief description of the appeal being sought.

(3) Decision. Within 30 days after the public hearing the Board of Adjustment shall approve, approve with conditions or deny the appeal. The Board of Adjustment shall set forth findings of fact upon which their action is based.

F. Appeal of the actions of the Board of Adjustment. Any aggrieved party may appeal a decision of the Board of Adjustment within 30 days as provided by the Iowa Code. Such an appeal suspends the effect of the action of the Board of Adjustment until the appeal has been resolved. Any construction or costs incurred during the period subject to appeal is at the risk of the applicant.

8. Variances

A. Authority. The Board of Adjustment shall hear and decide on requests for a variance pursuant to subsection 2.01-5. D subject to the procedures, standards and conditions set out in this subsection and Section 335 of the Iowa Code.

B. Purpose. A variance is intended to provide necessary relief from the requirements of the zoning provisions of this title that would create unnecessary hardships or practical difficulties.

C. Filing.

(1) Right to seek variance. A request for a zoning variance may be filed by any person aggrieved by a provision of the zoning ordinance that limits their intended use of property.

(2) Form of application. An application for a variance shall be submitted to the zoning director and shall include at least the following information:

(a) The name and address of the property owner and the applicant;

(b) The address, if any, and the legal description of the property;

(c) The current zoning district classification;

(d) A specific description of the proposed variance including the section of this title from which a variance is requested;

(e) A map, drawn to scale, showing the subject property, all structures and other improvements, with the proposed variance identified;

(f) Statements in response to the criteria and standards for approval of variances in subsection 2.02-8. F (1) below.

(3) Fee. A filing fee, as established by resolution of the Board of Supervisors to defray administrative costs, shall accompany the notice of appeal.

(4) A certified abstractor's listing of the names and mailing addresses of all owners of real property lying adjacent to the subject property.

D. Stay of Proceedings. A request for a variance appeal shall have the effect of a temporary suspension of enforcement of the provisions of these regulations that are the subject of the variance request until the conclusion of the variance process, unless the zoning director certifies that the suspension may cause imminent peril to life or property.

E. Review and decision-making process.

(1) Hearing required. The Board of Adjustment shall conduct a public hearing on the variance request in accordance with subsection 2.02-1. B.

(2) Notification. Public notification of the Board of Adjustment hearing on the variance request shall be as required by subsection 2.02-1. B(1). Such notices shall provide information on the time, date and location of the hearing and a brief description of the requested variance.

(3) Decision. Within 10 days after the public hearing the Board of Adjustment shall approve, approve with conditions or limitations, or deny the requested variance. The Board of Adjustment shall set forth findings of fact addressing the points enumerated in subsection 2.02-8. F(1) below as a basis for its action.

F. Requirements for variances:

(1) In order to grant a variance, the Board of Adjustment must determine that:

(a) Granting the variance will not be contrary to the public interest or the general intent and purpose of this title in that it:

(i) Adversely impacts nearby properties;

(ii) Substantially increases congestion of people, buildings or traffic;

(iii) Endangers public health or safety;

(iv) Overburdens public facilities or services; or

(v) Impairs the enjoyment, use or value of nearby property.

(b) Granting the variance is necessary to assure that the owner does not suffer an economic hardship. (Note: Increased financial return or reduced costs to the applicant are not adequate cause for a finding of hardship.) A finding of economic hardship must be based on each of the following:

(i) The property cannot yield a reasonable return if used in compliance with the requirements of this title;

(ii) The property has unique physical constraints that result in its inability to be used in compliance with the requirements of this title; and

(iii) The hardship is not a result of actions by the owner.

(2) No variance shall be granted which would permit the establishment of a use within a given district which is prohibited therein;

(3) No variance shall be granted which is so commonly recurring that it is a de facto amendment of this ordinance; and

(4) No variance shall be granted that is more than the minimum relief needed.

(5) No variance shall be granted to the provisions of Section 5.03 relative to flood plain management requirements unless the Board of Adjustment considers the factors listed in subsection 5.03-9.C (4).

G. Conditional approval of variances. The Board of Adjustment may, as a condition related to approval of a variance, impose restrictions and safeguards upon the property and the variance granted if it determines the restrictions to be necessary to minimize adverse effects on other property or the public interest. Such conditions shall be set forth in the resolution of the Board of Adjustment granting the variance. Failure to comply with any conditions imposed on a variance approval is a violation of this title.

H. Appeal of the actions of the Board of Adjustment. Any interested party may appeal a variance decision of the Board of Adjustment in two ways.

(1) If the Board of Adjustment approves a variance, the Board of Supervisors pursuant to Section 335.10 of the Iowa Code may remand the matter to the Board of Adjustment for further consideration at any time within 30 days.

(2) Any aggrieved party may appeal a decision of the Board of Adjustment within 30 days as provided by Section 335.18 of the Iowa Code. Such an appeal suspends the effect of the action of the Board of Adjustment until the appeal has been resolved. Any construction or cost incurred during the period subject to appeal is at the risk of the applicant.

9. Conditional Uses

A. Authority. The Board of Adjustment shall hear and decide upon requests for a conditional use pursuant to subsection 2.01-5.D subject to the procedures, standards and conditions set out in this subsection.

B. Purpose. Conditional uses are those uses having special or unique characteristics that require a careful review of their location, design, configuration, and impacts to determine the desirability of permitting their establishment on any given site. Conditional uses may or may not be appropriate in a particular location.

C. Filing.

(1) Right to apply for conditional uses. An application for a conditional use may be filed by the owner of, or any other person with a contractual interest in, the subject property.

(2) Form of application. An application for a conditional use shall be submitted to the zoning director and shall include at least the following information:

(a) The name and address of the property owner and the applicant;

(b) The address, if any, and the legal description of the property;

(c) The current zoning district classification;

(d) A specific description of the proposed conditional use including the section of this title for which a conditional use is authorized;

(e) A map, drawn to scale, showing the subject property, all structures and other improvements, with the proposed conditional use identified;

(f) Statements in response to the criteria and standards for approval of conditional uses in subsection 2.02-9. F below.

(3) Fee. A nonrefundable filing fee, as established by resolution of the Board of Supervisors to defray administrative costs, shall accompany the application for a conditional use.

(4) A certified abstractor's listing of the names and mailing addresses of all owners of real property lying within 500 feet from the subject property, except that in the case of a conditional use to allow construction of an airport, a sanitary landfill, or a telecommunication tower as provided in subsection 5.05-3, the abstractor's list shall be for all owners of real property located within one mile of the subject property.

D. Stay of proceedings. A request for a conditional use shall have the effect of a temporary suspension of enforcement of the provisions of these regulations that are the subject of the conditional use until the conclusion of the conditional use process, unless the zoning director certifies that the suspension may cause imminent peril to life or property.

E. Review and decision-making process.

(1) Review by the planning and zoning commission. The planning and zoning commission shall review the application for a conditional use and report its findings and recommendations to the Board of Adjustment before their public hearing on the application. In their review, the planning commission shall consider each of the standards and other considerations for review of conditional uses as specified in subsection 2.02-9. F below.

(2) Action by the Board of Adjustment.

(a) Hearing required. After receiving the report of the planning and zoning commission, the Board of Adjustment shall conduct a public hearing on the variance request in accordance with subsection 2.02-1. B.

(b) Notification. Public notification of the Board of Adjustment hearing on the conditional use request shall be as required by subsection 2.02-1. B(1).

Such notices shall provide information on the time, date and location of the hearing and a brief description of the requested conditional use.

(c) Decision. Within 35 days after the public hearing, the Board of Adjustment shall approve, approve with conditions or limitations, or deny the requested conditional use. The Board of Adjustment shall set forth findings of fact addressing the points enumerated in subsection 2.02-9. F below as a basis for its action.

F. Requirements for conditional uses.

(1) Standards. In order to grant a conditional use, the Board of Adjustment must determine that:

(a) The conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied.

(b) The proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan.

(c) The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare.

(d) The proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.

(e) Essential public facilities and services will adequately serve the proposed use or development.

(f) The proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties.

(2) Other considerations. In its review of conditional use requests, the Board of Adjustment shall consider whether, and to what extent:

(a) The proposed use or development, at the particular location is necessary or desirable to provide a service or facility that is in the public interest or will contribute to the general welfare of the neighborhood or community.

(b) All possible efforts, including building and site design, landscaping and screening have been undertaken to minimize any adverse effects of the proposed use or development.

G. Limitations.

(1) The Board of Adjustment may set a time limit for establishment of the use authorized by a conditional use permit as a condition for approval. If the use has not been established within that time, the Board of Adjustment may consider revocation of the conditional use permit.

(2) If the use or development for which the conditional use permit was granted ceases to exist for a period of ninety days, the certificate of occupancy shall be terminated. The use or development shall not be reinstated unless the Board of Adjustment issues another conditional use permit.

H. Appeal of the actions of the Board of Adjustment. Any interested party may appeal a decision of the Board of Adjustment as provided by the Code of Iowa. Such an appeal suspends the effect of the action of the Board of Adjustment until the appeal has been resolved.

ARTICLE 3: ZONING DISTRICTS

Section 3.01: Zoning Districts Establishment. The entire unincorporated area of Woodbury County is classified and divided into zoning districts with purposes, requirements and standards as follows:

1. AP – Agricultural Preservation Zoning District

A. Purpose: The purpose of the AP, Agricultural Preservation District is to encourage the continued role of agriculture as the primary economic sector in the unincorporated areas of Woodbury County, thereby preserving its rural character. Land uses that are compatible with agriculture and farming are allowed. Soil and water conservation practices are encouraged.

B. Allowed uses. The AP – Agricultural Preservation Zoning District generally allows (a) agricultural uses and (b) limited single-family residential uses, which are described more definitively in the Land Use Summary Table in subsection 3.03-4. Not more than two residences shall be allowed on any quarter-quarter section (nominally 40 acre) tract; if a property owner wishes to subdivide to create more than two parcels on a quarter-quarter section, concurrently with the platting process the zoning designation should be changed from the AP Zoning District to an appropriate classification. On-premise sales of products primarily produced on the farm are permitted.

C. Dimensional standards. Section 3.04 includes a table of comparative dimensional standards for all zones.

D. Off-street parking and loading. Off-street parking and loading facility requirements for all principal allowed, conditional and accessory uses in the AP zoning district shall be provided and maintained according to the provisions of Section 5.01.

E. Supplemental regulations. All pertinent provisions of Article 5, Supplemental Regulations, shall apply to uses and development in AP zoning district.

2. AE -- Agricultural Estates Zoning District

A. Purpose and Intent. The purpose of the AE, Agricultural Estates Zoning District, is to provide for a limited increase in the amount of small acreage development, including a controlled expansion of residential uses in appropriate locations throughout the county, in conformance with the County's General Development Plan, and in a manner that is compatible with agricultural uses. It is intended that development of residences in the AE Zoning District be on platted lots including appropriate limitations on uses as established by the owner/developer as part of the subdivision process.

The AE Zoning District may also be appropriate for existing residential developments that have densities more than two parcels per quarter-quarter section, whether in subdivisions or otherwise created, for which no use restrictions were imposed in order to allow conformity with the dimensional standards of this ordinance.

B. Allowed Uses. The AE, Agricultural Estates Zoning District, generally allows (a) single-family residential uses, (b) agricultural uses, and (c) related public uses, which are described more definitively in the Land Use Summary Table in subsection 3.03-4. Any limitations on agricultural uses are established by and enforced as restrictive covenants filed of record by an owner/developer.

C. Dimensional Standards. Section 3.04 includes a table of comparative dimensional standards for all zones.

D. Off-street parking and loading. Off-street parking and loading facility requirements for all principal allowed, conditional and accessory uses in the AE zoning district shall be provided and maintained according to the provisions of Section 5.01.

E. Grading, erosion and sedimentation control. All grading activity must be in compliance with the grading and erosion/sediment control regulations of Woodbury County and the Iowa Department of Natural Resources.

F. Supplemental regulations. All pertinent provisions of Article 5, Supplemental Regulations, shall apply to uses and development in AE zoning district.

3. NR -- Non-Agricultural Residential Zoning District

A. Purpose. The purpose of the NR, Non-Agricultural Residential Zoning District is to provide for orderly development of low-density residential areas in conformance with the County's subdivision regulations. Property shall only be zoned NR in conjunction with approval of a subdivision plat for which the owner/developer restricts the range of uses to the extent that no agricultural uses (including horses and other livestock) are allowed in the NR Zoning District.

B. Allowed Uses. The NR, Non-Agricultural Residential Zoning District generally allows (a) single-family residential uses; and (b) related public uses, which are described more definitively in the table in subsection 3.03-4. As part of the process of establishment of NR zoning and subdivision of the property, an owner/developer must prohibit agricultural uses by a covenant filed of record.

C. Dimensional Standards. Section 3.04 includes a table of comparative dimensional standards for all zones.

D. Off-street parking and loading. Off-street parking and loading facility requirements for all principal allowed, conditional and accessory uses in the NR zoning district shall be provided and maintained according to the provisions of section 5.01.

E. Grading, erosion and sedimentation control. All grading activity must be in compliance with the grading and erosion/sediment control regulations of Woodbury County and the Iowa Department of Natural Resources.

F. Supplemental regulations. All pertinent provisions of Article 5, Supplemental Regulations, shall apply to uses and development in NR zoning district.

4. SR – Suburban Residential Zoning District

A. Purpose and Intent. The purpose of the SR, Suburban Residential Zoning District is to provide for orderly development of suburban density residential development in compliance with the County's subdivision regulations. It is intended that development of residences in the SR Zoning District would be on platted in subdivisions for which the developer/owner has restricted the range of uses to the extent that no uses other than appropriate density residential and residential accessory uses are allowed.

The SR Zoning District may also be appropriate for existing residential areas that have densities more intense than two acres per dwelling for which no use restrictions were imposed in order to allow conformity with the dimensional standards of this ordinance.

Densities more intensive than two-acre minimum lot sizes require adequate public or private improvements and services such as water and sanitary sewerage, access roads, etc.

B. Allowed Uses. The SR, Suburban Residential Zoning District generally allows (a) single-family residential uses, (b) multiple-family residential uses as conditional uses and (c) related public uses, which are described more definitively in the table in subsection 3.03-4.

C. Dimensional Standards. Section 3.04 includes a table of comparative dimensional standards for all zones.

D. Off-street parking and loading. Off-street parking and loading facility requirements for all principal allowed, conditional and accessory uses in the SR zoning district shall be provided and maintained according to the provisions of section 5.01.

E. Grading, erosion and sedimentation control. All grading activity must be in compliance with the grading and erosion/sediment control regulations of Woodbury County and the Iowa Department of Natural Resources.

F. Supplemental regulations. All pertinent provisions of Article 5, Supplemental Regulations, shall apply to uses and development in SR zoning district.

5. GC -- General Commercial

A. Purpose and Intent. The purpose of the GC, General Commercial Zoning District is to provide for orderly development of limited commercial uses that are compatible with and serve the agricultural sector of rural Woodbury County.

B. Allowed Uses. The GC, General Commercial Zoning District generally allows (a) limited commercial uses; and (b) related public uses, which are described more definitively in the table in subsection 3.03-4.

C. Dimensional Standards. Section 3.04 includes a table of comparative dimensional standards for all zones.

D. Off-street parking and loading. Off-street parking and loading facility requirements for all principal allowed, conditional and accessory uses in the GC zoning district shall be provided and maintained according to the provisions of Section 5.01.

E. Grading, erosion and sedimentation control. All grading activity must be in compliance with the grading and erosion/sediment control regulations of Woodbury County and the Iowa Department of Natural Resources.

F. Supplemental regulations. All pertinent provisions of Article 5, Supplemental Regulations, shall apply to uses and development in GC zoning district.

6. HC -- Highway Commercial Zoning District

A. Purpose and Intent. The purpose of the HC, Highway Commercial Zoning District is to provide for orderly development of general commercial uses serving the needs of travelers on the major highways of the county. The district should be located at intersections along the state and federal highways and at interchanges of Interstate 29.

B. Allowed Uses. The HC, Highway Commercial Zoning District generally allows (a) general commercial uses; and (b) related public uses, which are described more definitively in the Land Use Summary Table in subsection 3.03-4.

C. Dimensional Standards. Section 3.04 includes a table of comparative dimensional standards for all zones.

D. Off-street parking and loading. Off-street parking and loading facility requirements for all principal allowed, conditional and accessory uses in the HC zoning district shall be provided and maintained according to the provisions of Section 5.01.

E. Grading, erosion and sedimentation control. All grading activity must be in compliance with the grading and erosion/sediment control regulations of Woodbury County and the Iowa Department of Natural Resources.

F. Supplemental regulations. All pertinent provisions of Article 5, Supplemental Regulations, shall apply to uses and development in HC zoning district.

7. LI Limited Industrial Zoning District

A. Purpose and Intent. The purpose of the Limited Industrial Zoning District is to provide for the orderly development of heavy commercial, warehousing and limited industrial uses. Appropriate sites for the LI Zoning District should have excellent infrastructure especially transportation access via highways.

B. Allowed Uses. The LI Limited Industrial Zoning District generally allow a range of warehousing, wholesale and industrial uses, which are described more definitively in the table in subsection 3.03-4.

C. Dimensional Standards. Section 3.04 includes a table of comparative dimensional standards for all zones.

D. Off-street parking and loading. Off-street parking and loading facility requirements for all principal allowed, conditional and accessory uses in the LI zoning district shall be provided and maintained according to the provisions of Section 5.01.

E. Grading, erosion and sedimentation control. All grading activity must be in compliance with the grading and erosion/sediment control regulations of Woodbury County and the Iowa Department of Natural Resources.

F. Supplemental regulations. All pertinent provisions of Article 5, Supplemental Regulations, shall apply to uses and development in LI zoning district.

8. GI General Industrial Zoning District

A. Purpose and Intent. The purpose of the GI, General Industrial Zoning District is to provide for the orderly development of heavy commercial and industrial uses. Appropriate sites for the GI Zoning District should have excellent infrastructure including transportation access via highways, railroad, airports, or barge, sanitary sewerage, water service, and power supply.

B. Allowed Uses. The GI, General Industrial Zoning District generally allows a very broad range of (a) industrial uses; (b) commercial uses; (c) wholesale and warehouse uses; and (d) related public uses, which are described more definitively in the Land Use Summary Table in subsection 3.03-4. Certain general industrial uses that may tend to be objectionable due to their odor, vibrations, smoke, glare, heat, noise or similar characteristics are provided as conditional uses in this district.

Adult business uses may be located in the LI Zoning District as conditional uses. Adult businesses are regulated in order to control the secondary effects associated with such uses, not to prohibit these uses from exercising their rights under the U.S. Constitution.

C. Dimensional Standards. Section 3.04 includes a table of comparative dimensional standards for all zones.

D. Off-street parking and loading. Off-street parking and loading facility requirements for all principal allowed, conditional and accessory uses in the GI zoning district shall be provided and maintained according to the provisions of Section 5.01.

E. Grading, erosion and sedimentation control. All grading activity must be in compliance with the grading and erosion/sediment control regulations of Woodbury County and the Iowa Department of Natural Resources.

F. Supplemental regulations. All pertinent provisions of Article 5, Supplemental Regulations, shall apply to uses and development in GI zoning district.

9. PD – Planned Development Overlay Zoning District

A. Purpose and Intent. The purpose of the PD, Planned Development Overlay Zoning District is to allow greater flexibility and encourage more creative, innovative development with specific design features not otherwise required or allowed by the provisions of other zoning district regulations. The intent of Planned Development Overlay Zoning approval process set forth in subsection 2.02-5 is to provide a mechanism for review and approval of development proposals that will promote high standards with maximum flexibility for innovation. As the title describes, the –PD overlay zone is not intended to be a free-standing zoning district; it is to be applied as an overlay to one of the other zoning districts.

B. Allowed Uses. The PD, Planned Development Overlay Zoning District is generally intended to allow the range of land uses allowed in the underlying zoning district as a matter of right without regard to approval of a specific plan as provided herein. However, anything that is not prohibited is potentially acceptable as a part of an approved planned development in a PD overlay district including mixed use developments. Likewise, only the uses in an approved PD planned development shall be allowed.

C. Dimensional Standards. In the absence of an approved PD Planned Development, the dimensional standards set forth for the underlying base zone shall be applied. It is intended that the review and approval process for Planned Development set forth in subsection 2.02-5 will result in dimensional standards that provide protection for neighboring properties while also allowing maximum flexibility needed to assure a successful development.

D. Off-street parking and loading. In the absence of an approved PD planned development, the off-street parking and loading facility requirements set forth in Section 5.01 shall be applied. Off-street parking and loading facility requirements for all uses in the PD overlay zoning district shall be provided and maintained based upon the approved development plan. As part of the approval of a specific planned development proposal, the standards set forth in subsections 5.01-3 through 5.01-5 should be considered, but shall not be required as a condition for approval of the proposed planned development to be the approved standards for the development plan.

E. Grading, erosion and sedimentation control. All grading activity must be in compliance with the grading and erosion/sediment control regulations of Woodbury County and the Iowa Department of Natural Resources.

F. Landscaping, screening and buffering. An approved planned development may require a standard of landscaping, screening and buffering requirements.

G. Approval process. The procedure for review and approval of a PD Planned Development Overlay District is prescribed in subsection 2.02-5. F.

10. CD -- Conservation Development Overlay Zoning District

A. Purpose and Intent. The CD, Conservation Development Overlay Zoning District in intended to be mapped as an overlay of the AP, AE, NR and SR zoning districts. The CD zone is intended to allow the transfer of development rights for residential units be-

tween portions of a contiguous development site in order to accomplish the purpose set forth below. Up to 75% of a parcel may be dedicated to a conservation or preservation purpose with no effect on the permitted number of dwelling units that would be allowed on the total site in the underlying zoning district. Additional densities may also be authorized based upon public benefits or cost reductions resulting from the manner in which the conservation or preservation set-aside area is established.
The purposes of the CD district are to:

(1) Encourage the conservation and preservation of open space and the natural areas of the county. Included within desired targets for conservation and preservation are prime agricultural land, wetlands, wooded areas, native prairies, and the unique land formations known as the Loess Hills;

(2) Encourage greater design flexibility and efficiency in the siting of services and infrastructure while minimizing impacts on environmental resources and natural or cultural features;

(3) Encourage an appropriate density and clustering of residential development to allow urban infill to occur when water and sanitary sewer facilities are available in the future; and

(4) Encourage development of a variety of housing resources that are functionally and physically integrated with their surroundings.

B. Allowed Uses. The specific land uses allowed as principal allowed, conditional and accessory uses in the underlying zoning district are also allowed in the CD, Conservation Development Zoning District.

C. Dimensional Standards

(1) Minimum lot size. For dedication of development rights by easement or title, the minimum residential lot size in the underlying zoning district may be reduced by the same percentage as the dedication of development rights area is of the total area within a conservation development subdivision, up to a maximum reduction of 75% in the AP, AE and NR zones (to a minimum of ½ acre lot size) or 40% in the SR zone (to a minimum of 6,000 sq. ft.).
(Example: For a 40-acre development in an AE-CD zone, if 30 acres is set aside with a permanent conservation easement restricting the use to agriculture, a total of 20 residential lots could be developed on ½ acre lots on the remaining 10 acres. This example disregards land that might be required for roads and other support for the development and also assumes that water and sewer systems are sufficient to serve the resulting residential densities.)

(2) Minimum lot width. The minimum lot width may be reduced by the same percentage as for the minimum lot size in subsection (1) above to not less than 100 feet in the AP, AE and NR zones and not less than 60 feet in the SR zone.

(3) Maximum building height. Building height limits in the underlying zoning district are not altered by dedication of development rights in the –CD overlay zone.

(4) Minimum front yard setback. The front yard setback may be reduced from the required minimum in the underlying AP, AE and NR zoning districts by ½ foot for each percent that the dedication of development rights is of the total area within the conservation development subdivision, to not less than a 50-foot setback.

(5) Minimum side yard setback. The side yard setback may be reduced from the required minimum in the underlying AP, AE, NR and SR zoning districts by one foot

for each five percent that the dedication of development rights is of the total area within the conservation development subdivision, to not less than a 10-foot setback in the AE and NR zones or 7 feet in the SR zone.

(6) Minimum rear and corner side yard setback. The rear and corner side yard setback requirements of the underlying zoning district are not altered by any dedication of development rights in a conservation development subdivision.

(7) Maximum lot coverage. The maximum lot coverage by structures in the underlying SR zoning district may be increased by one percent for each five percent that the dedication of development rights is of the total area within the conservation development subdivision, to not more than 40% of the total lot area.

D. Performance Standards.

(1) Grading, Erosion and Sedimentation control. All grading activity must be in compliance with the grading and erosion/sediment control regulations of Woodbury County and the Iowa Department of Natural Resources.

(2) Sanitary sewer systems. For areas not served by public sanitary sewage collection and treatment systems, the following options may be used, subject to the limits of other applicable standards and regulations:

(a) Individual septic systems may be located on the lot served.

(b) Individual or group septic systems or other approved sanitary treatment systems may be located on the land dedicated for conservation or preservation within the subdivision.

(3) Potable water systems. For areas not served by public or private potable water systems, the following options may be used, subject to the limits of other applicable standards and regulations:

(a) Individual wells may be located on the lot served.

(b) Individual or group wells (and treatment systems) may be located on the land held for conservation and preservation within the subdivision.

E. Approval Process. The procedure for review and approval of a CD, Conservation Development Overlay District is prescribed in subsection 2.02-6.

Section 3.02: Official Zoning District Map.

The boundaries of the zoning districts are shown on the Zoning District Map dated August 1, 2008, which accompanies the Zoning Ordinance and is hereby declared to be a part of this chapter. The Zoning District Map and all notations, references, indications, and other information shown thereon are as much a part of this chapter as if they were fully described herein. The Zoning District Map is not set out in this Code of Ordinances but shall remain on file in the County Zoning Office and shall constitute a part of this Zoning Ordinance as if set out therein and herein. The Zoning District Map shall be updated periodically to show any amendments approved as provided in subsection 2.02-4. The Zoning Director shall certify a tabulation of the map updates on the face of the map.

Section 3.03: Zoning District Allowed Use Provisions.

1. **Land Use Summary Table.** The table in subsection 3.03-4, which follows, identifies specific uses that are either principal allowed, conditional, accessory, temporary or prohibited uses in each zoning district.

A. Principal allowed uses, indicated by “ok” in the table, are allowed as a matter of right in the zoning district, subject only to compliance with the general standards required for all uses in the zoning district.

B. Conditional uses, indicated by “C” in the table, are allowed in the zoning district only upon approval by the Zoning Board of Adjustment based upon findings of compliance with the requirements of subsection 2.02-9. F.

C. Accessory uses, indicated by “A” in the table, are either subordinate to or serve a principal allowed or conditional use on the same zoning lot.

D. Prohibited uses, indicated by “--” (i.e., a blank) in the table, are not allowed in the zoning district as either a principal allowed, conditional or accessory use. Some uses, indicated by “XX” in the table, are specifically identified as incompatible and therefore prohibited in the zoning district.

2. **Land Use Summary Table Organization**. The table in subsection 3.03-4 is a matrix with a comprehensive listing of uses arrayed down the side of the table with the zoning districts heading the column. The uses are arranged in general categories, e.g. residential, office, trade, industrial, etc. The general categories are arranged in an ascending order of land use perceived urban intensity with agriculture first, followed by residential, then office uses, etc. Within each category, subcategories and individual uses are arranged in alphabetic order.

3. **Interpretation and updating.** The listing of uses in the table in subsection 3.03-4 is intended to be comprehensive; however, it is certain to be incomplete due to omissions or new uses that will be developed in the future. The zoning director shall interpret which uses found in the Land Use Summary Table are comparable to an unlisted use or which zoning districts are appropriate for such use to be allowed as either principal allowed, conditional or accessory uses. The table in subsection 3.03-4 may be updated pursuant to the procedure outlined in Section 2.03 from time to time to reflect legislative acceptance or rejection of the interpretations of the zoning director.

4. Land Use Summary Table of Allowed Uses in each Zoning District

ok Principal allowed use C Conditional use A Accessory use -- Prohibited use	Agricultural Preservation AP	Agricultural Es-tates AE	Non-Agricultural Residential NR	Suburban Residential SR	General Commer-cial GC	Highway Commer-cial HC	Limited Industrial LI	General Industrial GI
Agricultural and agri-business uses (See Sections 1.03-2 and 1.03-3 regarding exemption of farming from these regulations.)								
Animal husbandry	ok	ok	--	--	--	--	--	--
Crop farming	ok	ok	--	--	--	--	--	--
Commercial feedlots	ok	ok	--	--	--	--	--	--
Dairies	ok	ok	--	--	--	--	--	--
Furbearing animal production	ok	ok	--	--	--	--	--	--
Kennels (for breeding dogs, cats etc.)	C	C	--	--	--	--	--	--
Horse stables	ok	ok	--	--	C	--	--	--
Horticultural production (incl. nurseries & greenhouses)	ok	ok	--	--	--	--	--	--
Truck farms	ok	ok	--	--	--	--	--	--
Residential uses (Note: Home Occupations, allowed as accessory uses to residential occupancies subject to conformance with requirements in Sec. 4.14, may include a large range of non-residential uses.								
Dwellings								
Single-family dwelling	--	ok	ok	ok	--	--	--	--
Single-family dwelling (not more than two per quarter-quarter section)	ok	--	--	--	--	--	--	--
Accessory second dwelling for relative or worker on property	C	C	C	--	--	--	--	--
Two-family dwelling	--	--	--	ok	--	--	--	--
Three/four family dwelling	--	--	--	C	--	--	--	--
Multiple family dwelling	--	--	--	C	--	--	--	--
Family homes	ok	ok	ok	ok	--	--	--	--
Group quarters								
Assisted living dwelling	--	C	C	C	C	--	--	--
Detention facilities	C	--	--	--	--	--	--	--
Dormitory & other group quarters		--	--	C	--	--	--	--
Nursing care facility	--	C	C	C	C	--	--	--
Home occupations (See Sec. 4.14)	A	A	A	A	--	--	--	--
Truck Terminals (Home Occupation Use)	C	C	--	--	--	--	--	--
Manufactured housing park (planned devel.)	--	--	--	--	--	--	--	--

ok Principal allowed use C Conditional use A Accessory use -- Prohibited use	AP	AE	NR	SR	GC	HC		GI
Mobile home	C/A	--	--	--	--	--	--	--
Office uses								
Finance, insurance, real estate	--	--	--	--	ok	--	--	--
Governmental offices	--	--	--	--	ok	--	--	--
Medical & dental clinics (incl. chiropractors, podiatrists, orthodontists, etc.)	--	--	--	--	ok	--	--	--
Professional offices (accountants, architects, attorneys, engineers, etc.)	--	--	--	--	ok	--	--	--
Other, general office uses	--	--	--	--	ok	--	--	--
Trade uses								
Consumer and business services								
Animal grooming	ok	--	--	--	ok	--	--	--
Auction services	--	--	--	--	ok	--	--	--
Audio-visual production	--	--	--	--	ok	--	--	--
Barber, beauty, tanning, etc.	--	--	--	--	ok	--	--	--
Broadcast studios	--	--	--	--	ok	--	--	--
Catering services	--	--	--	--	ok	--	--	--
Commercial kennels	C	C	--	--	ok	--	--	--
Copying services	--	--	--	--	ok	--	--	--
Dance, music schools	--	--	--	--	ok	--	--	--
Dressmakers and tailors	--	--	--	--	ok	--	--	--
Dry cleaning/laundry pickup/drop-off stations	--	--	--	--	ok	--	--	--
Employment agencies (not incl. day labor)	--	--	--	--	ok	--	--	--
Exterminators	--	--	--	--	ok	--	--	--
Funeral homes, mortuaries and crematories	--	--	--	--	ok	--	--	--
Health clubs and gyms	--	--	--	--	ok	--	--	--
Laundry, self-service	--	--	--	--	ok	--	--	--
Locksmiths	--	--	--	--	ok	--	--	--
Martial arts instruction	--	--	--	--	ok	--	--	--
Massage establishments	--	--	--	--	ok	--	--	--
Musical instrument service	--	--	--	--	ok	--	--	--
Packaging/shipping shop	--	--	--	--	ok	--	--	--
Pawn shop	--	--	--	--	ok	--	--	--
Pet cemetery	C	--	--	--	--	--	--	--

ok Principal allowed use C Conditional use A Accessory use -- Prohibited use	AP	AE	NR	SR	GC	HC	LI	GI
Photo drop off	--	--	--	--	ok	--	--	--
Photo studio	--	--	--	--	ok	--	--	--
Photo and video production	--	--	--	--	ok	--	--	--
Shoe repair	--	--	--	--	ok	--	--	--
Sign making	--	--	--	--	ok	--	--	--
Tanning salons	--	--	--	--	ok	--	--	--
Tattooing and body piercing	--	--	--	--	ok	--	--	--
Taxidermy	--	--	--	--	ok	--	--	--
Travel agencies	--	--	--	--	ok	--	--	--
Upholstering	--	--	--	--	ok	--	--	--
Veterinarian offices	C	C	--	--	C	--	--	--
Entertainment, hospitality, recreation services								
Adult entertainment (as defined in Sec.	--	--	--	--	--	--	--	ok
Banquet and reception halls	--	--	--	--	C	C	--	--
Bars, cocktail lounges, and taverns	--	--	--	--	C	C	--	--
Exhibition and meeting areas	--	--	--	--	C	C	--	--
Indoor recreation enterprises								
Amusement arcade	--	--	--	--	ok	--	--	--
Archery range	--	--	--	--	ok	--	--	--
Billiards, pool and darts	--	--	--	--	ok	--	--	--
Bowling alley	--	--	--	--	ok	--	--	--
Firing range	--	--	--	--	ok	--	--	--
Skating rink (ice or roller)	--	--	--	--	ok	--	--	--
Lodges and social clubs	--	--	--	--	ok	--	--	--
Outdoor recreation enterprises	--	--	--	--	--	--	--	--
Archery range	C	--	--	--	--	--	--	--
Firing range	C	--	--	--	--	--	--	--
Golf courses	C	C	C	C	C	--	--	--
Golf driving range	C	C	A	A	--	--	--	--
Miniature golf	C	C	--	--	ok	--	--	--
Paintball range	C	--	--	--	--	--	--	--
Tennis courts	--	--	C	C	C	--	--	--
Trap and skeet shooting	C	--	--	--	--	--	--	--
Pools & water recreation	C	C	C	C	C	--	--	--
Racetracks	C		--	--	--	--	--	--
Restaurants	--	--	--	--	ok	ok	--	--
Restaurants, drive-through or pickup/delivery	--	--	--	--	ok	ok	--	--

ok Principal allowed use C Conditional use A Accessory use -- Prohibited use	AP	AE	NR	SR	GC	HC	LI	GI
Restaurants, with alcohol	--	--	--	--	C	C	--	--
Theaters, live or motion picture	--	--	--	--	ok	--	--	--
Lodging								
Bed and breakfast lodging	ok	ok	ok	ok	ok	ok	--	--
Campgrounds	C	C	--	--	C	C	C	C
RV Park	C	C	--	--	C	C	C	C
Hotels, motels	--	--	--	--	ok	ok	--	--
Retail sales, service and rentals of consumer, home and business goods								
Adult products (as defined in Sec. 6.02)	--	--	--	--	--	--	--	ok
Antiques	--	--	--	--	ok	ok	--	--
Appliances and home entertainment	--	--	--	--	ok	--	--	--
Art, crafts, and art & craft supplies	--	--	--	--	ok	--	--	--
Automotive parts and supplies	--	--	--	--	ok	--	--	--
Baked goods, etc. (made on premises)	--	--	--	--	ok	--	--	--
Books, periodicals (not incl. adult books)	--	--	--	--	ok	--	--	--
Building materials	--	--	--	--	ok	--	--	--
Carpet and floor coverings	--	--	--	--	ok	--	--	--
Clothing and accessories	--	--	--	--	ok	--	--	--
Computer hardware and software	--	--	--	--	ok	--	--	--
Convenience stores	--	--	--	--	ok	ok	--	--
Drug stores and pharmacies	--	--	--	--	ok	--	--	--
Dry goods, fabrics	--	--	--	--	ok	--	--	--
Feed and seed sales	C	C	--	--	ok	--	--	--
Florists (incl. retail greenhouses)	--	--	--	--	ok	--	--	--
Furniture and home furnishings	--	--	--	--	ok	--	--	--
Garden supplies (incl. nursery stock)	--	--	--	--	ok	--	--	--
Gifts and cards	--	--	--	--	ok	--	--	--
Groceries	--	--	--	--	ok	--	--	--
Guns, ammunition	--	--	--	--	ok	--	--	--
Hardware	--	--	--	--	ok	--	--	--
Hobby and craft shops	--	--	--	--	ok	--	--	--
Jewelry	--	--	--	--	ok	--	--	--
Meats (no slaughter or butchering)	--	--	--	--	ok	--	--	--
Monument sales	--	--	--	--	ok	--	--	--
Motor vehicle fuels	--	--	--	--	ok	ok	ok	ok
Music (tapes and CD's)	--	--	--	--	ok	--	--	--
Musical instruments and supplies	--	--	--	--	ok	--	--	--
Office machines, furniture and supplies	--	--	--	--	ok	--	--	--

ok Principal allowed use C Conditional use A Accessory use -- Prohibited use	AP	AE	NR	SR	GC	HC	LI	GI
Package liquor	--	--	--	--	ok	ok	--	--
Paint and wallcoverings	--	--	--	--	ok	--	--	--
Pets, pet foods and supplies	--	--	--	--	ok	--	--	--
Photographic equipment and supplies	--	--	--	--	ok	--	--	--
Shoes	--	--	--	--	ok	--	--	--
Sporting goods	--	--	--	--	ok	--	--	--
Tobacco products	--	--	--	--	ok	--	--	--
Toys	--	--	--	--	ok	--	--	--
Used goods sales	--	--	--	--	ok	--	--	--
Videos (not incl. adult videos)	--	--	--	--	ok	--	--	--
Vehicle sales, service and rental								
Boat and recreational vehicles	--	--	--	--	ok	--	--	--
Construction equipment	--	--	--	--	ok	--	--	--
Farm equipment	C	--	--	--	ok	--	--	--
Automobiles and light duty trucks	--	--	--	--	ok	--	--	--
Trucks	--	--	--	--	ok	--	--	--
Vehicle repair	C	--	--	--	ok	ok	ok	--
Wholesale trade								
Mail order houses	--	--	--	--	--	--	ok	--
Wholesale businesses	--	--	--	--	--	--	ok	--
Industrial uses								
Heavy service businesses								
Automotive salvage and wrecking	--	--	--	--	--	--	--	C
Automotive parts remanufacturing	--	--	--	--	--	--	ok	ok
Construction contractor yards	--	--	--	--	--	--	ok	ok
Fertilizer storage/distrib./application	C	--	--	--	--	--	ok	ok
Furniture stripping and refinishing	--	--	--	--	ok	--	ok	--
Janitorial and building maintenance	--	--	--	--	ok	--	ok	--
Laundry and dry cleaning facilities	--	--	--	--	--	--	ok	--
Machine and welding shops	C	--	--	--	ok	--	ok	--
Printing and publishing	--	--	--	--	ok	--	ok	ok
Research and development laboratories	C	--	--	--	--	--	ok	ok
Saw Mills	C	--	--	--	--	--	ok	--
Tree services (incl. fire wood storage)	C	--	--	--	--	--	ok	--
Truck stops	--	--	--	--	--	ok	--	C
Vehicle towing services	--	--	--	--	--	--	--	C
Manufacturing and processing								
Animal food processing (livestock feeds)	C	--	--	--	--	--	--	C
Animal food processing (pet foods)	--	--	--	--	--	--	--	C

ok Principal allowed use C Conditional use A Accessory use -- Prohibited use	AP	AE	NR	SR	GC	HC	LI	GI
Apparel and textile manufacturing	--	--	--	--	--	--	--	C
Art, jewelry and toy production	--	--	--	--	--	--	--	C
Chemical manufacturing	--	--	--	--	--	--	--	C
Ethanol fuel distilling	C	--	--	--	--	--	--	C
Food processing								
Bakery, commercial	--	--	--	--	--	--	C	C
Dairy processing	--	--	--	--	--	--	C	C
Grain processing	--	--	--	--	--	--	C	C
Meat processing	--	--	--	--	--	--	C	C
Other food processing	--	--	--	--	--	--	C	C
Heavy construction services								
Aggregate crushing and screening	C	--	--	--	--	--	--	C
Asphalt mixing	--	--	--	--	--	--	--	C
Concrete mixing	--	--	--	--	--	--	--	C
Temporary heavy construction services								
Aggregate crush & screen (temporary)	C	--	--	--	--	--	C	C
Asphalt mixing (temporary)	C	--	--	--	--	--	C	C
Concrete mixing (temporary)	C	--	--	--	--	--	C	C
Lumber and wood products manufacturing	--	--	--	--	--	--	--	C
Metal products manuf. (incl. plating and enamel-ing)	--	--	--	--	--	--	--	C
Machinery manufacturing	--	--	--	--	--	--	--	C
Prefabricated structure manufacturing	--	--	--	--	--	--	--	C
Tire retreading	--	--	--	--	--	--	--	C
Wood working and cabinetry	--	--	--	--	--	--	C	C
Resource extraction								
Borrow pits for earth materials	C	--	--	--	--	--	--	C
Gravel and stone quarries	C	--	--	--	--	--	--	C
Warehousing and freight handling								
Air freight terminals	--	--	--	--	--	--	ok	ok
Cold storage plants	--	--	--	--	--	--	ok	ok
Freight storage, general warehousing	--	--	--	--	--	--	ok	ok
Fuel and lubricant distributors	C	--	--	--	--	--	ok	ok
Grain terminals & elevators	C	--	--	--	--	--	ok	ok
Household moving and storage	--	--	--	--	--	--	ok	ok
Intermodal freight transfer facilities	--	--	--	--	--	--	ok	ok
Chemical and gas bulk storage	--	--	--	--	--	--	C	C
Mail processing center	--	--	--	--	--	--	ok	ok
Personal storage facilities	--	--	--	--	ok	--	ok	ok
Parcel delivery services	--	--	--	--	--	--	ok	ok

ok Principal allowed use C Conditional use A Accessory use -- Prohibited use	AP	AE	NR	SR	GC	HC	LI	GI
Retail store inventory storage	--	--	--	--	A	--	ok	ok
Sand and gravel storage	C	--	--	--	--	--	ok	ok
Truck terminals (Non-Home Occupation Use)	--	--	--	--	--	--	ok	ok
Wholesale distribution centers	--	--	--	--	--	--	ok	ok
Waste processing and transfer								
Portable toilet storage and cleaning	--	--	--	--	--	--	ok	ok
Recycling operations (incl. scrap metal)	--	--	--	--	--	--	--	C
Rendering plants	--	--	--	--	--	--	--	C
Sanitary landfill	C	--	--	--	--	--	--	C
Waste composting	C	--	--	--	--	--	--	C
Waste incineration	--	--	--	--	--	--	--	C
Institutional uses								
Cemeteries, mausoleums and columbaria	C	C	C	C	--	--	--	--
Community facilities								
Activity/social service centers								
Community centers	ok	ok	ok	ok	ok	--	--	--
Day camp, recreation	ok	ok	ok	C	C	--	--	--
Fields for competitive athletic	C	C	C	C	--	--	--	--
Libraries and museums	C	C	C	C	ok	--	--	--
Parks and public open space	ok	ok	ok	ok	--	--	--	--
Day Care								
Licensed day care (adult or child)	C	C	C	C	C	--	--	--
Medical services								
Blood bank	--	--	--	--	ok	--	--	--
Emergency care center	--	--	--	--	ok	--	--	--
Substance abuse treatment (in-patient)	C	C	--	--	ok	--	--	--
Hospitals	--	--	--	--	ok	--	--	--
Plasma centers	--	--	--	--	ok	--	--	--
Religious facilities								
Churches, synagogues, temples and religious shrines	ok	ok	ok	ok	ok	--	--	--
Schools								
Boarding schools	--	--	--	--	ok	--	--	--
Colleges, business and trade schools	C	C	--	--	ok	--	--	--
Nursery, elementary and secondary schools	C	ok	ok	ok	--	--	--	--
Social services								
Detention facilities	C	--	--	--	C	--	C	--
Food banks	--	--	--	--	ok	--	--	--
Halfway house for non-penal residents	C	C	C	C	--	--	--	--
Homeless shelters	--	--	--	--	ok	--	--	--

ok Principal allowed use C Conditional use A Accessory use -- Prohibited use	AP	AE	NR	SR	GC	HC	LI	GI
Hospice facility	C	C	C	C	--	--	--	--
Hospice services	--	--	--	--	ok	--	--	--
Substance abuse counseling	C	C	--	--	ok	--	--	--
Soup kitchens	--	--	--	--	ok	--	--	--
Transportation, communication and public services								
Air transportation								
Airport and heliport	C	C	--	--	--	--	--	--
Bus garage	C	--	--	--	ok	--	ok	--
Pipelines								
Pipelines	C	C	C	C	C	C	C	C
Pipeline terminals, pumping stations, etc.	C	--	--	--	--	--	C	C
Public services								
Ambulance stations	C	C	C	C	ok	--	--	--
Fire stations	C	C	C	C	ok	--	--	--
Police stations	C	C	C	C	ok	--	--	--
Public service garage	--	--	--	--	C	C	ok	C
Railroads								
Rail lines	C	C	C	C	C	C	C	C
Rail switch yards, equipment repair & maint.	C	--	--	--	--	--	C	C
Signs								
Off-premise	--	--	--	--	C	C	--	--
On-premise	A	A	A	A	A	A	A	A
Telecommunication towers and facilities								
Antennas on existing structures	ok	ok	ok	ok	ok	ok	ok	ok
Telecommunication towers	C	C	C	C	C	C	C	C
Utilities								
Electrical energy generation (not incl. wind)	--	--	--	--	--	--	--	C
Electrical energy wind generation (Commercial)	C	--	--	--	--	--	--	C
Sewage treatment plants	C	C	C	C	C	C	C	C
Utility substations	ok	ok	--	--	ok	--	--	ok
Electric wind generator (Private use)	C	C	C	C	C	C	C	C
Sewage treatment for subdivision	C	C	C	C	C	C	C	C
Sewage lagoon	C	C	C	C	C	C	C	C
Water storage tanks	C	C	C	C	C	C	C	C

Section 3.04: Zoning District Dimensional Standards

Zoning District	AP	AE	NR	SR	GC	HC	LI	GI	--PD
Minimum Lot Area [1] -- Single Family -- Two Family -- Multiple Family	2 acres[1]	2 acres[1]	2 acres[1]	10,000 sf[1] 10,000 sf[1] 6,000 sf/DU[1] 4,000 sf/DU[1]	--	--	3 acres[1]	3 acres[1]	TBD
Minimum Lot Width	200 ft	200 ft	200 ft	80 ft	--	--	60 ft	60 ft	TBD
Front Yard Setback	100 ft	75 ft	75 ft	25 ft	50 ft	50 ft	50 ft	50 ft	TBD
Side Yard Setback -- Accessory Structures	20 ft 10 ft	20 ft 10 ft	20 ft 10 ft	10 ft 3 ft.	10 ft	10 ft	10 ft	10 ft	TBD
Corner Side Yard Setback	50 ft	50 ft	50 ft	15 ft	25 ft	25 ft	50 ft	50 ft	TBD
Rear Yard Setback -- Accessory Structures	50 ft 10 ft	50 ft 10 ft	50 ft 10 ft	25 ft 3 ft	40 ft	10 ft	50 ft	10 ft	TBD
Maximum Height -- Accessory Structures	45 ft	45 ft	45 ft	45 ft Not more than height of principal structure	45 ft	45 ft	75 ft	--	TBD
Maximum Lot Coverage	--	--	--	30%	--	--			TBD

[1] Minimum lot areas are net of area of rights-of-way.

ARTICLE 4. GENERAL REQUIREMENTS

Section 4.01: Scope of the Ordinance.

No building, structure or land in the unincorporated areas of Woodbury County may be used or constructed, reconstructed, moved or structurally altered except in conformance with the provisions of this Ordinance.

Section 4.02: Nonconformities

1. **Intent.** Conforming or legal nonconforming structures and uses that were in existence on the effective date of this ordinance that are not legal and conforming to the provisions of this ordinance are legal nonconforming uses or structures and as such, may continue, but may not be expanded or re-established, except as provided in this Section.

2. **Definitions**.

   A. **Legal Nonconforming Lot of Record**. A parcel of land that was designated as a lot in a subdivision or a parcel in a deed filed of record prior to the effective date of this ordinance, which conformed to the dimensional requirements of the zoning district in which it was located at the time it was created, but which is not in conformance with all dimensional requirements established by this ordinance. A lot made nonconforming by public action shall be considered a legal nonconforming lot of record.

   B. **Legal Nonconforming Structure**. A structure that was in conformance with the dimensional requirements of the zoning district in which it was constructed, but which is not in conformance with all the dimensional requirements established by this ordinance.

   C. **Legal Nonconforming Use**. A use that was an allowed use in the zoning district in which it was initially established, but which is not an allowed use under this ordinance in the zoning district in which it is located.

3. **Legal Nonconforming Lots of Record.** In any zoning district in which single-family dwellings are permitted, a single-family residence may be erected on a legal nonconforming lot of record provided that no additional nonconformity is created.

4. **Legal Nonconforming Structures.** Any legal nonconforming structure may continue to exist subject to the requirements of this Section.

   A. Enlargement, Repair, Alterations: Any enlargement, maintenance, repair or remodeling of a legal nonconforming structure shall not either create any additional nonconformity or increase the degree of existing nonconformity of the structure.

   B. Damage or Destruction: If a nonconforming structure is damaged or destroyed, by any means, to the extent of more than sixty percent of its replacement value, such structure shall not be restored except in conformance with the dimensional requirements for the zoning district in which it is located.

   C. Amortization of nonconforming signs and lighting systems. Nonconforming signs and nonconforming telecommunication tower lighting systems shall be terminated or made conforming not later than ten calendar years from the date of erection or five calendar years from the effective date of this ordinance, whichever is later.

5. **Legal Nonconforming Uses.** A legal nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. A legal nonconforming use shall not be moved to another portion of the site than was occupied at the effective date of this ordinance.

B. A legal nonconforming use shall not be enlarged or extended to occupy a greater area than was occupied at the effective date of this ordinance, except within a structure that is suitable by reason of its layout, design and construction for the use and that was existing at the effective date of this ordinance.

C. If a legal nonconforming use ceases for any reason for a period of more than twelve months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

D. A legal nonconforming use may be changed to a use of the same or lesser intensity. The relative intensity of uses is determined as follows:

(1) All principal uses within the same zoning district are considered to be of the same intensity.

(2) The intensity of principal permitted uses of zoning districts shall be considered to be least intensive in the AP zone and progressively more intensive in the order of zoning districts established in Section 3.01, except that residential uses may not be established as replacement uses for any non-residential use in a commercial or industrial zoning district.

Section 4.03: Rules of Measurement

1. **Building Height.** Building height is measured as the vertical distance from finished grade to the top of the highest point of the finished roof.
2. **Lot Area.** Lot area is measured as the amount of gross land area contained within the property lines of a lot or parcel, but not including streets, rights-of-way or easements providing general public access.
3. **Lot Width.** The lot width is measured as the distance between side lot lines measured at the rear of the required front yard setback on a line parallel to the front lot line.
4. **Lot Frontage.** Lot frontage is measured as the distance along the front lot line between its intersections with the side lot lines. On curved or multiple-segment front lot lines, frontage is the sum of the lengths of any straight segments and the arc lengths of curved segments.
5. **Flag Lots.** For flag lots, the required front yard shall be measured from the point back from the street lot line that the lot width meets the minimum lot width requirement for the zoning district.
6. **Lot Coverage.** Lot coverage is measured as the percentage of the total lot area covered by buildings. It is calculated by dividing the area of building cover by the area of the lot. However, (i) areas covered by swimming pools and hot tubs shall not be counted as covered areas for purposes of determining lot coverage; and (ii) open decks less than 30 inches above grade shall not be included in calculations of lot coverage.
7. **Setbacks.** Setbacks are measured between the lot line and the closest projection of a building or structure along a line perpendicular to the lot line, and must remain unobstructed from the ground to the sky except as otherwise specifically allowed in this Ordinance.

8. **Separation Distance.** Whenever a regulation requires a proposed use or activity to be located a specified distance from an existing use, zoning district boundary, or activity, such distance or spacing requirement shall be measured from the closest point of the structure or building housing the proposed use to the closest edge of the principal structure housing the existing use or to the closest lot line, except that separation distances required for Adult Uses shall be measured as stated in Section 5.04.

Section 4.04: Lot Requirements.

1. **Zoning Lot.** Every building constructed or structurally altered shall be located on a zoning lot as defined in Section 6.02.
2. **Number of Residential Structures.** Not more than one principal residential structure shall be constructed, structurally altered or used for residential purposes on any zoning lot except as allowed by conditional use or planned development.
3. **Flag Lots.** Flag lots are discouraged except when necessary to provide access when normal lot patterns are impossible to achieve due to topography or existing lot patterns. Flag lots shall not be created in order to avoid construction of streets within a proposed development.
4. **Access and Street Frontage.** Any lot used for residential purposes shall have a minimum frontage of 20 feet on a public road or an exclusive (i.e., not shared), unobstructed private access easement of at least 20 feet in width to a public road. An unobstructed private access easement of 60 feet in width may serve as access for multiple residential lots as general public access.
5. **Limits on Reduction of Lot Dimensions.** No zoning lot shall be divided or reduced in dimension to the extent that required setbacks, lot width or density of use are not maintained. This section shall not apply if a portion of a lot is acquired for a public purpose.

Section 4.05: Setback Requirements

1. **Definitions.**
   A. Setback. The minimum horizontal distance between a designated lot line (e.g. front, rear, etc.) and the buildable area of a lot.
   B. Yard. The actual area or minimum distance between a designated lot line and a structure or building. A conforming yard equals or exceeds the setback requirement.
2. **General Provisions.** Any building, structure or use erected, altered, or established, shall comply with the setback requirements of the district in which it is located, except as specified in this Ordinance.
3. **Location of Required Setback.** The required setback for any building, structure or use shall be contained on the same lot as the building, structure or use and entirely upon land in a district in which the principal use is permitted.
4. **Sharing of Required Setback or Space Prohibited.** No part of a setback provided for any building or structure to comply with the provisions of this Ordinance shall be included as part of a setback or other space required under this Ordinance for another building or structure.

5. **Required Setback on Private Streets.** All applicable building setbacks along private streets shall be measured from the nearest line of the easement or parcel containing the private street.
6. **Front Setbacks on Reverse Corner Lots.** On reverse corner lots the corner side setback shall be equivalent to the required front setback on the adjacent lot to the rear.
7. **Front and Rear Setbacks for Through Lots.** Through lots shall provide front yard setbacks on both street frontages.
8. **Permitted Encroachment in Yards**.

   A. Every part of a required yard shall be open to the sky except where accessory buildings are permitted and except for the ordinary projections from principal buildings of sills, belt courses, cornices, fireplace chimneys, gutters and down-spouts, and ornamental features projecting not to exceed 24 inches.

   B. The following shall not be considered to be obstructions when located in any required yards:

      (1) Open or screened porches, less than three feet above the grade, with or without awning or canopy covers, projecting into the setback not more than six feet and having no more than 48 square feet of area;

      (2) Bay windows projecting three feet or less.

      (3) Handicapped accessible ramps, steps and other assisting devices that are not more than four feet above grade;

      (4) Heat pump and air conditioning compressor units;

      (5) Recreational and laundry-drying equipment;

      (6) Arbors, trellises, fences or walls subject to applicable height restrictions;

      (7) Flag poles; and

      (8) Approved freestanding signs;

      (9) Solar energy collectors and heat storage units not more than 24 inches;

Section 4.06: Private Sewage Disposal and Water Supply Systems.

There shall be sufficient ground area unoccupied by structures or paving to allow a proper system of sewage disposal and/or water supply conforming with the applicable standards and requirements of county and state regulations regardless of other provisions of this Ordinance. Site plans accompanying Building Permit applications shall clearly show the proposed sewage disposal system and/or water supply system. All such proposed systems shall be subject to approval of the appropriate health agencies prior to issuance of a building permit. Coverage of any part of a septic tank or leach field by a building or hard surface shall not be permitted.

Section 4.07: Maximum Density Not Guaranteed.

The number of dwelling units allowed on a site is based on the presumption that all other applicable standards shall be met. The maximum density established for a zoning district is not a guarantee that such densities may be obtained, nor a valid justification for granting variances.

Section 4.08: Exception to Height Limitations.

Except as otherwise provided in this section, the height limitations in this Zoning Ordinance shall not apply to water storage facilities, fire towers, cooling towers, ornamental towers and spires, telecommunication towers, antennas, aerials, chimneys, elevator bulkheads, flag poles, wind generators or other necessary mechanical appurtenances, provided that no such structure or appurtenance shall extend into any approach zone, clear zone or other restricted air space required for protection of any airport.

Section 4.09: Corner Visual Clearance.

Nothing shall be erected, placed, planted, or allowed to grow on a corner lot in such a manner as to significantly impede vision of drivers or obscuring visibility of an official control sign.

Section 4.10: Temporary Buildings and Structures.

Temporary buildings, including manufactured/mobile homes, that are used solely for office or storage purposes in conjunction with construction work only, may be permitted in any zoning district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

Section 4.11: Single-Family Detached Dwellings.

The following standards shall apply to all single-family detached dwellings:

1. The main body shall have a minimum dimension of not less than 23 feet.

2. There shall be a continuous and complete perimeter foundation of the main body.

3. The main structure shall be permanently affixed to its foundation.

4. Manufactured homes, as defined in section 6.02, if located outside a manufactured/mobile home community, shall comply with the following requirements:

A. Classification as real estate and assessment as real property in accordance with the Code of Iowa,

B. All hitches, wheels, axles, and any types of other towing devices shall be permanently removed.

C. Compliance with the National Manufactured Housing Construction and Safety Standards Act and must have displayed an appropriate certification label issued by the United States Department of Housing and Urban Development, and must not have been altered in violation of applicable codes. If a structure lacks such certification, it must conform to the State Building Code.

Section 4.12: Accessory Buildings

1. For the AP, AE, NR and SR zoning districts, side and rear yard setback requirements for accessory buildings are set forth in section 3.04.

2. No accessory building shall be constructed upon a lot until the construction of the principal building has commenced. In no event shall such building be used as a dwelling unless it is a facility designed for human habitation and a certificate of occupancy shall have been issued for such use.

3. No accessory structure shall be constructed closer to the front lot line than the front edge of the principal structure or two times the required front yard setback, whichever distance is shorter, except that free-standing on-premise advertising signs may be placed within the front yard setback subject to the setback requirements in subsection 5.02-7.

4. No detached accessory building or structure shall exceed the height of the principal building or structure.
5. Detached accessory structures shall not be located closer to any other accessory or principal building than ten feet.

Section 4.13: Building prohibited.

The Natural Resources Conservation Service (NRCS) has identified areas that are potentially subject to inundation by waters released due to partial or complete failure of a dam or other water retention or detention facility. No building shall be constructed in such identified potential water inundation areas.

Section 4.14: Home Occupation Uses.

"Home occupation" is defined as any business, occupation or activity conducted for gain within a residential building, or an accessory building, which is incidental or secondary to the use of such building for dwelling purposes and which does not change the essential residential character of the property. The regulations of this section dealing with home occupations are designed to protect and maintain the residential character of a neighborhood while permitting certain limited commercial activities.

1. The home occupation must be the enterprise of a person living on the premises.
2. Only three persons who do not reside on the premises may be employed in the home occupation.
3. The home occupation shall be conducted entirely within an enclosed building and there shall be no display or outdoor storage that would indicate from the exterior that the building is being used in part for any purpose other than residential.
4. Home occupation and employee vehicles shall be stored either in a building or screened from view from a public or private road or from an adjacent property.
5. Only one on-premise unlighted sign not more than 25 square foot in area shall be allowed.
6. No equipment or process shall be used in a home occupation that produces noise, vibration, glare, fumes, odors, or electromagnetic interference detectable beyond the premises to the extent that the home occupation is determined to be noxious, offensive or hazardous.
7. Prohibited home occupations: The following uses are specifically prohibited as home occupations:
   A. Adult uses.

Section 4.15: Junk vehicles.

1. Junk vehicles may not be stored outside an enclosed building except
   A. In a properly screened storage area as part of either an automotive salvage business or an automotive towing business as allowed in the Land Use Summary Table in Section 3.03-4.
   B. Not more than two junk vehicles may be stored outside an enclosed building in a location adequately screened from view from a public roadway or adjacent property.
2. Parts removed from vehicles may not be stored outside an enclosed building.

3. “Junk vehicle” is defined as a vehicle, including, but not limited to automobile, truck, motorcycle, trailer, etc. that is not capable of operation as intended due to obsolescence, disrepair or removed parts.

ARTICLE 5 SUPPLEMENTAL REQUIREMENTS

Section 5.01. Off-street Parking and Loading.

1. **Intent.** This chapter is intended to establish off-street parking and loading space requirements related to the use of property with the intent of a) reducing congestion on public roads; and b) providing safe and convenient access, thereby promoting the public health, safety and welfare.

2. **Applicability.**

   A. All uses established after the effective date of this title shall provide off-street parking and loading space in accordance with the standards set forth in this chapter.

   B. Uses that do not conform to the standards set forth in this section on the effective date of this title but that were in compliance with the parking and loading requirements under which said uses were established shall be deemed to be legally nonconforming.

   C. Any expansion or change of use shall require additional parking and loading for the new or expanded portion of the use. Any existing legal nonconformity in quantity of off-street parking and loading requirements, as described in subsection 5.01-2.B above, may be extended as a matter of right.

   D. Temporary encroachment into required parking spaces for seasonal sales display area may be authorized by the Zoning Director for up to 90 days during a year based upon a determination that adequate parking is available to meet the demand during the period of encroachment.

3. **Location Requirements.**

   A. No parking or loading spaces may be located within five feet of a public right-of-way or easement or within five feet of an abutting residentially used or zoned lot.

   B. Required off-street parking and loading spaces shall be located on the same zoning lot as the use they serve.

4. **Size requirements.**

   A. Parking spaces. A parking space shall be at least 180 square feet in size exclusive of the area of any access aisle or driveway. The minimum parking space width shall be 9 feet.

   B. Loading spaces. All loading spaces and access aisles shall be of sufficient size and conformation that no loading or unloading operations and no vehicle being maneuvered, loaded or unloaded shall infringe upon any road. Minimum size requirements for loading spaces are as follows:

      (1) Manufacturing and warehousing uses: Loading spaces shall be not less than 12 feet by 60 feet for manufacturing and warehouse uses.

      (2) Retail, service and institutional uses: Loading spaces shall be not less than 12 feet by 30 feet for retail and service uses and for institutions.

   C. Handicapped parking spaces. Handicapped parking spaces shall be provided and identified in all off-street parking areas as required by Section 321L.5 of the Iowa

Code.
For reference, the proportion of handicapped parking spaces required are as follows:

Total Parking Spaces	Handicapped Spaces
10 to 25	1 space
26 to 50	2 spaces
51 to 75	3 spaces
76 to 100	4 spaces
101 to 150	5 spaces
151 to 200	6 spaces
201 to 300	7 spaces
301 to 400	8 spaces
401 to 500	9 spaces
501 to 1000	2% of total
over 1000	20 spaces plus1% over 1000.

5. **Required quantity of parking and loading**. The required numbers of parking and loading spaces for common uses permitted in the various zoning districts are indicated below. For uses not specified, the zoning director shall determine the requirements based on a determination of the most similar listed use.

Abbreviations – DU – Dwelling unit GFA – Gross floor area GLA – Gross land area	**Required Number of Parking spaces**	**Required Number of Loading spaces**
Agricultural and agri-business uses	No requirement	No requirement
Residential uses		
Dwellings (unless otherwise noted below)	2 per dwelling	No requirement
Multiple family dwelling	2 per dwelling	No requirement
Family homes	2 per dwelling	No requirement
Group quarters		
Assisted living dwelling	1 per empl. + 1 per 4 dwlg.	No requirement
Detention facilities	1 per empl. + 1 per 4 beds	No requirement
Dormitory & other group quarters	1 per 2 beds	No requirement
Nursing care facility	1 per empl. + 1 per 4 beds	No requirement
Home occupations	(see business type)	(see business type)
Mfd housing park (plan. devel.)	2 per dwelling	No requirement
Mobile home	2 per dwelling	No requirement
Office uses (unless otherwise noted below)	1 per 300 sq. ft. GFA	No requirement
Finance, insurance, real estate	1 per 200 sq. ft. GFA	No requirement
Medical & dental clinics (incl. chiropractors, podiatrists, orthodontists, etc.)	1 per 150 sq. ft. GFA	No requirement
Trade uses		

Abbreviations – DU – Dwelling unit GFA – Gross floor area GLA – Gross land area	Required Number of Parking spaces	Required Number of Loading spaces
Consumer and business services (unless otherwise noted below)	1 per 300 sq. ft. GFA	No requirement
Animal grooming	2 per operator	No requirement
Auction services	1 per 100 sq. ft. GFA	One
Barber, beauty, tanning, etc.	2 per operator	No requirement
Boarding kennels	1 per 500 sq. ft. GFA	No requirement
Catering services	1 per employee	One
Dry cleaning/laundry pickup/drop-off	3 + 1 per employee	One
Exterminators	1 per employee	One
Funeral homes, mortuaries and crematories	1 per 100 sq. ft. GFA	One
Health clubs and gyms	1 per 200 sq. ft. GFA	No requirement
Laundry, self-service	1 per 200 sq. ft. GFA	No requirement
Massage establishments	2 per operator	No requirement
Tattooing and body piercing	2 per operator	No requirement
Upholstering	1 per 300 sq. ft. GFA	One
Veterinarian offices	4 per vet. + 1 per other empl.	One
Entertainment, hospitality, recreation services		
Adult entertainment	1 per 300 sq. ft. GFA	No requirement
Banquet and reception halls	1 per 150 sq. ft. GFA	One
Bars, cocktail lounges, and taverns	1 per 150 sq. ft. GFA	One
Exhibition and meeting areas	1 per 150 sq. ft. GFA	1 + 1 per 10,000 sf
Indoor recreation enterprises		
Amusement arcade	1 per 300 sq. ft. GFA	No requirement
Archery range	1 ½ per target + 1 per empl.	No requirement
Billiards, pool and darts	1 per 150 sq. ft. GFA	No requirement
Bowling alley	4 per lane	No requirement
Firing range	1 ½ per target + 1 per empl.	No requirement
Skating rink (ice or roller)	1 per 150 sq. ft. GFA	No requirement
Lodges and social clubs	1 per 150 sq. ft. GFA	No requirement
Outdoor recreation enterprises		
Archery range	1 ½ per target + 1 per empl.	No requirement
Firing range	1 ½ per target + 1 per empl.	No requirement
Golf courses	4 per hole	No requirement
Golf driving range	1 per tee box	No requirement
Miniature golf	1 per hole	No requirement
Tennis courts	2 per court	No requirement
Trap and skeet shooting	2 per stand	No requirement
Pools & water recreation	1 per 100 sq. ft. water area	No requirement
Racetracks	1 per 3 seats	No requirement
Restaurants	1 per 150 sq. ft. GFA	No requirement
Restaurants, drive-through or	1 per 150 sq. ft. GFA	No requirement

Abbreviations – DU – Dwelling unit GFA – Gross floor area GLA – Gross land area	Required Number of Parking spaces	Required Number of Loading spaces
Restaurants, with alcohol	1 per 150 sq. ft. GFA	No requirement
Theaters, live or motion picture	1 per 150 sq. ft. GFA	No requirement
Lodging		
Bed and breakfast lodging	1 per lodging room	No requirement
Campgrounds	1 per site	No requirement
RV Park	1 per site	No requirement
Hotels, motels	1 per lodging room + meeting room reqmt.	One
Retail sales, service and rentals of consumer, home and business goods (unless otherwise noted below)	1 per 300 sq. ft. GFA	1 per 1st 5000 sq. ft. GFA + 1 per addl. 25,000 sq.ft.
Appliances and home entertainment	1 per 500 sq. ft. GFA	(per req. above)
Convenience stores	1 per 200 sq. ft. GFA	(per req. above)
Furniture and home furnishings	1 per 500 sq. ft. GFA	(per req. above)
Groceries	1 per 200 sq. ft. GFA	(per req. above)
Vehicle sales, service and rental	1 per 2500 sq. ft. GLA + 1 per empl. + 2 per service bay	One
Wholesale trade	1 per employee on the largest shift	One
Industrial uses (unless otherwise noted below)	1 per employee on the largest shift	
Heavy service businesses	1 per employee	As needed
Manufacturing and processing	1 per employee	As needed
Resource extraction	1 per employee	As needed
Warehousing and freight handling	1 per employee	1 per 1st 5000 sq. ft. GFA + 1 per addl. 10,000 sq.ft.
Waste processing and transfer	1 per employee	1 per 1st 5000 sq. ft.
Institutional uses		
Cemeteries, mausoleums, columbaria	1 per employee	None
Community facilities (e.g. libraries, museums, parks and open spaces, athletic fields, day camps, activity/social service centers)	As needed	As needed
Day Care (licensed for adult or child)	1 per empl. + 1 per 10 clients	None
Medical services		
Blood bank & plasma center	2 per employee	None
Emergency care center	5 per physician + 1 per other employee	None
Substance abuse treatment (in-	1 per employee	None
Hospitals	1 ½ per bed	One
Religious facilities		

Abbreviations – DU – Dwelling unit GFA – Gross floor area GLA – Gross land area	Required Number of Parking spaces	Required Number of Loading spaces
Churches, synagogues, temples and religious shrines	1 per 4 seats	None
Schools (unless otherwise noted below)	1 per employee + 1 per 4 seats in assembly	One
Secondary schools	1 per employee + 1 per 3 students	One
Social services (unless otherwise noted below)	1 per employee	None
Hospice facility	1 ½ per employee	
Substance abuse counseling	2 per employee	
Transp., Comm., & Pub. Svc. (unless otherwise noted below)	1 per employee	None
Pipeline (incl. terminals, pump station,	None	None
Rail lines	None	None
Signs	None	None
Telecommunication towers and facilities	None	None
Utilities		
Electrical wind generation (Commer-	None	None
Utility substations	None	None
Electric wind generator (Private use)	None	None
Sewage treatment for subdivision	None	None
Sewage lagoon	None	None
Water storage tanks	None	None

Section 5.02: Sign Requirements

1. **Purpose.** The purpose of this section is to set forth minimum requirements for use, size and location of signs in order to ensure public health safety and welfare and promote implementation of the comprehensive plan.

2. **Scope of regulations.** The regulations contained in this section apply to signs in all zoning districts. No sign may be located, erected or maintained except in compliance with the regulations of this section.

3. **Nonconformities.** Any sign legally in existence on the effective date of this ordinance that is made nonconforming by these regulations or any amendments thereto may continue subject to the requirements of Section 4.02, including provisions for amortization of nonconformities in subsection 4.02-4. C.

4. **Permit required.** A sign permit, issued by the Zoning Director in response to an application containing information needed to determine compliance with the requirements of this Section, shall be required prior to erection of any sign, except exempt signs as described in subsection 6 below.

5. **Prohibited signs.**

A. No sign shall be placed on or over any road right-of-way other than an official traffic or street sign and such other signs approved for placement by the controlling public agency.

B. No sign shall be placed on any public or private party without the consent of the owner or authorized agent of the owner of the property.

C. No sign shall be placed at any location where it may, by reason of its size, shape, design, location, content, coloring, manner of illumination or changing display capability, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers by obscuring or otherwise physically interfering with any official traffic control device, or that may be confused with an official traffic control device. Signs must conform to the corner visual clearance requirements of section 4.09.

6. Exempt signs. The following signs are exempt from the regulations of this section.

A. Traffic control signs approved by the controlling public agency for placement on the public right-of-way and other signs required by law or government order.

B. Display of any official flag or emblem of the nation or state.

C. Any sign located within a building that is not visible from a public right-of-way.

D. Grave markers, memorials and statues of persons or events that are non-commercial.

E. Temporary holiday decorations and displays.

F. Community event notices.

G. Signs attached to or applied directly to a motor vehicle that is used in the normal course of business. A sign-bearing vehicle that is parked more or less permanently in a location visible from a traveled road may be determined to be a sign and therefore subject to the requirements of this section.

H. Information signs to provide direction, safety or convenience of the public to assist in finding entrances, exits, parking, rest rooms, telephones, etc.

I. Address signs containing only the address of the premises.

J. Political signs promoting a public issue or a candidate for public office.

K. Real estate for sale or rent signs that comply with the size and location standards for on-premise signs in the zoning district.

L. Construction site signs identifying a development, developer, principal contractors, designers, etc.

M. Incidental signs serving the interest of the property owner, such as “No Hunting”, “No Trespassing”, etc.

7. Standards for on-premise advertising signs. Standards for on-premise advertising signs are set forth in the following tables.

A. Free-standing signs.

(1) Pylon signs

	Allowed?	Maximum Size	Required Setbacks	Maximum Height	Minimum Clearance from Grade
AP	No	N/A			
AE					
NR					
SR					
GC	Yes	100 sq. ft.	10 ft. Front 5 ft. Side	45 ft.	12 ft.
HC		200 sq. ft.			
LI		100 sq. ft.			
GI					

(2) Ground signs

	Allowed?	Maximum Size	Required Setbacks	Maximum Height	Minimum Clearance from Grade
AP	Home Occupation Signs	25 sq. ft.	10 ft. Front 5 ft. Side	6 feet	None
AE					
NR					
SR	Home Occupation Signs & Apt. Ident. Signs				
GC	Yes	100 sq. ft.		10 feet	
HC		200 sq. ft.			
LI		100 sq. ft.			
GI					

B. Building signs.

(1) Wall signs

	Allowed?	Maximum Size	Maximum Height
AP	Home Occupation Signs	25 sq. ft.	Not above eave or parapet
AE			
NR			
SR	Home Occupation Signs Apt. Ident. Signs	10 sq. ft.	
GC	Yes	20% of wall area	
HC			
LI		10% of wall area	
GI			

(2) Window signs

	Allowed?	Maximum Size	Maximum Number of Signs
AP	No	N/A	
AE			
NR			
SR			
GC	Yes	25% of window area	2 per building side
HC			
LI	No	N/A	
GI			

(3) Projecting signs

	Allowed?	Maximum Size	Maximum Height	Maximum Projection from Bldg	Minimum Clearance
AP	No	N/A			
AE					
NR					
SR					
GC	Yes	12 sq. ft	Not above eave or par-apet	6 ft.	8 ft. over walkway 14' over driveway
HC					
LI	No	N/A			
GI					

8. Standards for off-premise advertising signs.

A. Standards for off-premise advertising signs (e.g. billboards) are set forth in the following table:

	Allowed?	Required Separation	Maximum Size	Required Setbacks	Maximum Height
AP	No	N/A	N/A	N/A	N/A
AE					
NR					
SR					
GC	Conditional Use approved by Board of Adjustment	1000 ft. between off-premise signs; 1000 ft. from AE, NR, SR zones	500 sq. ft. + 1 addl. sq.ft. per 1' addl. separation up to 672 sq.ft.	Zoning district setbacks	35 ft.
HC					
LI	No	N/A	N/A	N/A	N/A
GI					

B. No off-premise advertising signs shall be located within 660 feet of the nearest right-of-way line or in a location visible from the nearest right-of-way line of U.S. Highway 75 between its intersection with U.S. Highway 20 and the Plymouth County line.

Section 5.03: Floodplain Management Ordinance

1. Statutory Authority, Findings of Fact and Purpose.

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

B. Findings of Fact

(1) The flood hazard areas of Woodbury County are subject to periodic inundation which can result in 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.

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

(3) This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

C. Statement of Purpose. It is the purpose of this Section 5.03 (referred to as "this Ordinance" within this Section 5.03) to protect and preserve the rights, privileges and property of Woodbury County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in subsection 5.03-1. B (1) of this Ordinance with provisions designed to:

(1) Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

(2) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

(3) Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

(4) Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

(5) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

2. General Provisions

A. Lands to Which Ordinance Apply. The provisions of this Ordinance shall apply to all lands within the jurisdiction of Woodbury County shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in section 5.03-3 below.

B. Establishment of Official Floodplain Zoning Map. The Flood Insurance Rate Map 01-56 for unincorporated areas of Woodbury County Iowa - Community Number 190536, dated June 17, 1991 is hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.

C. Rules for Interpretation of District Boundaries. The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Director shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Director in the enforcement or administration of this Ordinance.

D. 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 and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

E. Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the pro-

vision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

F. 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 statutes.

G. Warning and Disclaimer of Liability. The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Woodbury County or any officer or employee thereof for any flood damages that from reliance on this Ordinance or any administrative decision lawfully made thereunder.

H. Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

3. Establishment of Zoning (Overlay) Districts. The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

A. Floodway District (FW),

B. Floodway Fringe District (FF),

C. General Floodplain District (FP),

D. Shallow Flooding District (SF) and

E. Dam Failure Inundation District (DI).

The boundaries shall be as shown on the Official Floodplain Zoning Map and those areas identified by the Natural Resource Conservation Service as potentially subject to inundation by waters released due to partial or complete failure of a dam or other water retention or detention facility. Within these districts, all uses not allowed as Permitted Uses or permissible as Conditional Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.

4. Floodway (Overlay) District (FW)

A. Permitted Uses. The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of material or equipment, excavation or alteration of a watercourse.

(1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

(2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

(3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish

hatcheries, shooting preserves, target ranges, trap and skeet ranges, hinting and fishing areas, hiking and horseback riding trails.

(4) Residential uses such as lawns, gardens, parking areas and play areas.

(5) Such other open-space uses similar in nature to the above uses.

B. Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 5.03-9. C. Such uses must also meet the applicable provisions of the Floodway District Performance Standards.

(1) Uses or structures accessory to open-space uses.

(2) Circuses, carnivals, and similar transient amusement enterprises.

(3) Drive-in theaters, new and used car lots, roadside stands, signs and bill-boards.

(4) Extraction of sands, gravel and other materials.

(5) Marinas, boat rentals, docks, piers and wharves.

(6) Utility transmission lines and underground pipelines.

(7) Other uses similar in nature to uses described in subsections 5.03-4. A or 4.B which are consistent with the provisions of subsection 5.03-4.C and the general spirit and purpose of this ordinance.

C. Performance Standards. All Floodway District uses allowed as a Permitted or Conditional Use shall meet the following standards.

(1) No use shall be permitted in the Floodway District that would result in any increase in the 100-year 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 uses within the Floodway District 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.

(d) No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

(e) Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.

(f) Buildings, if permitted, shall have low flood damage potential and shall not be for human habitation.

(g) 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 District within the time available after flood warning.

(h) Watercourse alterations or relocations (channel changes and modifications) 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.

(i) Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

(j) 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.

5. Floodway Fringe (Overlay) District FF

A. Permitted Uses. All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

B. Performance Standards. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards.

(1) All structures shall:

(a) Be adequately anchored to prevent flotation, collapse or lateral movement of the structure.

(b) Use construction methods and practices that will minimize flood damage.

(c) Use construction materials and utility equipment that are resistant to flood damage.

(2) Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 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 100-year flood.

(3) Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest floor (including basement) ele-

vated a minimum of one (1) foot above the 100-year flood level, 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 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Director.

(4) 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:

(i) 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.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided 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.

(5) Factory-built homes:

(a) All 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 100-year flood level.

(b) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may in-

clude, but are not limited to, use of over-the-top or frame ties to ground anchors.

(6) Utility and Sanitary Systems:

(a) 0n-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.

(b) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. 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 100-year flood elevation.

(c) New or 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 100-year flood elevation.

(d) Utilities such as gas or 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.

(7) 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 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

(8) Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. 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.

(9) 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.

(10) Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-

year flood elevation data for those areas located within the Floodplain (Overlay) District.

(11) Accessory Structures

(a) Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

(i) The structure shall not be used for human habitation.

(ii) The structure shall be designed to have low flood damage potential.

(iii) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

(iv) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.

(v) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.

(b) Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

(12) Recreational Vehicles

(a) Recreational vehicles are exempt from the requirements of subsection 5.03-5. B (5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

(i) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

(ii) The recreational vehicle must 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.

(b) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of subsection 5.03-5. B (5) of this Ordinance regarding anchoring and elevation of factory-built homes.

(13) 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.

6. General Floodplain (Overlay) District FP

A. Permitted Uses. The following uses shall be permitted within the General Floodplain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of

structures, factory-built homes, fill or other obstructions, the storage of materials or equipment, excavation or alteration of a watercourse.

(1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

(2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

(3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hinting and fishing areas, hiking and horseback riding trails.

(4) Residential uses such as lawns, gardens, parking areas and play areas.

B. Conditional Uses. Any uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse may be allowed only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 8.C. All such uses shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100-year flood level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

C. Performance Standards

(1) All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (subsection 5.03-4).

(2) All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (subsection 5.03-5).

7. Shallow Flooding (Overlay) District (SF)

A. Permitted Uses. All uses within the Shallow Flooding District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.

B. Performance Standards. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:

(1) In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. if no number is specified) above the highest natural grade adjacent to the structure.

(2) In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

8. Dam Failure Inundation (Overlay) District (DI)

A. Areas identified by the Natural Resource Conservation Service (NRCS) as potentially subject to inundation by waters released due to partial or complete failure of a dam or other water retention or detention shall be defined as comprising the Dam Failure Inundation (DI) overlay district

B. Permitted Uses. The following uses shall be permitted within the DI District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of any structures.

(1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

(2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

(3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hinting and fishing areas, hiking and horseback riding trails.

(4) Residential uses such as lawns, gardens, parking areas and play areas.

(5) Such other open-space uses similar in nature to the above uses.

C. Conditional Uses. The following uses which involve structures (temporary or permanent), may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 5.03-9. C. Such uses must also meet the applicable provisions of the DI District Performance Standards.

(1) Uses or structures accessory to agricultural uses.

(2) Uses or structures accessory to open-space uses.

(3) Uses or structures accessory to commercial uses such as drive-in theaters, new and used car lots, roadside stands, signs and billboards.

(4) Extraction of sands, gravel and other materials.

(5) Marinas, boat rentals, docks, piers and wharves.

(6) Utility transmission lines and underground pipelines.

(7) Other uses similar in nature to uses described in subsections 5.03-8. B or 8.C above which are consistent with the provisions of subsection 5.03-8. D below and the general spirit and purpose of this ordinance.

D. Performance Standards. All DI District uses allowed as a Permitted or Conditional Use shall meet the following standards.

(1) No use shall be permitted in the DI District that would result in any increase in the size or depth of inundation for other properties. Considera-

tion of the effects of any development on inundation levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

(2) All uses within the DI District 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.

(d) Structures, buildings and sanitary and utility systems, if permitted:

(i) Shall be constructed or aligned to present the minimum possible resistance to flood flows.

(ii) Shall have low flood damage potential and

(iii) Shall not be for human habitation.

(e) 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 DI District within the time available after flood warning.

(f) Any fill allowed in the dam failure inundation area must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

9. Administration

A. Appointment, Duties and Responsibilities of Zoning Director

(1) The Zoning Director is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Director.

(2) Duties and responsibilities of the Director 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 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 (i) the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.

(d) 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.

(e) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

(f) Submit to the Federal Insurance Director an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Director.

(g) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.

(h) Review subdivision proposals to insure such proposals are consistent with the purpose of this ordinance and advise the Board of Adjustment of potential conflict.

B. Floodplain Development Permit

(1) Permit Required - A Floodplain Development Permit issued by the Director 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 Director 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, track, 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) Elevation of the 100-year flood.

(e) Elevation (in relation to National Geodetic 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) Such other information as the Director deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

(3) Action on Permit Application - The Director shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Director shall not issue permits for variances except as directed by the Board of Adjustment.

(4) Construction and Use to be as Provided in Application and Plans - 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 variance with that authorized shall be deemed a violation of this Ordinance. 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 Ordinance, prior to the use or occupancy of any structure.

C. Conditional Uses, Appeals and Variances

(1) Appointment and Duties of Board of Adjustment - A Board of Adjustment is hereby established which shall hear and decide (i) applications for Conditional Uses upon which the Board is authorized to pass under this ordinance, (ii) appeals, and (iii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.

(2) Conditional Uses - Requests for Conditional Uses shall be submitted to the Director, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

(3) Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.

(4) Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that 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. Variances granted must meet the following applicable standards.

(a) Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) 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.

(b) Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. 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.

(c) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(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 Director that: (i) 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 (ii) such construction increases risks to life and property.

(e) All variances granted shall have the concurrence or approval of the Department of Natural Resources.

(5) Hearings and Decisions of the Board of Adjustment

(a) Hearings. Upon the filling with the Board of Adjustment of an Appeal, an application for a Conditional Use or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. 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 Department of Natural Resources.

(b) Decisions. the Board shall arrive at a decision on an Appeal, Conditional Use 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 Conditional Use or Variance, the board shall consider such factors as contained in subsection (i) below and all other relevant sections of this ordinance and may prescribe such conditions as contained in subsection (ii) below.

(i) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, she Board shall consider all relevant factors specified in other sections of this Ordinance and:

- The danger to life and property due to increased flood heights or velocities caused by encroachments.
- The danger that materials may be swept on to other land or downstream to the injury of others.

- The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- The importance of the services provided by the proposed facility to the County.
- The requirements of the facility for a floodplain location.
- The availability of alternative locations not subject to flooding for the proposed use.
- The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- The safety of access to the property in times of flood for ordinary and emergency vehicles.
- The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- 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.
- Such other factors which are relevant to the purpose of this Ordinance.

(ii) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

- Modification of waste disposal and water supply facilities.
- Limitation of periods of use and operation.
- Imposition of operational controls, sureties, and deed restrictions.
- Requirements for construction of channel modifications, dikes, levees. and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
- Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise,

hydrostatic and hydrodynamic forces, and other factors associated with the regulatory 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 regulatory flood protection elevation and associated flood factors for the particular area.

(6) Appeals to the Court - 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 days after the filing of the decision in the office of the Board.

10. Nonconforming Uses

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

(1) If such use is discontinued for 6 (six) consecutive months, any future use of the building premises shall conform to this Ordinance.

(2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

(3) If any nonconforming use or 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 Ordinance.

(4) Except as provided in subsection 5.03-10. A (2), any use which has been permitted as a Conditional Use or Variance shall be considered a conforming use

11. Penalties for Violation. Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Conditional Uses or Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500.00 (five hundred) or imprisoned for not more than 30 (thirty) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent Woodbury County from taking such other lawful action as is necessary to prevent or remedy violation.

12. Amendments.

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

13. Definitions.

Unless specifically defined below, words or phrases used in this Ordinance shall be

interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

A. Base Flood - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

B. Basement - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

C. Development - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

D. Existing Construction - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.

E. 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 first floodplain management regulations adopted by the community.

F. 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).

G. 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 includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

H. Factory-Built Home Park - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

I. Flood - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

J. Flood Elevation - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

K. Flood Insurance Rate Map (FIRM) - The official map prepared as 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.

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

M. Floodplain Management - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplain

s, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

N. Floodproofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

O. Floodway - The channel of a river or stream and those portions of the floodplain s adjoining the channel, which are reasonably required to carry and discharge flood waters 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.

P. Floodway Fringe - Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

Q. 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 i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

R. Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when <u>all</u> the following criteria are met:

(1) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of subsection 5.03-5. B.(4)(a) of this Ordinance and

(2) The enclosed area is unfinished (not carpeted, dry walled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

(3) 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 100-year flood level, and

(4) The enclosed area is not a "basement" as defined in this subsection.

(5) In cases where the lowest enclosed area satisfies criteria (1), (2), (3) and (4) above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

S. New Construction - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

T. 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 the effective date of the first floodplain management regulations adopted by the community.

U. One Hundred (100) Year Flood - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.

V. 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.

W. Special Flood Hazard Area - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.

X. 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 180 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 pile, the construction of columns, or any work beyond the stage 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; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. 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.

Y. Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.

Z. 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.

AA. 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 fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

(2) The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

(3) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

BB. Variance - A grant of relief by a community from the terms of the floodplain management regulations.

CC. Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations

Section 5.04: Adult Use Regulations

1. **Applicability.** The regulations in this section apply to adult uses as allowed in Section 3.03-4 (i.e., as allowed uses in the GI, General Industrial Zoning District) and hereby establish specific locational and development requirements intended to minimize potential negative secondary effects of those adult uses.

2. **Locational requirements.** No adult use shall be established less than 1000 feet from any of the following:

A. Any other adult use.

B. Residentially zoned or used property.

C. Public parks or recreational areas.

D. A church or similar place of religious worship or study.

E. A public or private elementary or secondary school.

F. A library, museum or other cultural facility.

G. A day care center.

H. An Interstate highway right-of-way.

I. An incorporated city boundary.

3. **Measurement.** The separation distances required in Section 2 above shall be measured along a direct line from the closest point of the zoning lot containing the adult use to the closest point of the property containing the use or zoning district from which the adult use is to be separated.

4. **Operational requirements.** Other specific operational requirements for adult uses as established by separate ordinances adopted by the Board of Supervisors.

Section 5.05: Telecommunication Towers

1. **Intent.** Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the County in conformance with the Act without prohibiting or intending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the County shall be sited, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use / co-location of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

2. **Definitions.** All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

A. Antenna -- A device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.

B. Antenna Support Structure -- Any building or structure other than a tower which can be used for location of telecommunications facilities.

C. Drop zone – The area within a radius of the base of a telecommunication tower specified by the professional design engineer to be the limit of physical damage from a structural failure. In the absence of a specification by the design engineer, the drop zone shall be assumed to be a circular area with radius equal to the combined height of the tower and any antennas for any free-standing tower or for a guyed tower, the combined length of the length of any guy wire and the distance from the base of the tower to the anchor point of the guy wire.

D. Satellite Dish Antenna -- An antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.

E. Stealth -- Any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees

F. Telecommunication Tower -- A self-supporting lattice, guyed, or monopole structure that supports telecommunications facilities. The term tower shall not include amateur radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.

3. Location of Towers. Telecommunication towers are allowed only as conditional uses as specified in subsection 3.03-4. No person shall develop, construct, or modify height of a tower upon any tract of land within the zoning jurisdiction of the County prior to approval of a conditional use by the Board of Adjustment pursuant to the procedures set forth in subsection 2.02-9.

4. Construction Standards for Towers

A. All towers, telecommunications facilities and antennas within the zoning jurisdiction of the County, after the effective date of this Ordinance, shall conform to this ordinance and all other construction standards set forth by the County, federal, and state law and applicable American National Standards Institute (ANSI).

B. Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed in the Zoning Office.

5. Application to Develop a Tower. In addition to the information required for a conditional use application in subsection 2.02-9.C, the application for a telecommunications tower conditional use shall include the following:

A. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one-mile radius of the proposed tower, including publicly and privately owned towers and structures.

B. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or co-locate the applicant's telecommunications facilities on a tower or useable antenna support; or written technical evidence from an engineer that the applicant's telecommunications facilities cannot be installed or co-located on another tower or useable antenna support structure.

C. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street or highway.

D. Site Plan. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature including drop zone of the proposed tower, road right-of-way, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.

E. A vicinity map indicating the site location with reference to identified roads and township, range and section numbers within two miles of the proposed telecommunication tower site.

6. Setbacks and Separation or Buffer Requirements

A. All towers shall be set back on all sides a distance equal to the drop zone or the zone district setback, whichever is greater. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located or land within an easement.

B. Towers exceeding two hundred (200) feet in height must be separated from all residentially zoned districts and occupied structures, other than those utilized by the tower owner, by a minimum of one hundred percent (100%) of the height of the proposed tower, whichever is greater.

C. Separation between towers.

(1) Towers shall be separated from other towers by the larger drop zone of the towers.:

(2) The Board of Adjustment can approve multiple towers closer together to maximize their utility for the intended use.

7. Structural Standards for Towers Adopted. The Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, 1991 Edition (ANSI/EIA/TIA 222-E-1991), as amended, is hereby adopted except such portions as are hereinafter deleted, modified, or amended by Ordinance and set forth in this Article of the Zoning Ordinance.

8. Illumination. Lighting of telecommunication towers shall comply with requirements of the Federal Aviation Administration (FAA). Towers may be equipped with dual mode lighting, unless red blinkers are the only light source used. Strobe lighting may be used only during daylight hours. Nonconforming telecommunication tower lighting systems must be brought into compliance with these requirements pursuant to Section 4.02-4. C.

9. Security Fencing. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

10. Exterior Finish. Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Board of Adjustment as part of the application approval process. All towers that must be approved as a conditional use shall be stealth design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

11. **Maintenance, Repair or Modification of Existing Towers.** All towers constructed or under construction on the date of approval of this Ordinance may continue in existence as a legal non-conforming structure and may be maintained or repaired without complying with any of the requirements of this Section. Nonconforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this Section, including applying for and obtaining a conditional use permit. Said application shall describe and specify all items which do not comply with this Section and may request, subject to final review and approval of the Board of Adjustment, an exemption from compliance as a part of the approval of the conditional use permit.

12. **Inspections.** The owner of the telecommunication tower shall provide copies of any inspection reports resulting inspections of the tower required either by this section, any other governmental authority, or by the operational procedures of the owner. The County reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this Section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the County's Zoning Ordinances and any other construction standards set forth by the County, federal, and state law or applicable ANSI standards. County inspections shall be made by either an employee of the County's Zoning Office, Building Inspector, or a duly appointed independent representative of the County.

13. **Maintenance.** All towers, antenna support structures, antennas and telecommunications facilities shall be maintained in good condition by the owner or operator so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.

14. **Abandonment.** If any tower shall cease to be used for a period of one (I) year, the Zoning Office shall notify the tower owner that the site will be subject to determination by the Zoning Director that the site has been abandoned. Upon issuance of written notice to show cause by the Zoning Director, the tower owner shall have thirty (30) days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Zoning Director shall issue a final determination of abandonment of the site and the tower owner shall have seventy-five (75) days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Zoning Director, or his/her designee and a written request shall be directed to the County Attorney to proceed to abate said public nuisance pursuant to authority of the Iowa Code and Woodbury County codes, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

15. **Satellite Dish Antennas.** In residentially zoned districts, satellite dish antennas may not exceed a diameter of ten feet

Section 5.06: Airport Hazard Area Height Restrictions.

1. **Purpose.** The purpose of airport hazard area height restrictions is to coordinate structure height limits with the airspace requirements for safe and efficient operation of aircraft using FAA regulated airport facilities such as the Sioux Gateway Airport.

2. .**Subarea height restrictions.** The airport hazard area is composed of the following defined sub-areas. The regulations set forth in this chapter shall control if they are more restrictive than the underlying base zoning district regulations. No physical obstructions, including structures and trees, shall be permitted to encroach into the following described airport hazard area zones as illustrated on the Airport Height Limitation Map, dated September 18, 2006, on file in the Woodbury County Zoning Office:

   A. Instrument runway approach zone. For an instrument runway, the approach zone is the space above each of the following described planes:

      (1) The initial plane has a slope of 50 horizontal to 1 vertical projected from a point 200 feet beyond the end of the runway for a distance of 10,000 feet with the shape of the plane to be a symmetrical trapezoid centered on an extension from the runway with a width of 1000 feet at its lowest point and a width of 4000 feet at its highest point; and

      (2) The second plane has a slope of 40 horizontal to 1 vertical projected from the high end of the initial plane for an additional distance of 40,000 feet with the shape of the plane to be a symmetrical trapezoid centered on an extension from the runway with a width of 4000 feet at its lowest point and a width of 16,000 at its highest point.

   B. Noninstrument approach zone. For an airport runway not designed to be used for instrument landings, the approach zone is the space above a plane with a slope of 40 horizontal to 1 vertical projected from a point 200 feet beyond the end of the runway for a distance of 10,000 feet with the shape of the plane to be a symmetrical trapezoid centered on an extension from the runway with a width of 500 feet at its lowest point and a width of 2500 feet at its highest point.

   C. Transition zones**.** The transition zone is the space above the plane surfaces described by extending outward perpendicular to the centerline of each runway 5000 feet from the outer edge of the approach zone at a slope of 7 horizontal to 1 vertical.

   D. Horizontal zone**.** The horizontal zone is the space above a horizontal plane 150 feet above the established airport elevation (1097 feet above mean sea level for the Sioux Gateway Airport) within an area described by lines connecting the tangents of and following arcs with radii of 10,000 feet from the center of the end of each runway.

   E. Conical zone. The conical zone is the space above a surface described by radiating outward and upward from the perimeter of the horizontal zone at a ratio of 20 horizontal to 1 vertical for a horizontal distance of 4000 feet.

   F. Exceptions: Nothing in this chapter shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height of up to 45 feet above the surface of the ground.

3. **Use restrictions.** No use may be carried out within the airport hazard area that creates electrical interference for radio communications, causes glare or otherwise interferes with visibility, or otherwise endangers take-offs, landings or maneuvering of aircraft.

4. **Definitions.** Unless specifically defined below, words or phrases used in this chapter shall be interpreted as defined in section 6.02 or as having the meanings they

have in common usage as appropriate to give this chapter its most reasonable application.

A. Airport – The Sioux Gateway Airport and any other airport facilities in or near Woodbury County that are operated in conformance with the Federal Aviation Administration regulations.

B. Airport elevation – The highest point of the usable landing area at the airport, measured in feet above mean sea level. For the Sioux Gateway Airport, the airport elevation is 1097 feet above mean sea level,

C. Airport hazard – Any physical object or use of land that obstructs the air space required for the flight of aircraft in landing or taking off at an airport or that is otherwise hazardous to flight of aircraft.

D. Height – Elevation above mean sea level.

E. Instrument runway – An airport runway that is equipped or will be equipped with electronic navigation aids to permit landings and take-offs by aircraft under conditions of limited visibility.

F. Nonconforming use -- Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter.

G. Noninstrument runway -- A runway other than an instrument runway.

H. Obstruction -- Any tangible, inanimate physical object, natural or artificial, that protrudes above the surface of the ground.

I. Runway -- A designated portion of the airport, as herein defined, prepared for landing and takeoff of aircraft along the centerline of its longest dimension.

J. Structure – Anything constructed, erected or placed on a fixed location on the ground or on another structure, specifically including buildings, walls, fences, signs, towers, and storage tanks, but excluding paving. Vehicles and other movable objects may be considered as structures if they are placed in a generally fixed location for a purpose other than transportation.

K. Tree -- Any object of natural botanical growth.

ARTICLE 6. DEFINITIONS.

Section 6.01: Construction of Terms.

The following rules shall be applied in the interpretation of terms in these regulations, except when the context clearly requires otherwise.

1. Words used or defined in one tense or form shall include other tenses and derivative forms.
2. Words in the singular shall include the plural and the plural shall include the singular.
3. Words of one gender shall include the other gender.
4. The words “shall” and “must” are mandatory. “Shall” imposes a duty; “must” states a requirement.
5. The word “may” is permissive or confers a power.
6. The word “person” includes individuals, firms, corporations, partnerships, companies, associations and other similar legal entities.
7. Words not specifically defined herein should be construed according to context and normal usage of the language, except that technical words and phrases and other words which have acquired an appropriate meaning in law, shall be construed according to such meanings.
8. If there is a difference of meaning or implication between the text of these regulations and any heading, caption or illustration, the text shall control.
9. References to requirements of the “state code”, the Iowa Code or the Code of Iowa are synonymous and refer to the Code of Iowa, in effect on the date of adoption of these regulations.

Section 6.02: Definitions.

When used in these regulations, the following terms shall have the following meanings ascribed to them, except when the context clearly requires otherwise.

1. **Abutting.** Bordering upon; having a contiguous boundary. Land parcels separated by a public right-of-way may be construed as abutting.
2. **Accessory Use.** See “Use, Accessory”.
3. **Accessory Structure (or building)** See “Structure, Accessory”.
4. **Adjacent.** Nearby, may or may not be abutting.
5. **Adult entertainment.** A business that features exhibition or performance, either live or by means of recorded images and/or sounds, of “specified sexual activities” or “specified anatomical areas”
6. **Adult product sales.** A business that has a substantial portion of its displayed merchandise or of the retail or wholesale value of its displayed merchandise; derives a substantial portion of its revenues; or maintains a substantial section of its sales or display space for the sale or rental of any type of merchandise intended for use in the execution of, or that is characterized by an emphasis upon, the exhibition or description of “specified sexual activities” or “specified anatomical areas.” The term “substantial portion” as used in this definition shall mean over 25 percent.

7. **Adult use.** A business that includes either an adult entertainment business or an adult product sales business.
8. **Agriculture.** The art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock for production of plant crops and livestock for food, fiber and fuel.
9. **Airport.** Facilities for the takeoff and landing of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings, and airport auxiliary facilities, including fences, lighting and antennae systems, driveways, and access roads. This term includes aircraft maintenance facilities, aviation instruction facilities, and heliports when part of a larger airport facility.
10. **Animal, farm.** See Livestock.
11. **Antenna.** A system or device used to transmit or receive electromagnetic waves.
12. **Area.** Depending upon context, either a general space devoted to an identified use (i.e., parking area) or the two-dimensional measurement of a horizontal space on a floor or on the ground.
13. **Assisted living facility.** A residence for two or more tenants that provides rooms, meals, personal care and supervision of self-administered medications. Assisted living facilities may also provide other services such as recreational activities, financial services and transportation.
14. **Bar.** A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, cocktail lounge and similar facilities serving alcoholic beverages.
15. **Bed and breakfast lodging.** A transient lodging establishment, generally in a single-family dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals.
16. **Billboard** (See Sign, Off-premise.)
17. **Board of Adjustment.** The board created in subsection 2.01-5 pursuant to requirements of Chapter 335 of the Iowa Code that has the authority to hear and decide upon appeals, variances, requests for interpretations of the requirements of this ordinance, and conditional use requests
18. **Board of Supervisors.** The duly elected Board of Supervisors for Woodbury County, Iowa.
19. **Borrow pit.** A site from which soil material is removed to be used as fill for landscaping, building or highway construction and maintenance and other similar activities.
20. **Buffer.** An area of land, including landscaping, berms, walls, fences, and building setbacks, that is located between land uses of different character that is intended to mitigate negative impacts of the more intense use on a less intensive use.
21. **Building.** A structure including walls or roof that is designed and used for the enclosure, shelter or protection of people, property or uses. Two or more buildings may be included in a single structure if the buildings are separated by a dividing fire-resistant wall with no openings.
22. **Commission.** (See Planning and Zoning Commission)

23. **Common area.** Land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the tenants of the development.
24. **Comprehensive Plan.** (see General Development Plan)
25. **Conditional use** (see Use, Conditional)
26. **Conservation development.** A development technique that concentrates active uses together on smaller sites than might otherwise be required in order to conserve other portions of the site for either common area, natural areas or for agricultural uses.
27. **Conservation easement.** A nonpossessory interest in land that restricts the manner in which the land may be developed in an effort to conserve natural resources for future use.
28. **Convenience store.** A retail store with a floor area of less than 2,500 square feet that sells motor vehicle fuels and supplies as well as a variety of grocery, food and convenience items. Convenience stores do not include automotive service stations or vehicle repair shops.
29. **County.** Woodbury County, Iowa.
30. **Cul-de-sac.** A minor street having only one end open to traffic that is permanently terminated by a vehicular turnaround. Cul-de-sac may also refer to a paved circular turnaround at the end of such a dead-end street.
31. **Day care.** Care of children, or adults who require direction or physical care, by qualified personnel for less than 24 hours per day.
32. **Density (see Intensity).** A ratio of people or dwelling units to land area.
33. **Developer.** A person or other legal entity that is responsible for development
34. **Development.** Any man-made change, such as grading or construction, intended to make real property more suited to uses other than agriculture or natural area.
35. **Dimensional standards.** Requirements or limitations of building height, location, setback or yard dimensions, and maximum ground coverage.
36. **District.** (See Zoning District)
37. **Duplex** (see Dwelling, two-family)
38. **Dwelling.** A building or portion thereof, on a single zoning lot, intended or used for residential purposes, not including transient housing.
39. **Dwelling, Single-family.** A residential building used as a dwelling for one household.
40. **Dwelling, Multiple-family.** A residential building used as a dwelling for more than two households.
41. **Dwelling, Two-family.** A residential building used a dwelling for two households.
42. **Dwelling unit.** A building or portion of a building designed and used for residential purposes by a single household including cooking and toilet facilities for use by the household.

43. **Easement.** An interest in real estate granted by an owner to another entity which allows a specified use or occupancy of the real estate, or which restricts the rights of the owner to a specified use or occupancy of the real estate.

44. **Effective date.** The date upon which the requirements of this ordinance become effective. Generally, either (a) the date of publication of notice of adoption of the ordinance, or an amending ordinance by the Board of Supervisors, (b) a specific date set forth in the action adopting this ordinance or an amending ordinance by the Board of Supervisors, or (c) the date that real property comes under the jurisdiction of Woodbury County by means of severance (de-annexation) from a municipality.

45. **Extraction.** The business enterprise of excavation and removal of stone, gravel, minerals, soil or similar materials from a site, including but not limited to quarries and borrow pits.

46. **Family**. One or more persons occupying a dwelling and living as a single household as distinguished from a group occupying a group quarters.

47. **Family home.** A community-based residential home licensed as a residential care facility under Chapter 135C of the Iowa Code or as a child foster care facility under Chapter 237 of the Iowa Code to provide room and board, personal care, rehabilitation services, and supervision in a family environment for not more than eight developmentally disables or brain inured persons and any necessary support personnel.

48. **Farm.** Land, farm houses, farm barns, farm outbuilding or other buildings or structures which are primarily adapted, by reason of nature and area or use for agricultural purposes, while so used.

49. **Farming.** Any agricultural business enterprise activity directly involving cultivation of the soil for growing crops or animal husbandry for the production of food, fiber or fuel. Farming is exempt from the provisions of this ordinance (except flood hazard area regulations in Section 5.03). Criteria for determination of what constitutes farming are set forth in Section 1.03-3.

50. **Flood.** A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

51. **Flood plain.** Any land area susceptible to being inundated by water as a result of a flood.

52. **Floodway.** The channel of a river or stream and those portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge flood waters 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.

53. **Floor area.** The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement is exclusive of areas of basements that are not used for principal or accessory uses, unfinished attics, attached garages or space used for off-street parking or loading, breezeways, enclosed and unenclosed porches, elevator or stair bulkheads, and accessory structures.

54. **Frontage.** The length of a front lot line measured along a public right-of-way. Also, a reference to all property adjacent to one side of a road between two intersecting roads or between an intersecting road and the end of the road.

55. **Garage.** An enclosed building intended for the storage of motor vehicles.

56. **Gardening.** The hobby of growing of fruits and vegetables for personal use, not primarily for sale.

57. **General Development Plan.** The General Development Plan of Woodbury County, Iowa, (the Plan) adopted November 22, 2005 by the Board of Supervisors as a statement of public policy intended to promote, in accordance with present and future needs, the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the county. Also sometimes referred to as a comprehensive plan, the General Development Plan serves as a guide for the requirements of this ordinance and other regulations related to physical development

58. **Grade.** Depending on context:
    (a) The elevation of the surface of the ground or paving; or,
    (b) The physical process of changing the surface of the ground; or,
    (c) The slope of paving or the ground surface expressed in terms of percentage as a ratio of rise to run.

59. **Grading.** The physical process of changing the surface of the ground including excavation or fill, or any combination thereof.

60. **Greenhouse.** A building used for the growing of plants, all or part of which are sold at retail or wholesale.

61. **Group quarters.** Residential occupancy by groups of people not defined as a family, on a weekly or longer basis. Typical uses include residence halls, boarding/lodging houses, convents, and monasteries.

62. **Halfway house**. A specialized group quarters that is licensed to provide custodial as well as rehabilitation services for persons who need aid in readjusting to society following a period of imprisonment, hospitalization, or institutionalized treatment.

63. **Height, Building.** The vertical distance from finished grade to the top of the highest point of the finished roof.

64. **Home, Manufactured.** A factory-built single-family home that is manufactured or constructed to meet the standards of the National Manufactured Home Construction and Safety Standards Act, (42 USC 5401) as amended, also known as the 1976 HUD Code and is to be used exclusively as a place for human habitation. Factory-built homes constructed prior to 1976 are not certified to meet the HUD standard and are more appropriately referred to as “mobile homes”.

65. **Home, Mobile.** A factory-built single-family home built prior to the 1976 HUD Code. (See Manufactured Home)

66. **Home, Modular.** A factory-built dwelling that is manufactured to meet the standards of the State Building Code as applicable to modular housing. Modular homes are subject to the same regulations as site-built homes.

67. **Home Occupation.** Any activity conducted for gain by the resident of a dwelling as an accessory use on the premises. Regulations for home occupations are set forth in Section 4.14.

68. **Hospital.** An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental

conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

69. **Hotel.** An establishment that provides transient lodging accommodations to the general public for compensation, with or without accessory services such as restaurants, meeting rooms and recreational facilities.

70. **Household.** (See Family)

71. **Industry.** Any use in which the major activity is the treatment, processing, rebuilding, repairing, or bulk storage of material, products, or items, and where the finished product is not acquired by the ultimate user on the premises.

72. **Intensity.** A measure of the relative concentration of activity for uses based upon impacts upon other uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and activity that is relatively incompatible with lower intensive uses.

73. **Junk.** Any collection of material, including, but not limited to scrap metals, wood, used appliances, rags, paper, or trash, that is no longer used or usable for its original or intended purpose when stored outside a completely enclosed building.

74. **Junk vehicle.** A vehicle, including, but not limited to automobile, truck, motorcycle, trailer, etc. that is not capable of operation as intended due to obsolescence, disrepair or removed parts.

75. **Junk yard.** A place where junk is accumulated, stored or processed for reuse or disposal, whether or not for profit. Salvage and recycling centers are examples of junk yard businesses that are allowed uses in specific zones; other junk yards may constitute public nuisances. (Also see Recycling)

76. **Kennel, Breeding.** A commercial kennel in which four or more dogs or other domestic household pets are maintained for the purpose of breeding and sale of young animals.

77. **Kennel, Commercial.** An establishment where four or more adult dogs or other domestic household pets are groomed, bred, boarded, trained or sold as a business.

78. **Landfill, sanitary.** An engineered land burial facility for the disposal of solid waste which is so located, designed, constructed, and operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.

79. **Landscaping.** The modification of a site for an aesthetic or functional purpose, including the planting and preservation of vegetation and the continued maintenance thereof together with grading and installation of minor structures and appurtenances.

80. **Laundry, Self-service.** An establishment where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

81. **Livestock.** Animals commonly associated with a farming operation, including but not limited to cattle, swine, sheep, goats, horses and poultry, but not including dogs, cats and other common pets.

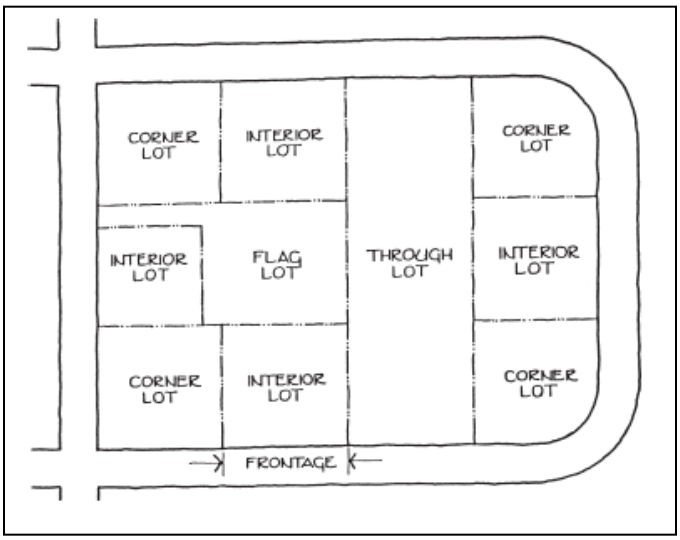
82. **Loading space.** An unobstructed, properly surfaced area located entirely on a zoning lot that is reserved for standing vehicles while cargo is being loaded or unloaded.

83. **Lot.** A parcel of land. (Depending upon context, see “Lot of Record”, “Lot, Subdivision” or “Lot, Zoning”).

84. Lot area. The total horizontal area enclosed within the lot lines.

85. Lot, Corner. A lot located abutting two roads that intersect at an angle of less than 135 degrees.

86. Lot coverage. Depending upon context, either the portion of a lot covered by structures or the portion of a building site covered by impervious surfaces.



87. Lot depth. The average horizontal distance between the front and rear lot lines.

88. Lot, Flag. A lot with less than the required lot width as specified in the bulk regulations at the front setback and that widens to the required lot width at some distance from the front lot line. Flag lots are intended to allow development of parcels that would otherwise be undevelopable due to constraints of terrain or size and shape of the original parcel.

89. Lot frontage. The distance along the front lot line between its intersections with the side lot lines

90. Lot, Interior. A lot that is not a corner lot.

91. Lot line. A boundary line of a lot that separates it from another land parcel or a right-of-way.

92. Lot line, Corner. On a corner lot, the lot line abutting a road right-of-way that is not the front lot line.

93. Lot line, Front. A lot line bordering a road right-of-way. On a corner lot, one of the lot lines abutting a road right-of-way is selected as a front lot line and the other is a corner side lot line.

94. Lot line, Rear. The lot line that is opposite and most distant from the front lot line.

95. Lot line, Side. Any lot line other than a front or rear lot line.

96. Lot, Nonconforming (See Nonconforming lot).

97. Lot of record. Land designated as a separate and distinct parcel in a subdivision plat which has been filed of record by the County Recorder or a parcel of land described in a deed filed of record.

98. **Lot, Reverse corner.** A corner lot in which the side street lot line is a continuation of the front lot line of the lot to its rear.

99. **Lot, Subdivision.** A land parcel within a subdivision plat, identified by a number, intended as a unit for title transfer or development.

100. **Lot, Through.** A lot, other than a corner lot, with frontage on two roads; a double frontage lot.

101. **Lot width.** The distance between side lot lines measured at the rear of the required front yard on a line parallel to the front lot line.

102. **Lot, Zoning.** A tract of contiguous land, under single or unified ownership or control, designated in an application for a building permit to be used, developed or built upon in conformance with the requirements of this ordinance. A zoning lot need not coincide with a lot of record, and may consist of: (a) a single lot of record; (b) a partial lot of record; or (c) a combination of complete and partial lots of record.

103. **Manufacturing.** The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials.

104. **Massage establishment.** An establishment providing therapeutic massages administered by persons licensed by the State of Iowa pursuant to Chapters 148, 148A, 150, 150A, 151, 152, 157, or 158 of the Code.

105. **Medical or dental clinic.** A building or portion of a building containing offices and facilities for providing medical, dental, and related services for outpatients by persons licensed by the State of Iowa pursuant to Chapters 148, 149, 150, 151, 152, 153, and 154 of the Code.

106. **Nonconforming.** A lot, structure or use that does not conform with the requirements of this ordinance.

107. **Nonconforming, Legal.** A nonconforming lot, structure or use that did conform with the requirements at the time that the lot, structure or use was established.

108. **Nonconforming lot of record.** A lot of record that does not comply with the size requirements for any of the permitted uses in the zoning district in which it is located.

109. **Nonconforming building or other structure**. A building or other structure or portion thereof that does not conform to the bulk regulations of this ordinance.

110. **Nonconforming parking.** Parking that does not conform to the requirements for location or quantity of parking under this ordinance.

111. **Nonconforming use.** An existing use that is not an allowed use in the zoning district in which it is located.

112. **Nuisance, public.** Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses, including, but not limited to excessive noise, dust, odors, smoke, gas, pollution, congestion, lighting and litter.

113. **Nursery (plant).** An establishment for the propagation, cultivation and growth of trees, shrubs, and other plants from seed or stock to be sold for landscaping. Sales of accessory items needed for nurture of plants or maintenance of landscaping such as pesticides, fertilizers, soil conditioners and related tools and equipment are part of the normal operation of a nursery.

114. Nursery school. (See School, Nursery)

115. Nursing care facility. An establishment other than a hospital licensed by the state that provides full-time health-related care and services, including rehabilitative services, as well as room and board for individuals who, because of mental or physical condition, require nursing care and other services.

116. Open space. An area of a lot, including required yards whish is not covered by structures (except recreational buildings) or parking, and which is available for use by all occupants of the lot.

117. Open space, public. Open space owned by a governmental agency and dedicated to public use.

118. Owner. The holder of legal title or any equitable interest as filed of record in the offices of the county recorder.

119. Parcel. Generally, any specified land area. More specifically, a part of a tract of land.

120. Park. Any public or private land available for recreational, educational, cultural, or aesthetic use.

121. Parking space. An area reserved and developed for parking of a vehicle.

122. Permitted use (See Use, allowed)

123. Person. Any natural person or an entity created by law including but not limited to a corporation (profit or nonprofit), partnership, or association.

124. Pet. Domesticated animals, including but not limited to dogs and cats, kept by a resident of a dwelling primarily for enjoyment or recreational purposes as compared to agricultural livestock. Horses, cattle, swine, sheep, goats and poultry, whether kept for pleasure or as an income generating activity are considered livestock

125. Planned development. A development designed to provide for an unusual or different arrangement of uses in accordance with an approved development plan. The requirements and procedures for an approved planned development are set forth in Subsections 2.02-5 and 3.01-9.

126. Planning and Zoning Commission. The Planning and Zoning Commission of Woodbury County, Iowa as described at Subsection 2.01-4.

127. Planning and Zoning Director. The official appointed by the Board of Supervisors to administer the provisions of this ordinance.

128. Plat. A map prepared by a licensed land surveyor showing the location, boundaries and legal description of a tract or parcel of land. The term may also be used to indicate a subdivision.

129. Recreational vehicle (RV). A vehicle which is:

A. Built on a single chassis;

B. Four hundred (400) square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use

130. Recycling. Collection and processing of reusable materials including but not limited to metals, glass, plastic, and paper which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form.

131. Relative. Persons who are related by blood, marriage, remarriage, or legal adoption or guardianship, including, but not limited to parent, grandparent, child, brother, sister, stepparent, stepchild, stepsister, stepbrother, uncle, aunt, niece or nephew, foster parent and foster child.

132. Residence (see Dwelling)

133. Restaurant. An establishment where food and beverages are prepared and served for the general public as the primary business.

134. Retail trade. The selling of goods, wares, or merchandise directly to the ultimate consumer.

135. Rezoning. An amendment to this ordinance that changes the zoning district designation of a parcel of land on the official zoning map. The procedure for rezoning is set forth in Subsection 2.02-4.

136. Right-of-way. A parcel of land intended to be occupied by roads, sidewalks, utilities and other public purposes. On a subdivision plat, rights-of-way are to be separate and distinct from other lots or parcels. Rights-of-way intended for public facilities shall be dedicated to public use and title transferred to the appropriate public agency.

137. Road. All property dedicated or intended for public or private road, street, alley, highway, freeway, or roadway purposes or to public easements for such thoroughfares. The term is sometimes used to indicate the area of the traveled way within a right-of-way or easement.

138. Salvage. Any article or material that is to be or intended to be reused or recycled in some form.

139. Salvage yard. A facility in which salvage material is bought, sold, stored, dismantled , processed, or recycled.

140. School. An institution providing instruction and including accessory facilities traditionally associated with a program of study which meets the requirements of Title VII of the Code of Iowa.

141. School, Nursery. A school for socialization and instruction to pre-elementary school age children.

142. School, Elementary. A school for children from kindergarten to or through early adolescent ages.

143. School, Secondary. A school for children from adolescent ages to completion of high school diploma requirements.

144. Screening. Visual shielding or separation of one adjacent use from another by use of berms, fences, walls, plant materials or other methods.

145. Setback. The minimum horizontal distance required in the zoning district dimensional standards between a designated lot line (i.e., front, rear, side) and the buildable area of a lot.

146. Shopping center. A group of retail and other commercial establishments that is planned, owned, and managed as a single property with common parking facilities.

147. Sign. Any object, device, or graphic design, located indoors or outdoors, that is intended to advertise, announce, identify, or direct attention to a business, product, or other concept.

148. Sign, Building. A sign that is permanently attached to the wall or roof of a building.

149. Sign, Free-standing. A sign that is permanently attached to its own footings or other anchoring device and that is not attached to a building or other separate structure.

150. Sign, Ground. A free-standing sign that has no minimum clearance from grade with a limited height above grade.

151. Sign, Off-premise. A sign that directs attention to a business, product, service or activity that is not conducted, sold or otherwise located on the same premises as the sign. E.g. billboards.

152. Sign, On-premise. A sign that directs attention to a business, product, service or activity that is conducted, sold or otherwise located on the same premises as the sign.

153. Sign, Pylon. A free-standing sign that has a minimum clearance from grade and a maximum height above grade that is supported upon pylons or poles.

154. Sign, Roof. A building sign that is attached to the roof of a building.

155. Sign, Wall. A building sign that is on or attached to the wall of a building.

156. Sign, Window. A building sign that is in or behind a window of a building and intended to be visible from the road.

157. Site plan. A map or graphics prepared to scale depicting the development of a parcel of land, including but not limited to the location and relationship of the structures, streets, driveways, recreation areas, parking areas, utilities, landscaping, existing and proposed grading, walkways, and other site development information as related to a proposed development.

158. Specified anatomical areas. Human genitals, anus, cleft of the buttocks or the female breast.

159. Specified sexual activities. Any of the following:

A. Sex acts, normal or perverted, including intercourse, oral copulation, masturbation or sodomy; or

B. Excretory functions as a part of or in connection with any of the activities described in subsection A above.

160. Spot zoning. An arbitrary zoning or rezoning of a small parcel of land, usually surrounded by other uses or zoning categories that are of a markedly or substantially different intensity, that is not consistent with the comprehensive land use plan, and that primarily promotes the private interest of the owner rather than the general welfare. This term is not used within these regulations, but is included here because it is commonly used to describe proposed rezonings, which may or not actually be spot zoning.

161. Stable, Private. An accessory structure or land use that is designed, arranged, used, or intended to be used for the keeping of equines for the private use of the occupants of a principal dwelling and their guests, but in no event for hire.

162. Stable, Riding. A structure or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

163. State. The State of Iowa.

164. Street. (see Road)

165. Structural alteration. Any change in the supporting members of a structure, such as bearing walls, columns, beams or girders.

166. Structure. Anything constructed, erected or placed on a fixed location on the ground or on another structure, specifically including buildings, walls, fences, signs, swimming pools, towers, and storage tanks, but excluding paving and walkways. Vehicles and other movable objects may be considered as structures if they are placed in a generally fixed location for a purpose other than transportation.

167. Telecommunication Tower. A self-supporting lattice, guyed, or monopole structure that supports telecommunications facilities. The term tower shall not include amateur radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.

168. Tract. A fractional part of a section of land or a lot within a subdivision.

169. Truck Terminal Operation (Home Occupation Use). A truck terminal operation meeting all Section 4.14 home occupation use tests except the test listed at subsection 4.14:4 stating home occupation and employee vehicles shall be stored either in a building or screened from the public or private road or from adjacent property.

170. Use. The type of activity or purpose for which a parcel of land and/or structure is arranged, designed, or intended, or for which it may be occupied.

171. Use, Accessory. A use that serves or is subordinate in purpose to another allowed use on the same lot.

172. Use, Allowed. A principal, conditional or accessory use that may be established in conformance with the regulations of the zoning district in which it is located.

173. Use, Conditional. A use that is allowed in conformance with the regulations of the zoning district in which it is located, if and only if, approved by the Board of Adjustment as provided in subsection 2.02-9.

174. Use, Principal. A use that is allowed as a matter of right in conformance with the regulations of the zoning district in which it is located.

175. Utility. Services and facilities that provide usefulness and amenity for developed property. Utilities include, but are not limited to, sanitary sewer, water systems, natural gas, electricity, wind generation, solar collectors, telephone, cable television, and other telecommunication systems.

176. Variance. Relief from specific requirements of this zoning ordinance granted by the Board of Adjustment pursuant to subsection 2.02.8.

177. Warehouse. A building or other facility used for storage of goods and materials.

178. Wholesale trade. The transportation, distribution and sale of goods, wares, or merchandise to retailers or others who are not the end users of the goods, wares or merchandise.

179. Yard. The open space on a lot located between a principal structure and a lot line. A yard may be larger than the setback requirement.

180. Yard, Corner side. The yard between a corner side lot line and the nearest part of a principal structure.

181. Yard, Front. The yard between a front lot line and the nearest part of a principal structure.

182. Yard, Rear The yard between a rear lot line and the nearest part of a principal structure.

183. Yard, Side. The yard between a side lot line and the nearest part of a principal structure.

184. Zone. (See Zoning District)

185. Zoning Director. (See Planning and Zoning Director)

186. Zoning district. A designation of land areas of the County in accordance with the General Development Plan for which this ordinance establishes uniform regulations of uses of land and structures, dimensional requirements, and related matters.

187. Zoning district change (see Rezoning)

188. Zoning map amendment (See Rezoning)