

CHAPTER 1 - ZONING ORDINANCE OF DUBUQUE COUNTY, IOWA

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**PART 1
INTRODUCTION**

- 1-1 **AUTHORITY.** These regulations are adopted under the authority granted by Chapter 335 of the Code of Iowa (Chapter 358A in editions prior to 1993 Code of Iowa), and in accordance with a comprehensive plan.
- 1-2 **DEFINITIONS.** For the purpose of this Ordinance all words shall carry their customary meanings, except where specifically defined herein. The use of the present tense shall include the past and future tenses, and the future the present; the word "shall" is mandatory, while the word "may" is permissive; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure". [Amended November 3, 1997]
- 1-2.1 **"Accessory Building"** A use to the principal use of land or a building on a lot and customarily incidental thereto.
- 1-2.2 **"Administrative Officer"** The person or persons designated by the Board of Supervisors to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by said Ordinance.
- 1-2.3 **"Agriculture"** The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal poultry husbandry, and the necessary accessory uses for packing, treating or storing the product; provided, however that the operation of such shall be secondary to that of normal agriculture activities. [Amended October 20, 2014]
- 1-2.4 **"Aliquot Part"** – A fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter or one-quarter of one-quarter shall be considered an aliquot part of a section. [Amended October 20, 2014]
- 1-2.5 **"Alley"** A public thoroughfare which provides only a secondary means of access to abutting property.
- 1-2.6 **"Animal Hospital"** A building or portion thereof designed or used for the care, observation or treatment of domestic animals.
- 1-2-7 **"Animal Shelter"** A facility which is used to house or contain dogs or cats, other domestic animals, , and which is owned, operated or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals. [Added December 9, 1991][Amended November 3, 1997]
- 1-2.8 **"Apartment House"** See Dwelling, Multiple.
- 1-2.9 **"Arterial Street"** A public street or highway used or intended to be used primarily the continuity of travel by through traffic. Arterial streets and highways shall include freeways and expressways as well as highways and

- parkways.[Amended November 3, 1997]
- 1-2.10 **"Automobile Service Station (Gas Station)"** A building or premises used for dispensing or offering for sale at retail, any automotive fuels or oils, or having pumps or storage tanks therefore; or where battery, tire or any similar service is rendered, and where vehicles are not parked for purposes of inspection and sale.[Amended November 3, 1997]
- 1-2.11 **"Basement"** That portion of any structure located partly below the average adjoining lot grade.
- 1-2.12 **"Bed and breakfast home"** A private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than two (2) guest families are lodged at the same time and which, while it may advertise and accept reservation, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests. (137F.1(1), Code of Iowa) [Added December 9, 1991]
- 1-2.13 **"Bed and breakfast inn"** A private residence with a full-time resident owner or manager which provides lodging and meal for overnight guests only and has no more than nine (9) sleeping rooms available. Each guest sleeping room shall be at least one-hundred twenty square feet (120 sq. ft.) in area. [Added December 9, 1991]
- 1-2.14 **"Boarding House"** A building or dwelling in which five (5) or more persons either individually or as families are housed or lodged for hire with or without meals. A rooming house shall be deemed a boarding house.
- 1-2.15 **"Building"** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.
- 1-2.16 **"Building, Accessory"** See Accessory Building. [Amended November 3, 1997]
- 1-2.17 **"Building Height"** The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs.
- 1-2.18 **"Building Line"** An imaginary line parallel to the front lot line but measured from the right of way line of the adjacent road, street or access easement over which no portion of any building may extend and which is a distance from the front lot line equal to the depth of the front yard required for the district in which such lot is located.
- 1-2.19 **"Building, Principal"** A building, including covered porches, carports and attached garages, in which is conducted the principal use of the lot on which it is situated.
- 1-2.20 **"Capped Basement"** The basement portion of a residence, the upper part of which is not yet completed, which has been adapted for temporary habitation. [Amended November 3, 1997]
- 1-2.21 **"Child care center, licensed"** A facility providing child care or preschool services for children that requires State of Iowa licensure.[Amended April 2, 2010]

- 1-2.22 **"Child care, in home"** The care or supervision of a child in a single family residential home by a person other than the child's parent/guardian or custodian for periods of less than 24 hours per day per child on a regular basis. In Home Child Care does not include a Licensed Child Care Center but does include Child Development Homes registered under Section 237A.3A of the Code of Iowa..[Amended April 12, 2010]
- 1-2.23 **"Co-Location"** Locating wireless telecommunications equipment from more than one provider on a single site. [Added June 8, 2001]
- 1-2.24 **"Commercial Breeding Business"** A land use with related structures where pigs, cattle, horses, fowl or any other domesticated or fur bearing animals are bred and raised, exclusive or nearly exclusive of any other use of the property on which the breeding operation is located. This shall not include an operation where the animals normally graze in pasture rather than being confined to buildings or pens.
- 1-2.25 **"Commercial Feeding Business"** A land use with related structures where pigs, cattle, horses, fowl or any other domesticated or fur bearing animals are fed and raised from the younger stage to a marketable state, size or condition, exclusive or nearly exclusive of any other use of the property on which the feeding and raising operation is located. This shall not include an operation where the animals normally graze in pasture rather than being confined to buildings or pens.
- 1-2.26 **"Condominium"** A building containing multiple units which are sold individually rather than leased or rented, with common areas maintained by an owners' association.[Added November 3, 1997]
- 1-2.27 **"Corner Lot"** A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.
- 1-2.28 **"Cow Pool"** A land use with related structures where dairy cows or beef cattle, not the property of the operator are housed, fed, exercised or milked by an operator, in lieu of performance of this labor by the owner of the cows or cattle involved.
- 1-2.29 **"Distillery or Brewery"** – A facility where liquor, spirits, beer or similar alcoholic beverage is manufactured, bottled and stored. [Amended November 19, 2012]
- 1-2.30 **"Dwelling"** A residential building, or portion thereof, but not including hotels, motels, rooming houses, tourist houses, mobile homes, basement structures, tents or cabins.
- 1-2.31 **"Dwelling, Single-Family"** A building designed for or occupied exclusively by one family.
- 1-2.32 **"Dwelling, Two-Family"** A building designed for or occupied exclusively by two families living independently of each other.
- 1-2.33 **"Dwelling, Multiple"** A building or portion thereof designed for or occupied by three or more families.
- 1-2.34 **"Efficiency"** A dwelling unit consisting of one principal room with no separate sleeping rooms.

- 1-2.35 **"Essential Services"** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.
- 1-2.36 **"Family"** Any number of persons related by blood, adoption or marriage or not living together in one dwelling as a single housekeeping entity.[Amended November 3, 1997]
- 1-2.37 **"Farm"** An area used for the cultivation of land for the production of agricultural crops, the production of eggs, the production of milk, the production of fruit or other horticultural crops, and the production of timber or forest products as long as there is a tree farm certification, timber management plan and/or past timber sales or sales of related timber or forest products. It includes breeding, raising, feeding, grazing, housing and pasturing of horses, beef and dairy cattle, poultry, sheep, swine and honey bees. All of these farm uses must be for the purpose of selling such animals or products for a profit in the marketplace. The term "farming" includes the operating of such an area for one or more of the above uses, with the necessary accessory uses for treating or storing the product; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities. Farming does **not** include the raising of plants and/or animals primarily for the purpose of personal use and enjoyment of the owners or occupants of the subject property and not for the purpose of selling such animals, plants or products for profit in the marketplace; auction sales yards; recreational facilities including game preserves or hunting preserves; nor areas used primarily for residential or recreational purposes. Nursery products (if grown inside a building), sod farming, dog kennels are all considered to be commercial uses and are not considered farming in regard to this ordinance. Farming also does not include a contract where a processor or distributor of farm products or supplies provides spraying, harvesting or other farm products or services, if that is the only farming activity taking place on the property. [Amended November 3, 1997, October 20, 2014]
- 1-2.38 **"Frontage"** The portion of a lot which lies adjacent to an established street or road right of way, either public or private and from which the property derives its primary means of access. For purposes of this ordinance, frontage as required for construction shall be measured at the "Building Line"; however, no lot shall have less than twenty-four (24) feet of frontage at the right of way line of such street or road.[Amended December 9, 1991][Amended April 10, 1995]
- 1-2.39 **"Garage, Private"** Any building or premises used for housing motor-driven vehicles, and at which automobile fuels are not sold and motor driven vehicles are not equipped, repaired, hired or sold except for the owner's personal use

- [Amended November 3, 1997]
- 1-2.40 **"Government Lot"** – A tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system. [Amended October 20, 2014]
- 1-2.41 **"Guyed Tower"** A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors. [Added June 8, 2001]
- 1-2.42 **"Hog Confinement Operation"** A business in which hogs, swine or other related or similar animals are raised indoors for the purpose of eventual slaughter and marketing by a packing company. [Added November, 1997]
- 1-2.43 **"Home business"** Any occupation or activity carried on by a member of the immediate family residing on the premises, where no more than one (1) person not a member of the family there residing may be regularly employed in addition to the proprietor, and where mechanical equipment or facilities not normally used for purely domestic or household purposes are used or stored. [Added December 9, 1991]
- 1-2.44 **"Home occupation"** Any occupation or profession carried on by a member of the immediate family residing on the premises; in connection with which there is used no sign other than a name plate not more than two square feet (2 sq. ft.) in area or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; in which no person is employed other than a member of the immediate family residing on the premises; in which no goods are sold except those prepared on the premises, and in which no mechanical equipment is used except such as is permissible for purely domestic or house hold purposes. [Added December 9, 1991]
- 1-2.45 **"Household Occupation"** Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed twenty-five (25) percent of the area of any floor, uses only household equipment and no stock in trade is kept or sold except that made on the premises. A household occupation includes such uses as baby-sitting, millinery, dressmaking, canning, laundering and crafts, but does not include the display of any goods. Residences of doctors of medicine practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed five hundred (500) square feet or twenty five (25) percent of the floor area, whichever is greater, as determined by the Dubuque County Assessor, of the residence and only one nonresident person is employed. [Amended November 3, 1997]
- 1-2.46 **"Junk Yard"** An open area where used, waste or secondhand materials are bought, sold, exchanged, stored, baled, packed, assembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. The term includes a vehicular wrecking yard, but does not include uses carried on entirely within enclosed buildings.

- 1-2.47 **"Kennel"** A place where four or more dogs, cats or similar animals or pets, over four (4) months of age, are boarded, bred and/or offered for sale.
- 1-2.48 **"Kennel, boarding"** A place or establishment other than a pound or animal shelter where dogs or cats or other domestic animals not owned by the proprietor are sheltered, fed and watered in return for a consideration. [Added December 9, 1991][Amended November 3, 1997]
- 1-2.49 **"Kennel, breeding"** A kennel which has as its primary function the breeding of dogs or cats or other domestic animals or the leasing of such animals with the intention or breeding in return for a consideration. [Added December 9, 1991]
- 1-2.50 **"Kennel, commercial"** A kennel which performs grooming, boarding, or training services for dogs or cats or other domestic animals in return for a consideration. [Added December 9, 1991][Amended November, 1997]
- 1-2.51 **"Kennel, hobby"** A noncommercial kennel at, in or adjoining a private residence where five (5) or less dogs or cats or other domestic animals are kept for the private use of the owner without any consideration being exchanged. [Added December 9 1991][Amended November, 1997]
- 1-2.52 **"Lattice Tower"** A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment. [Added June 8, 2001]
- 1-2.53 **"Lodging House"** A building where lodging is provided for compensation for five (5) or more persons, not members of the family where residing, nor transient guests. [Amended November, 1997]
- 1-2.54 **"Lot"** A parcel of land with established, recorded boundaries and legal description which may be sold, conveyed, or transferred based on such legal description. [Amended November, 1997]
- 1-2.55 **"Lot, Zoning"** A "zoning lot or lots" is a single tract of land located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.
- 1-2.56 **"Lot of Record"** A lot which is a part of a subdivision or an auditor's plat, the map of which has been recorded in the Office of the County Recorder of Dubuque County, or a parcel of land set out in separate ownership and described by metes and bounds.
- 1-2.57 **"Lot - Area"** Total horizontal area within lot lines.
- 1-2.58 **"Lot, Depth of"** The mean horizontal distance between the front and rear lot lines.
- 1-2.59 **"Lot Line"** Property line bounding a lot.
- 1-2.60 **"Lot Width"** The width of a parcel of land measured at the building line. [Amended November 3, 1997].
- 1-2.61 **"Manufactured home"** A factory built structure, which is manufactured or constructed under the authority of 42U.S.C., Section 5403 or subsequent revisions thereof and is to be used as a place of human habitation, but which is not

constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home as defined in Section 435.1 Code of Iowa or subsequent revisions thereof, is not a manufactured home, unless it has been converted to real property as provided in Section 435.26, Code of Iowa or subsequent revisions thereof, and shall be taxed as a site-built dwelling. [Added December 9, 1991] [Amended November 3, 1997]

- 1-2.62 **"Mobile home or Trailer"** Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one (1) or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is not a manufactured home unless it has been converted to comply with the requirements as a manufactured home. [Added December 9, 1991] [Amended November, 1997]
- 1-2.63 **"Mobile Home Park or Trailer Park"** Any site, lot, field or tract of land upon which two or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park..
- 1-2.64 **"Mobile Home Space or Mobile Home Lot"** A parcel of ground within a mobile home park designed for the accommodation of one mobile home.
- 1-2.65 **"Modular home"** A factory-built structure which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles. (435.1(3) Code of Iowa.) [Added December 9, 1991]
- 1-2.66 **"Monopole Tower"** A telecommunication tower consisting of a single vertical structure not supported by radiating guy wires or ground anchors. [Added June 8, 2001]
- 1-2.67 **"Motel"** A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.
- 1-2.68 **"Nursing Home"** A building other than a hotel, motel or hospital where for compensation meals, lodging and physical care are provided for three (3) or more persons. This definition shall include "rest homes", "convalescent", "old people's homes" and similar establishments.
- 1-2.69 **"Nonconforming Uses or Structures"** Any structure, land or water lawfully used, occupied or erected at the time of the effective date of this Ordinance or amendments thereto which does not conform to the regulations of this Ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance

requirements shall be considered a nonconforming structure and not a nonconforming use.

- 1-2.70 **"Parking Lot"** A parcel of land devoted to unenclosed parking spaces or to a partially or totally enclosed building, when such building's primary purpose is to provide off-street parking.
- 1-2.71 **"Parking Space"** An area enclosed or unenclosed, sufficient in size to store one (1) automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.
- 1-2.72 **"Permanent Foundation"** A site-built or site assembled structure or system of stabilizing devices when running gear assembly is removed. It must be capable of transferring design dead loads and live loads required by Federal regulations, and other design loads unique to local home sites, wind, seismic, soil and water site conditions that may be imposed on the structure. The foundation shall be to a depth of not less than forty-two inches (42") below grade and constructed of materials in accordance with provisions of the Uniform Building Code. [Added December 9, 1991] [Amended November, 1997]
- 1-2.73 **"Pet shop"** An establishment where any dog, cat, rabbit, rodent, non-human primate, fish other than live bait, bird or other vertebrate animal is bought, sold, exchanged or offered for sale. [Added December 9, 1991]
- 1-2.74 **"Pound" or "Dog pound"** A facility for the prevention of cruelty to animals operated by the state, municipal corporation or other political subdivision of the state for the purpose of impounding or harboring seized stray, homeless, abandoned or unwanted dogs, cats or other domestic animals; or a facility operated for such purpose under a contract with any municipal corporation or incorporated society. [Amended December 9, 1991] [Amended November, 1997]
- 1-2.75 **"Private Radio Operator"** Amateur or hobby radio operators who use communications equipment for personal, private and not-for-profit purposes. [Added June 8, 2001]
- 1-2.76 **"Quarry"** An area used for the extraction, crushing, shaping, manufacturing or stockpiling of rock, stone, gravel, sand or other similar materials used for construction, fill or decorative purposes. [Added December 9, 1991]
- 1-2.77 **"RV Park"** An area designed for temporary use or storage of Recreational Vehicles other than those belonging to the owner of the property and for the use of which compensation is sought. [Added November, 1997]
- 1-2.78 **"Recreational Vehicle (RV)"** A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping or travel use and including but limited to travel trailers, truck campers, camping trailers and self-propelled motor homes. [Added November, 1997]
- 1-2.79 **"Recycling center"** A place for the reclamation, recycling or reprocessing of used, waste or second hand materials. (See also Junkyard). [Added December 9, 1991]
- 1-2.80 **"Roadside Stand"** A temporary structure, unenclosed, and so designed and

- constructed that the structure is easily portable and can be readily moved.
- 1-2.81 **"Signs"** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- 1-2.82 **"Sign, Off-Premise"** A sign which displays general advertising about products or services available at locations other than at the sign site . [Amended April 20, 1987] [Amended November 3, 1997]
- 1-2.83 **"Stable, Private"** A principal building and/or use in which horses are kept for remuneration, hire or sale. [Amended November, 1997].
- 1-2.84 **"Street"** A public right-of-way which affords a primary means of access to abutting property.
- 1-2.85 **"Street Line"** A dividing line between a lot, tract or parcel of land and an adjacent street right-of-way.
- 1-2.86 **"Structure"** Anything constructed or erected, the use of which requires a more or less permanent on the ground or anything attached to something having a permanent location on the ground.
- 1-2.87 **"Structural Alteration"** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders or any substantial change in the roof or in any exterior walls.
- 1-2.88 **"Summer Cottage"** A single family dwelling, intended for seasonal use only, not to be occupied for more than six months out of any calendar year. Summer cottages may not be located on a parcel on which another residential structure is located. All summer cottages must meet state and county requirements relating to water supply and wastewater treatment. [Amended May 17, 2004]
- 1-2.89 **"Telecommunication Tower"** Any structure that is designed and constructed primarily for the purpose of supporting one or more devices used in the transmission or reception of microwave energy, analog data transfer techniques, radio frequency energy, and other digital data transfer techniques, including self-supporting lattice towers, guyed towers, or monopole towers. The term also includes radio and television transmission towers, microwave towers, cellular telephone towers, alternative tower structures, and other similar structures. The term includes the structure and any support thereto. [Added June 8, 2001]
- 1-2.90 **"Telecommunication Tower Height"** The vertical distance measured from the ground level at the base of the tower to the highest point on the tower, including any antenna mounted on the tower. If the support structure is on a sloped grade, then the average between the highest and lowest grades at the base shall be used in calculating the antenna height. [Added June 8, 2001]
- 1-2.91 **"Telecommunications Tower Structure Site"** A tract or parcel of land that contains the wireless communication tower structure, accessory building(s), and parking, and may include other uses associated with, and ancillary to, the normal operations of wireless communication and transmission. [Added June 8, 2001]

- 1-2.92 **"Temporary Building"** A mobile home, trailer, truck, van or other vehicle or structure designed to be easily moved or dismantled and which is used on a site as an office or storage facility for a contractor, builder or other person or firm engaged in the construction of a permanent structure, facility or public improvement. Such temporary building shall be placed on site no more than thirty (30) days before construction commences and shall be removed no more than thirty (30) days after construction is completed and under no circumstances shall be allows to remain on site for longer than two (2) years unless an extension shall be granted by the Board of Adjustment. [Added December 9, 1991]
- 1-2.93 **"Temporary Mobile Home"** A mobile home which is used for habitation for a period not to exceed six (6) months while construction of a new or replacement dwelling is taking place or while the proper foundation, pad or substructure is being prepared to make the mobile home a permanent structure. [Added December 9, 1991]
- 1-2.94 **"Townhouse"** A series of buildings with one or more parallel common walls, with each building being sold as an individual structure and common areas maintained by an owners' association.
- 1-2.95 **"Tract"** – An aliquot part of a section or an undivided government lot. [Amended October 20, 2014]
- 1-2.96 **"Trailer and Tent Camps"** An area or premises on which is provided the required space for the accommodation of tents, travel trailers or camping trailers for transient occupancy only.
- 1-2.97 **"Wind Energy Conversion System"** (WECS) All necessary devices that together convert wind energy into electricity, including the rotor nacelle, generator, WECS tower structure, electrical components, foundation, transformer and electrical cabling from the WECS tower to the substation. [Added August 28, 2006]
- 1-2.98 **"Wind Energy Conversion System (WECS) Total Tower Height"** The distance from the rotor blade at its highest point to the finished grade of the lot. [Added August 28, 2006]
- 1-2.99 **"Wind Energy Conversion System (WECS) Tower"** The support structure to which the nacelle and rotor are attached. [Added August 28, 2006]
- 1-2.100 **"Winery"** – A facility where wine is manufactured, bottled and stored and a minimum of three (3) acres of vineyards or orchards must be located on site. [Amended November 19, 2012]
- 1-2.101 **"Wireless Telecommunications"** A Commercial Low Power Mobile Radio Service licensed by the Federal Communication Commission (FCC) in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area. [Added June 8, 2001]
- 1-2.102 **"Yard"** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as

otherwise provided herein. The measurements of a yard shall be construed as a minimum horizontal distance between the lot line and the exterior wall of a building or structure.

- 1-2.103 **"Yard, Front"** A yard extending across the full width of the lot and measured between the front line of the lot and nearest point of the building. Covered porches and garages, whether enclosed or unenclosed, shall not project into a required front yard.
- 1-2.104 **"Yard, Rear"** A yard extending across the full width of the lot and measured between the rear line of the lot and nearest point of the principal building. Accessory buildings or structures or non-building uses may be located within the rear yard only.
- 1-2.105 **"Yard, Side"** A yard between the nearest point of the building and side line of the lot and extending from the front yard to the rear yard.
- 1-3 **PURPOSE AND INTENT.** These regulations have been developed in accordance with the Comprehensive Plan for Dubuque County and have been designed and are adopted in order to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street or highway; to secure safety from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. These regulations have been made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate uses of land throughout the County. [Amended October 20, 2014]
- 1-4 **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, Covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to laws. However, wherever this ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.
- 1-5 **TITLE.** This ordinance shall be known as, referred to or cited as the "ZONING ORDINANCE OF DUBUQUE COUNTY, IOWA."
- 1-6 **FARMS EXEMPT.** The provisions of this ordinance shall not be construed to apply to land, farm houses, farm barns, farm outbuildings or other buildings, structures or erections which are primarily adapted, by reason of nature and area,

for use for agricultural purposes while so used; provided, however, that such regulations or ordinances which relate to any structure, building, dam, obstruction or excavation in or on the flood plains of any river or stream shall apply thereto and provided further that all farm buildings and structures are subject to the air navigation obstruction provisions set out in Section 1-17 of this Ordinance. [Amended December 12, 1983]

- 1-6.1 Farms include for purposes of this Ordinance:
 - a. A lot, or contiguous lots in the same ownership, that equal 39 acres or more or is an aliquot part or undivided government lot shall be presumed to be a farm if used for agricultural production. No Farm Exemption Application is required but a Zoning Certificate is required.
 - b. A lot, or contiguous lots in the same ownership, that equal less than 39 acres and are being used for agricultural production and have a Schedule F showing income, revenue and/or expenses on that property from the previous tax year and will continue to have agricultural production on that property, will meet the Farm Exemption for use for agricultural purposes upon filing a Farm Exemption Application with the Zoning Office (subject to verification of income, revenue and/or expenses).
 - c. A lot, or contiguous lots in the same ownership, that do not meet the qualifications in 1-6.1a and 1-6.1b, may qualify for the farm exemption if they fill out the Farm Exemption Application and can show that they have sufficient agricultural production and income, revenue and/or expenses related to the farm activity on the lot(s) as determined by the Zoning Administrator.
 - d. A parcel that does not meet the minimum requirements as set out above shall be subject to review by the Dubuque County Board of Adjustment prior to approval of the Farm Exemption Application. Property owners must fill out a Farm Exemption Application and provide the Board with evidence that demonstrates that the land, farm houses, farm outbuildings or other buildings or structures are primarily adapted for an agriculture purpose.
 - e. Adjoining lots under the same ownership will be used to determine the farm exemption.
- 1-6.2 Evidence of Farm Status. Evidence for determining whether a lot or contiguous lots in the same ownership are a farm shall be based on the type and amount of agricultural activities occurring on the property, the amount of property used to raise farm products and proof of income, revenue and/or expenses from the farm operation. If a new farm home is being proposed, the person living in the new home must be actively involved in the farming operation on the property. Through an application process, the owner must provide enough information to determine farm exempt status, which may include:
 - a. List crops grown or livestock raised:
 - (1) Identify the type of crops grown and number of acres for each and/or type of livestock raised and number of head currently managed on the property.
 - (2) List other farm products produced on the property.

- (3) List other agricultural related activities conducted on the property
- b. Schedule F Income Tax form or show proof of income, revenue and/or expenses from farm operations
- c. Inventory of farm land and equipment owned or leased by property owner
- d. Inventory of existing buildings and their use
- e. Assessment record of the property showing classification as agricultural
- f. Corn suitability rating showing suitability of land for farm activity
- g. Number of hours per week of owner’s time devoted to agricultural activity
- h. Number of hours per week of any other person(s) working on the farm
- i. Proposed new buildings and their proposed use
- 1-6.3 Uses that would **not** meet the agricultural definition:
 - a. Raising of plants and/or animals primarily for the purpose of the personal use and enjoyment of the owners or occupants of the subject property and not for intended profit
 - b. Auction Sales Yards
 - c. Recreational Facilities including game preserves or hunting preserves
 - d. Areas used primarily for residential or recreational purposes
 - e. Nursery Products (not exempt if grown inside a building)
 - f. Sod farming (Commercial Use)
 - g. Dog kennels (Commercial Use) [Amended October 20, 2014]

1-7 through 1-10 Reserved

PART 2
ESTABLISHMENT OF DISTRICTS-PROVISION FOR OFFICIAL ZONING MAP
RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES-DISTRICT
REGULATIONS

- 1-11 ESTABLISHMENT OF DISTRICTS. For the purpose of this ordinance, the unincorporated area of Dubuque County is hereby divided into the following twelve zoning districts:
 - "C-1" Conservancy District
 - "A-1" Agricultural District
 - "A-2" Agricultural Residential District [Amended July 15, 2013]
 - "R-1" Rural Residential District
 - "R-2" Single Family Residential District
 - "R-3" Single Family Residential District
 - "R-4" Multi-Family Residential District
 - "R-5" Multi-Family Residential District
 - "B-1" Business District
 - "B-2" Highway Business District

"M-1" Industrial District

"M-2" Heavy Industrial District

"PC" Planned Complex District [Amended May 17, 1971]

"RH" Restricted Height Zone [Amended November 29, 1993] [Amended November 3, 1997]

"AH" Airport Heights & Hazard Zone [Amended November 3, 1997]

"AO" Airport Operations District [Added March 14, 2005]

"AC" Airport Commercial District [Added March 14, 2005]

"AA" Airport Influence Area Agricultural District [Added March 14, 2005]

1-12 OFFICIAL ZONING MAP.

1-12.1 The unincorporated area of Dubuque County is hereby divided into zones or districts as shown on the official zoning map, which together with all explanatory matter thereon is hereby adopted by reference and declared to be a part of this ordinance. The Official Zoning Map shall be identified by the signature of the chairman of the County Board of Supervisors attested by the County Auditor, and bearing the seal of Dubuque County under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 1-12 of the Code of Ordinances of the county of Dubuque, Iowa as adopted the 11th day of February 1971 A.D." If in accordance with the provisions of this ordinance and Chapter 335 of the Code of Iowa, when changes are made in District Boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Supervisors with an entry on the Official Zoning Map as follows: "On _____, by official action by the Board of Supervisors the following change was made in the Official Zoning Map: (Brief description of nature of change)".

1-12.2 Such entries shall be signed by the chairman of the Board of Supervisors and attested by the County Auditor. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change of entry has been made on said map.

1-12.3 No changes of any nature shall be made on the Official Zoning Map or matter shown thereon, except in conformity with the procedures set forth in this ordinance. Any unauthorized change of any kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Section 1-94 Violation and Penalty.

1-12.4 Regardless of the existence of reported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the unincorporated areas of Dubuque County.

1-13 REPLACEMENT OF THE OFFICIAL ZONING MAP.

1-13.1 In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the County Board of Supervisors may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct graphic or other errors or admissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map, or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the chairman of the Board of Supervisors attested by the County Auditor and bearing the seal of Dubuque County under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Chapter 1 of the Code of Ordinances of Dubuque County, Iowa".

1-13.2 Unless the prior Official Zoning Map has been lost or has been totally destroyed the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

1-14 **RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

1-14.1 The boundaries of these districts shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements and railroad rights-of-way or such lines extended; unless otherwise noted on the Zoning Map. The district boundary lines on said maps are intended to follow the center lines of railroads, highways, streets, alleys, lot lines, tract lines, corporate limit lines or such lines extended, all as they existed at the time of enactment of the regulations but where a district boundary line does not clearly coincide with lot lines or parcel lines, it shall be determined by scaling.

1-14.2 Where a district boundary line divides a lot in single ownership and of record at the time of enactment of the regulations, the use authorized on and the other district requirements applying to the less restricted portion of such lot shall be considered as extending to the entire lot, but not more than fifty (50) feet beyond the boundary of the more restricted district.

1-14.3 Questions concerning the exact location of district boundary lines shall be determined by the Board of Adjustment according to the rules and regulations which it may adopt, as hereinafter provided.

1-15 **DISTRICT REGULATIONS.** The following schedule of district regulations are hereby adopted and declared to be a part of this ordinance.

1-15.1 "C-1" CONSERVANCY DISTRICT

a PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Agriculture and agriculture buildings on farms. Minimum required off-street parking 0
[Amended June 8, 2001]

- (2) Public parks, playgrounds and recreational areas. Minimum required off-street parking. 0
- (3) Preservation of scenic, historic and scientific areas. Minimum required off-street parking. 0
- (4) Public fish hatcheries. Minimum required off-street parking. 0
- (5) Fishing and hunting. Minimum required off-street parking. 0
- (6) Soil and water conservation. Minimum required off-street parking. 0
- (7) Sustained yield forestry. Minimum required off-street parking. 0
- (8) Stream and banks and lake shore protection. Minimum required off-street parking. 0
- (9) Water retention. Minimum required off-street parking. 0
- (10) Wild life preserves. Minimum required off-street parking. 0
- (11) Temporary mobile homes as defined herein and subject to restrictions of the district where located. After six (6) months the temporary mobile home shall be removed from the site within sixty (60) days. Anyone utilizing such a temporary structure must submit to the zoning administrator within ten (10) days of the installation of the structure a form explaining the hardship or other reason for such installation. [Added December 9, 1991]
- (12) Water Storage Facility and related equipment, tanks and towers, which are part of a public or private water supply system approved under applicable state and local laws and regulations. [Added February 12, 2001]

b PERMITTED ACCESSORY USES & STRUCTURES

- (1) Accessory buildings may be built in a required rear yard, but shall not occupy more than thirty (30) percent of the rear yard; nor shall said building be built closer than eight (8) feet to any building unless it is connected thereto; accessory buildings shall conform to all side yard requirements for the full depth of the lot and shall not exceed the maximum height of the principal building.
- (2) Fences.

c SPECIAL PERMIT USES AND STRUCTURES The Board of Adjustment may, by Special Permit, authorize the following Special Permit Uses and Structures in the "C-1" District when authorized in accordance with the requirements of Section 1-103.

- (1) Sanitary Land Fills.
- (2) Fairgrounds.
- (3) Radio, Television and Telephone Towers.
- (4) Electric Power Substations.
- (5) Airports.
- (6) Natural Gas Pumping, Metering or Storage Facilities.
- (7) Drainage, water measurement and water control facilities.
- (8) Utilities.
- (9) Privately operated country clubs, golf courses, marinas, lakes, resorts and similar buildings in connection therewith shall be located not less than two

hundred (200) feet from any lot in an "R" district and provided satisfactory pollution control devices are installed to the satisfaction of the Board.

- (10) Sewage treatment facilities and lagoon.
- (11) Single-family residences on land subject to Conservation Easement obtained under the provisions of Chapter 457A of the Code of Iowa, where the erection and occupation of terms and conditions of the Conservation Easement Agreement. [Amended January 17, 1971]
- (12) Water Storage Facility and related equipment, tanks and towers, which are part of a public or private water supply system approved under applicable state and local laws and regulations. [Amended February 12, 2001]
- (13) Wind Energy Conversion Systems and Wind Towers [Amended August 28, 2006]
- (14) Public and Private Shooting Ranges, including shooting ranges used exclusively by Law Enforcement Agencies – Before a person improves a property acquired to establish, use, and maintain a shooting range by the erection of a building, breastworks, ramparts, or other works or before a person substantially changes the existing use of a shooting range, the person shall first obtain approval of the Dubuque County Zoning Commission (per Section 657.9, Code of Iowa) and in addition provide that the shooting range be designed so that when properly used no shot shall leave the range property. The Dubuque County Zoning Commission may elect to visit and inspect any proposed shooting range site prior to site approval. Proprietors of proposed shooting ranges will be required to submit a range site plan coupled with recommendations from third party shooting range professionals to ensure the proposed site is compatible with existing operational safety rules and procedures.....residentially and commercially developed properties cannot be considered for this use. [Amended May 5, 2008]
- (15) Bed and Breakfast Homes and Inns in existing Single Family Residences with conservation easement approval (if applicable) subject to the following requirements and conditions:
 - (a) Requirements:
 - i) one (1) bathroom for each three (3) guest rooms
 - ii) one (1) parking space for each guest room and one (1) for each three (3) employees
 - iii) one (1) smoke detector for each guest room
 - iv) one (1) approved operational fire extinguisher per floor
 - v) emergency lighting installed according to specifications in the uniform building code
 - vi) two (2) means of egress clearly marked and accessible from each guest room
 - vii) A copy of the floor plan with exits marked and prominently displayed in each guest room
 - (b) All such uses shall be subject to inspection by the county health director

and all other regulations as defined in the Code of Iowa 2009 and subsequent revisions thereof.

- (c) Any chemicals, gasoline, flammable liquids or other potentially hazardous materials shall be stored in a separate structure or containment area at least twenty-five feet (25') from any structure containing guest quarters. This shall not be construed to include common household products in quantities necessary for routine cleaning maintaining of the structure.
- (d) Permitted signs: on premise signs shall be permitted up to sixteen square feet (16 sq. ft.) and may be externally lighted by no more than two (2) separate one hundred-fifty (150) watt floodlights. [Amended July 13, 2009]

d. APPLICABLE STANDARDS

Minimum lot area-width-area, 3 acres; frontage, 300 feet.

Minimum required street, side and rear yard;

street	80 feet
rear	100 feet
side	50 feet
Maximum height.35 feet

[1-15.1d amended January 17, 1971]

e. PERMITTED SIGNS

- (1) Signs over show windows or door of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
- (2) Real estate signs not to exceed eight (8) square feet in area which advertise for sale, rental or lease of the premises upon which the said signs are temporarily located.
- (3) Name, occupation, warning, no hunting and trespassing signs not to exceed two (2) square feet located on the premises.
- (4) Bulletin Boards for public, charitable or religious institutions not to exceed thirty-two (32) square feet in area located on the premises.
- (5) Memorial signs, tablets, names of buildings and date of erection when cut into masonry surface or when constructed of metal and affixed flat against a structure.
- (6) Official signs, such as traffic control, parking restrictions, information and notices.
- (7) Temporary signs or banners when authorized by the Board of Adjustment. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape; and no sign shall be placed so as to obstruct or interfere with traffic visibility.

- f SPECIAL REQUIREMENTS Security fences are permitted in the required yards but shall not exceed ten (10) feet in height.

1-15.2 "A-1" AGRICULTURAL DISTRICT

a PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Agriculture, dairying, floriculture, forestry, general farming, grazing, horticulture, livestock raising, nurseries, orchards and pasturage. Minimum required off-street parking. 0
- (2) Farms, including the usual farm buildings, structures and one owner occupied farm dwelling; additional dwelling units on a farm shall be considered as a residential use and require a special use permit from the Board of Adjustment. Also, no more than one mobile home shall be allowed on a farm and only if used by the owner of the farm, or an employee or family member of the farm. Dwellings may be rented for residence use when not used as a farm dwelling. Mobile homes cannot be rented for residential use.
 - (a) Any mobile home so placed shall at the end of two (2) years (or three (3) years if an extension is granted by the Board of Adjustment) either be removed with sixty (60) days or shall be made into a permanent structure by removing all wheels, axles and hitches (if detachable). The mobile home shall be placed upon a permanent foundation or substructure and the title shall be turned into the county Assessor so that the structure may thereafter be classed and assessed as real property. Should the owner fail to effect such removal or conversion within the specified time limit such owner shall be guilty of a misdemeanor with penalties as listed elsewhere. Tie downs or other means of securing mobile homes shall be done before any occupancy is allowed and shall meet or exceed all provision of state or other applicable building codes in effect at the time of installation. Any mobile home allowed under this section shall meet or exceed the following:
 - i) Placed on pilings or supports set not less than forty-two inches (42") below grade;
 - ii) Tied down to such pilings or supports to prevent movement from the site by natural forces such as wind or water. Such tiedowns shall meet or exceed industry or state standards whichever shall apply.
 - iii) Covered around the base of the mobile home, between the ground and the floor, by sheathing that is appropriate to the appearance of the mobile home.
 - iv) Report back to the Zoning Administrator every two (2) years for review of the status of the temporary nature of the mobile home.
 - (b) If a mobile home is unused for one (1) year it shall be deemed abandoned and shall be ordered removed. Minimum required off-street parking. . 0 [Amended March 30, 1981] [Amended December 9, 1991]
- (3) Specialized animal husbandry, veterinary establishments, stables, public and

- private riding stables, academies and clubs. All buildings that house animals and all animal runways and exercise yards shall be at least two hundred (200) feet from all dwellings on adjacent property. Minimum required off-street parking. 0
- (4) Truck gardens, orchards, nurseries and greenhouses, provided that all storage of manure or odor or dust producing substances shall be a minimum of two hundred (200) feet distance of all property lines. Minimum required off-street parking. 0
 - (5) Roadside stands for the sale of farm products produced only on agricultural premises, provided that any such stand shall be situated not less than thirty (30) feet from the street or road right of way or lot lines. Temporary stands shall be removed when not in use. Minimum required off-street parking (for each stand). 4
 - (6) [Repealed December 9, 1991]
 - (7) Public owned and operated buildings, except those whose chief function is an activity conducted for commercial purposes. Minimum required off-street parking (for each three hundred (300) square feet of floor area).. 1
 - (8) Public and parochial schools of general instructions, provided the lot area is not less than two (2) acres. Minimum required off-street parking (for each 2 employees) 1
 - (9) Churches and similar places of worship and instruction including parish house. Minimum required off-street parking (for each 5 seats).. 1
 - (10) Cemeteries, including mausoleums and crematories; provided that any mausoleum or crematory shall be located a minimum of two hundred (200) feet from all property lines and provided that any new cemetery shall contain a minimum area of twenty (20) acres.
 - (11) Hospitals, clinics, sanatoriums and charitable institutions for the treatment of diseases, nursing and convalescent homes; except correctional or penal institutions; provided no such use shall be established or permitted on a parcel of land of less than one acre in area, nor shall its buildings occupy more than fifty (50) percent of the lot or tract, or sell any part or portion such use, except for parking or open unobstructive uses, be permitted within thirty (30) feet of any property line. Minimum required off-street parking (for each two (2) beds) 1
plus (for each three (3) employees). 1
 - (12) Semi-public recreation areas and centers, including country clubs, swimming pools and golf courses but not including such uses as miniature golf courses or practice driving tees which are operated for commercial purposes. Minimum required off-street parking (for each 100 square feet of floor area OR for each three greens whichever is greater).. 1
 - (13) Recreational uses as regulated in the "C-1" Conservation District. Minimum required off-street parking. 0
 - (14) Grain storage bins, except such use shall not take place within three hundred

(300) feet of any street, road or highway intersection; or within three hundred (300) feet of a railroad intersecting a street, road or highway; or within three hundred (300) feet of any residence of "R-2", "R-3" or "R-4" District. Minimum required off-street parking. 0

(15) Cow pools, commercial breeding and feeding businesses and the like provided the following minimum requirements are met:

- (a) the housing, feed areas and exercise grounds shall be a minimum of five hundred (500) feet distant from all property lines,
- (b) any storage of animal wastes shall be a minimum of seven hundred fifty (750) feet distant from all property lines,
- (c) the drainage from all animal wastes shall be restricted to and contained on the operator's property. Minimum required off-street parking. 0

(16) Sanitary land fills for the proper dumping of trash or garbage, provided that such use shall not be located nearer than one thousand (1,000) feet to any zoned residential district or dwelling other than the lessee or owner of the site, including municipally operated or leased sanitary land fills. Minimum required off-street parking. 0

(17) [Deleted July 15, 2013]

(18) Temporary mobile homes as defined herein and subject to restrictions of the district where located. After six (6) months the temporary mobile home shall be removed from the site within sixty (60) days. Anyone utilizing such a temporary structure must submit to the zoning administrator within ten (10) days of the installation of the structure a form explaining the hardship or other reason for such installation. [Added December 9, 1991]

(19) Household or home occupations as defined herein. [Added December 9, 1991]

(20) [Amended December 9, 1991] [Deleted October 20, 2014]

b PERMITTED ACCESSORY USES AND STRUCTURES

(1) Accessory buildings may be built in a required rear yard, but shall not occupy more than thirty (30) percent of the rear yard; nor shall said building be built closer than eight (8) feet to any building unless it is connected thereto; accessory buildings shall conform to all side yard requirements for the full depth of the lot and shall not exceed the maximum height of the principal building.

(2) Fences.

c SPECIAL PERMIT USES AND STRUCTURES The Board of Adjustment may, by Special Permit, authorize the following Special Permit Uses and Structures in the "A-1" District when authorized in accordance with the requirements of Section 1-103.

- (1) Amusement Parks.
- (2) Fairgrounds.
- (3) Radio, Television and Telephone Towers.
- (4) Electric Power Substations.

- (5) Airports.
- (6) Natural Gas Pumping, Metering or Storage Facilities.
- (7) Sewage treatment facilities and lagoons.
- (8) Facilities for bulk storage, sale and distribution of agricultural production supplies, including fertilizers, herbicides, pesticides and others which may not be properly located in developed areas because of potentially hazardous conditions. [Amended January 17, 1972]
- (9) [Repealed June 8, 2001]
- (10) Business specifically for the sale of agriculturally related materials which do not alter the agricultural character of the surrounding property. [Amended November 16, 1979]
- (11) Customary home occupations. [Amended November 16, 1979]
- (12) Temporary facilities for the bulk mixing of cement and/or asphalt when associated with approved road construction projects. Such sites shall contain a minimum of one (1) acre. The following special requirements to be considered by the Board of Adjustment:
 - (a) A site plan, indicating the proposed use, length of stay, off-street parking and traffic circulation be submitted with the appropriate filing fee as established in Section 1-95 and approved by signature of the City Development Planner except as otherwise provided for in the District Regulations; and
 - (b) The use is of a limited and temporary duration, and in no case will exceed six (6) months; and
 - (c) The use will serve a public need or contribute to the public convenience and welfare; and
 - (d) The use bears some functional or other beneficial relationship to a permitted use within the district; and
 - (e) The use will not be likely to interfere with the appropriate use and enjoyment of nearby properties that may be affected by its operation. [Amended April 20, 1987]
- (13) Quarries, mining and extraction of minerals or raw materials, including plant equipment necessary for processing such minerals and raw materials, subject to the following requirements and conditions.
 - (a) This permit expires after one year of disuse at the quarry or mine. Disuse shall be defined as a total lack of any activity by the owner or lessee. Should the owner or lessee desire to resume activity at the quarry or mine site a new special use permit must be applied for and such application shall be treated in the same manner as a new application including new public hearings on the proposed use.
 - (b) Active usage shall be assumed to apply to all contiguous property owned or leased by the quarry operator and upon which a quarrying operation is carried on in accordance with the provisions of this ordinance.
 - (c) Quarry or mine operations shall not be conducted within three hundred

- feet (300') of any residential district or use.
- (d) All material storage and equipment storage and/or use shall be a minimum of fifty feet (50') from any public road right of way. Nor shall it impair proper sight distance as defined herein of any road or highway.
- (e) Minimum required off-street parking (for each employee)... 1 plus for a vehicle used on the site. 1
- (f) Any applicant desiring to operate a quarry or mine must meet all requirements of Chapters 208 and 101A of the Code of Iowa and all other pertinent rules, regulations or administrative policies as administered by the office of the state fire marshal or other state agencies. All appropriate licenses shall be obtained before the special use permit and zoning certificate shall be validated.
- (g) An application to establish or reopen a closed quarry or mine shall include notification by certified mail (return receipt requested) of all property owners within one thousand feet (1,000') of the perimeter of the proposed quarry or mine. A scaled site plan drawing shall be filed with the application to the zoning officer detailing how much of the site is to be worked. Any expansion of quarrying or mining operations must be accompanied by a revised site plan detailing the additional area to be worked and notifying any additional property owners within one thousand feet (1,000') of the proposed expansion. Anyone proposing to change a zoning classification or intensify usage of an existing classification within one thousand feet (1,000') of an active quarry shall notify the owner, operator or lessee of such quarry in the same manner as required above. [Added December 9, 1991]
- (14) Bed and Breakfast Homes and Inns subject to the following requirements and conditions:
 - (a) Requirements:
 - i) one (1) bathroom for each three (3) guest rooms
 - ii) one (1) parking space for each guest room and one (1) for each three (3) employees
 - iii) one (1) smoke detector for each guest room
 - iv) one (1) approved operation fire extinguisher per floor
 - v) emergency lighting installed according to specifications in the uniform building code
 - vi) two (2) means of egress clearly marked and accessible from each guest room
 - vii) A copy of the floor plan with exits marked and prominently displayed in each guest room
 - (b) All such uses shall be subject to inspection by the county health director and all other regulations as defined in the Code of Iowa 1991 and subsequent revisions thereof.
 - (c) Any chemicals, gasoline, flammable liquids or other potentially hazardous

- materials shall be stored in a separate structure or containment area at least twenty-five feet (25') from any structure containing guest quarters. This shall not be construed to include common household products in quantities necessary for routine cleaning maintaining of the structure.
- (d) Permitted signs: on premise signs shall be permitted up to sixteen square feet (16 sq. ft.) and may be externally lighted by no more than two (2) separate one hundred-fifty (15) watt floodlights. [Added December 9, 1991]
- (15) Child Care Center, Licensed subject to the following restrictions:
 - (a) Minimum fifteen-hundred square feet (1,500 sq. ft.) of yard area fenced with minimum of four feet (4') and maximum of six feet (6') high fence.
 - (b) one (1) parking space for each two (2) employees and one (1) for each three (3) children.
 - (c) Permitted sign: maximum of eight square feet (8 sq. ft.).
 - (d) Any Licensed Child Care Center must meet all requirements and licensing of the Iowa Department of Human Services and/or the Code of Iowa [Amended April 12, 2010].
 - (16) Water Storage Facility and related equipment, tanks and towers, which are part of a public or private water supply system approved under applicable state and local laws and regulations. [Added February 12, 2001]
 - (17) telecommunications towers that satisfy the requirements of Part 8 of this Ordinance. [Added April 9, 2001] [Amended June 8, 2001]
 - (18) Wind Energy Conversion Systems and Wind Towers [Amended August 28, 2006]
 - (19) Motorized Race Tracks subject to the following minimum development requirements:
 - (a) Minimum Complex Area - twenty (20) acres.
 - (b) Minimum Complex Width - six hundred (600) feet.
 - (c) Front Yard setback - two hundred (200) feet for clear zone, except for safety measures
 - (d) Side Yard setback - two hundred (200) feet for clear zone, except for safety measures
 - (e) Rear Yard setback - two hundred (200) feet for clear zone, except for safety measures
 - (f) Off Street Parking - Adequate parking must be provided on the property.
 - (g) Lighting - any lighting provided shall be so arranged that it will not shine directly onto adjacent properties.
 - (h) Buffering - noise buffering in the form of landscaping or fencing may be required by the Board of Adjustment as needed according to its discretion at the expense of the applicant. Additional restrictions to noise may be imposed by limiting hours of operation or maximum decibel levels.
 - (i) Distance from existing dwelling - no track shall be located closer than one thousand (1000) feet from any existing dwellings other than the dwellings

- owned by the applicant for the proposed track.
- (j) Surfacing - the tracks shall be surfaced with asphalt or treated with dust inhibitor to reduce dust.
 - (k) Notification by mail to property owners within one thousand (1000) feet of the property lines.
 - (l) A site plan drawn to scale of the proposed development showing location, size and use of all new and existing buildings with setbacks of those buildings from lot lines and street lines; areas used for the race track will be delineated on the site plan showing the setbacks from lot lines and street lines and existing homes within 2,000 feet of the raceway; location and type of safety measures planned including curbs, guardrail, debris fences or other barrier systems, sandpits, gravel traps, run-off areas or setbacks etc. to protect the drivers, spectators, and adjacent property owners; parking areas with parking stalls delineated and direction of traffic indicated; fencing, berms or tree screening used for visibility or noise barrier to adjacent property owners and any livestock; points of ingress and egress from public right-of-ways; location and type of storm water run-off facilities; location of sanitary sewer and water facilities to be provided (if these involve connection to public facilities the connection will be indicated). The site plan must be reviewed by the County Engineer, Health Administrator and Zoning Administrator and their concerns addressed prior to submittal to the Board of Adjustment. Additional measures may be required by the Board of Adjustment
 - (m) Written description of the proposed activity including types of racing allowed and types of accessory uses planned, number of days projected for each type of racing, hours of operation for racing, hours of operation for accessory uses, traffic projections for Average Daily Traffic (ADT) and peak volume projections; emergency services provided; identification of all owners/partners involved. Any changes to the approved plan must be presented to the Board of Adjustment as a new or amended application.
 - (n) Property considered for this use should consider overall CSR and the county comprehensive plan objectives in granting approval.
 - (o) The proposed track must be insurable and proof of liability insurance must be provided annually.
 - (p) Accessory uses that are allowed with this Special Use Permit include: structures necessary for track operation and viewing, camping, food and beverage sales, storage areas or buildings for ground and track maintenance equipment, structure(s) for race vehicle repair, one owner occupied single family home.
 - (q) In the event that the use of the track is discontinued for a period of 275 consecutive days, the use will be deemed abandoned. Determination of the date of abandonment shall be made by the county Zoning Administrator. Upon such abandonment, the property owner will have an additional 180 days within which to (1) reactivate the use of the track, or (2) dismantle and

remove any structures associated with the use. If the structure(s) are not dismantled and removed as required, the county may issue a County Infraction per Iowa Code Section 331.307 to have the structures removed and assess the costs against the property for collection in the same manner as property taxes. [Amended July 2, 2007]

- (20) Public and Private Shooting Ranges, including shooting ranges used exclusively by Law Enforcement Agencies – Before a person improves a property acquired to establish, use, and maintain a shooting range by the erection of a building, breastworks, ramparts, or other works or before a person substantially changes the existing use of a shooting range, the person shall first obtain approval of the Dubuque County Zoning Commission (per Section 657.9, Code of Iowa) and in addition provide that the shooting range be designed so that when properly used no shot shall leave the range property. The Dubuque County Zoning Commission may elect to visit and inspect any proposed shooting range site prior to site approval. Proprietors of proposed shooting ranges will be required to submit a range site plan coupled with recommendations from third party shooting range professionals to ensure the proposed site is compatible with existing operational safety rules and procedures.....residentially and commercially developed properties cannot be considered for this use. [Amended May 5, 2008]
- (21) Summer Cottage Converted to Year-Round Use if the cottage existed before this amendment was adopted and the property owner owns at least one (1) acre net of property where the cottage sits. There cannot be another home on the lot with the summer cottage. The lot and cottage must meet the requirements of the Rural Addressing Ordinance so that it can be addressed. It must have adequate access for emergency vehicles which requires a 20 ft. wide by 13.5 ft. high clear zone and a minimum 3” rock base that is at least 14 ft. wide to within 150 ft. of the cottage to handle heavy equipment and vehicles. The summer cottage must meet Health Department requirements for well and septic systems. [Amended May 9, 2011]
- (22) Distillery, Brewery, Winery or other similar related use subject to the following restrictions:
 - (a) All distilleries, breweries, and wineries or other similar related use shall be subject to all local, State of Iowa and Federal regulations in regard to alcohol manufacturing or processing, bottling, wholesale and retail sales and storage, including appropriate licensing and payments of taxes and fees.
 - (b) Total production output for distilleries shall not exceed 5,000 gallons of finished/proof product per calendar year. Total production output for breweries shall not exceed 5000 barrels (155,000 gallons) of finished product per calendar year and total production output for wineries shall not exceed 50,000 gallons of finished product per calendar year. Onsite retail sales cannot exceed 50% of production. Distilleries, breweries, and wineries that exceed these amounts will be required to rezone the property in order to

exceed the maximum amount of product allowed.

- (c) Any distillery, brewery or winery proposed for location on agriculturally zoned property must be able to qualify for the agricultural use exemption or contain a minimum of ten (10) acres.
- (d) Consumption of alcoholic beverages on the premises may be permitted subject to State of Iowa liquor licensing requirements and approval by the Dubuque County Board of Adjustment.
- (e) All distilleries, breweries, and wineries or other similar related use must conform to all Health Department rules and regulations regarding wells and sanitation.
- (f) Minimum required off-street parking (for each 2 occupants or patrons at maximum capacity) 1
plus (for each employee). 1
[Amended November 19, 2012]
- (23) Single Family Dwelling if the following criteria are met:
 - (a) The proposed residence is located on a site of heavy vegetation or steep slope unsuitable for agriculture by reason of nature. The site must be at least one (1) acre in size.
 - (b) No Special Use Permit shall be issued for a single family dwelling over the demonstrated hardship or nuisance relative to any adjoining property owner or unless the County Board of Supervisors overrules this condition on a case by case basis. [Amended October 20, 2014]
- (24) Livestock Auction Sales Yards [Amended October 20, 2014]
- (25) game preserves or hunting preserves [Amended October 20, 2014]
- (26) Nursery Products grown inside a building [Amended October 20, 2014]
- (27) Sod Farming [Amended October 20, 2014]
- (28) Kennels, pounds, animal shelters or other similar and related uses subject to the following restrictions:
 - (a) All kennels, pounds, animal shelters or other similar and related uses shall be subject to all requirements of the Iowa Department of Agriculture and the Code of Iowa except as listed herein.
 - (b) All open kennels shall be kept a minimum of five hundred feet (500') from any residential use.
 - (c) No kennel shall be allowed to harbor, breed, train, buy, sell, exchange or offer for sale any animal to be used solely for attack purposes nor any animal not normally associated with domestic enjoyment. Such ban shall include but shall not be limited to jungle cats, venomous snakes or other reptiles larger than four feet in length, pit bulls, coyotes, wolves, foxes, skunks, deer or other similar wild animals. This ban shall not apply to qualified veterinarians providing medical treatment to any animal which is a member of an endangered species where the intention is to return said animal to its natural habitat as soon as practicable. [Amended October 20, 2014]

- Minimum lot area - width - depth.
- Dwelling unit area, ten (10) acres;
- Frontage, three hundred (300) feet.
- Specialized Animal Husbandry - area, three (3) acres.
- School - area, two (2) acres.
- Cemeteries, Mausoleums and Crematoriums - twenty (20) acres.
- Hospitals, Clinics and Sanatoriums - one (1) acre.
- Minimum required street, side and rear yard.

Dwelling unit:

street.....	80 feet
rear	50 feet
side	50 feet
Maximum height.	35 feet

e PERMITTED SIGNS

- (1) Signs excepted from zoning permit.
 - (a) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
 - (b) Real Estate Signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
 - (c) Name, Occupation, Warning, No Hunting and No Trespassing Signs not to exceed two (2) square feet located on the premises.
 - (d) Bulletin Boards for public, charitable or religious institutions not to exceed thirty-two (32) square feet in area located on the premises.
 - (e) Memorial Signs, tablets, names of buildings and date of erection when cut into masonry surface or when constructed of metal and affixed flat against a structure.
 - (f) Official Signs, such as traffic control, parking restrictions, information and notices.
 - (g) Temporary Signs or banners when authorized by the Board of Adjustment.
- (2) Signs needing a zoning permit. All proposed signs must comply with Chapter 306C, Code of Iowa, "Iowa Junkyard Beautification and Billboard Control". [Amended November 16, 1979]

f SPECIAL REQUIREMENTS Summer Cottages need not have access to a platted road or street but shall be required to have fifty (50) feet required for all yard requirements. Lot size shall be determined by the completion of a percolation test by a licensed engineer with his recommendations to lot size to adequately serve sanitary sewer and water systems. Zoning permits will not be issued unless proof of the percolation test has been provided to the Zoning Administrator.

1-15.3 "A-2" AGRICULTURAL RESIDENTIAL DISTRICT

a PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Farm homes, currently in existence, on property for which there is a need to separate the residence from the farm property. An explanation of the need to plat off the existing farm home must be put in writing and included with the rezoning application. Minimum required off-street parking2
- (2) Single Family Dwelling, if all of the following criteria are met:
 - (a) The proposed residence is needed to continue or promote farming operations in the area; and
 - (b) The proposed residence does not alter the essential character of the neighborhood; and
 - (c) The proposed use is in accordance with the purposes and intent of the Zoning Ordinance and Comprehensive Plan; and
 - (d) No single family dwelling will be allowed if a hardship or nuisance relative to any adjoining property owner is demonstrated. Minimum required off-street parking 2
- (3) Summer cottages. Minimum required off-street parking (for each dwelling unit)2
- (4) Household or home occupations as defined herein.

b PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings may be built in a required rear yard, but shall not occupy more than thirty (30) percent of the rear yard; nor shall said building be built closer than eight (8) feet to any building unless it is connected thereto; accessory buildings shall conform to all side yard requirements for the full depth of the lot and shall not exceed the maximum height of the principal building.
- (2) Fences.

c SPECIAL PERMIT USES AND STRUCTURES The Board of Adjustment may, by Special Permit, authorize the following Special Permit Uses and Structures in the "A-R" District when authorized in accordance with the requirements of Section 1-103.

- (1) Bed and Breakfast Homes and Inns subject to the following requirements and conditions:
 - (a) Requirements:
 - i) one (1) bathroom for each three (3) guest rooms
 - ii) one (1) parking space for each guest room and one (1) for each three (3) employees
 - iii) one (1) smoke detector for each guest room
 - iv) one (1) approved operational fire extinguisher per floor emergency lighting installed according to specifications in the uniform building code
 - v) two (2) means of egress clearly marked and accessible from each guest room

- vi) A copy of the floor plan with exits marked and prominently displayed in each guest room
- (b) All such uses shall be subject to inspection by the county health director and all other regulations as defined in the Code of Iowa 1991 and subsequent revisions thereof.
- (c) Any chemicals, gasoline, flammable liquids or other potentially hazardous materials shall be stored in a separate structure or containment area at least twenty-five feet (25') from any structure containing guest quarters. This shall not be construed to include common household products in quantities necessary for routine cleaning and maintenance of the structure.
- (d) Permitted signs: on premise signs shall be permitted up to sixteen square feet (16 sq. ft.) and may be externally lighted by no more than two (2) separate one hundred-fifty watt floodlights.
- (2) Child Care Center, Licensed subject to the following restrictions:
 - (a) Minimum fifteen-hundred square feet (1,500 sq. ft.) of yard area fenced with minimum of four feet (4') and maximum of six feet (6') high fence.
 - (b) One (1) parking space for each two (2) employees and one (1) for each three children.
 - (c) Permitted sign: maximum of eight square feet (8 sq. ft.)
 - (d) Any Licensed Child Care Center must meet all requirements and licensing of the Iowa Department of Human Services and/or the Code of Iowa.

d

APPLICABLE STANDARDS

Minimum lot area – width – depth

Dwelling unit area, one (1) acre;

Frontage, one hundred twenty (120) feet.

Minimum required street, side and rear yard.

Dwelling unit:

street.....	50 feet
rear	50 feet
side	20 feet
Maximum height	35 feet

e

PERMITTED SIGNS

- (1) Signs exempted from zoning permit.
 - (a) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length
 - (b) Real Estate Signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
 - (c) Name, Occupation, Warning, No Hunting and No Trespassing Signs not to exceed two (2) square feet located on the premises.
 - (d) Bulletin Boards for public, charitable or religious institutions not to exceed

thirty-two (32) square feet in area located on the premises.

- (e) Memorial Signs, tablets, names of buildings and date of erection when cut into masonry surface or when constructed of metal and affixed flat against a structure.
- (f) Official Signs, such as traffic control, parking restrictions, information and notices.
- (g) Temporary signs or banners when authorized by the Board of Adjustment.
- (2) Signs needing a zoning permit. All proposed signs must comply with Chapter 306C, Code of Iowa, "Iowa Junkyard Beautification and Billboard Control". [Amended July 15, 2013]

1-15.4 "R-1" RURAL RESIDENTIAL DISTRICT

a PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Single Family Residences. Minimum required off-street parking (for each dwelling) 2
- (2) All uses as permitted in the "A-1" District except quarries, mining and extraction of minerals or raw materials provided that the land carrying such "R-1" classification is used only for agricultural purposes. [Amended December 9, 1991]
- (3) Publicly owned and operated buildings, except those whose chief function is an activity conducted for commercial purposes, and not including such uses as storage yards, warehouses or garages. Minimum required off-street parking (for each three hundred (300) feet of floor area). 1
- (4) Public parks, recreation areas, playgrounds and community centers, not including trailer or tent camping areas or mobile home parks.
- (5) Public and private stables, provided that all buildings and exercise yards shall be at least two hundred (200) feet from all dwellings and adjacent properties.
- (6) Semi-public recreation areas and centers, including country clubs, swimming pools and golf courses, but not including such uses as camping areas, miniature golf courses or practice driving tees which are operated for commercial purposes. Minimum required off-street parking (for each 100 square feet of floor area OR for each three greens whichever is greater. . . 1
- (7) Temporary mobile homes as defined herein and subject to restrictions of the district where located. After six (6) months the temporary mobile home shall be removed from the site within sixty (60) days. Anyone utilizing such a temporary structure must submit to the zoning administrator within ten (10) days of the installation of the structure a form explaining the hardship or other reason for such installation. [Added December 9, 1991]
- (8) Household or home occupations as defined herein. [Added December 9, 1991]

b PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings may be built in a required rear yard, but shall not occupy more than twenty (20) percent of the rear yard; nor shall said building

be built closer than eight (8) feet to any building unless it is connected thereto; accessory buildings shall conform to all side yard requirements for the full depth of the lot and shall not exceed the maximum height of the principal building.

- (2) Fences.
 - (3) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work as determined by the Administrative Officer. The latter shall include trailers and mobile homes used as offices and for tool storage only.
 - (4) Customary home occupations.
- c SPECIAL PERMIT USES AND STRUCTURES The Board of Adjustment may, by special permit, authorize the following special permit uses and structures in the "R-1" District, when authorized in accordance with the requirements of Section 1-103. A fee may be required as provided in Section 1-95. [Amended June 8, 2001]
- (1) Sanitary Land Fills
 - (2) Amusement Parks
 - (3) Cemeteries or Mausoleums.
 - (4) Fair Grounds.
 - (5) Radio, Television and Telephone Towers.
 - (6) Electric Power Substations.
 - (7) Airports.
 - (8) Correctional Institutions.
 - (9) Natural Gas Pumping, Metering or Storage Facilities.
 - (10) Sewage Treatment Facilities and Lagoons.
 - (11) Kennels, pounds, animal shelters or other similar and related uses subject to the following restrictions:
 - (a) All kennels, pounds, animal shelters or other similar and related uses shall be subject to all requirements of the Iowa Department of Agriculture and the Code of Iowa except as listed herein.
 - (b) Special Use Permits allowing kennels must be renewed every five (5) years.
 - (c) All open kennels shall be kept a minimum of five hundred feet (500') from any residential use.
 - (d) No kennel shall be allowed to harbor, breed, train, buy, sell, exchange or offer for sale any animal to be used solely for attack purposes nor any animal not normally associated with domestic enjoyment. Such ban shall include but shall not be limited to jungle cats, venomous snakes or other reptiles larger than four feet in length, pit bulls, coyotes, wolves, foxes, skunks, deer or other similar wild animals. This ban shall not apply to qualified veterinarians providing medical treatment to any animal which is a member of an endangered species where the intention is to return said

- animal to its natural habitat as soon as practicable. [Added December 9, 1991]
- (12) Bed and Breakfast Homes and Inns subject to the following requirements and conditions:
- (a) Requirements:
 - i) one (1) bathroom for each three (3) guest rooms
 - ii) one (1) parking space for each guest room and one (1) for each three (3) employees
 - iii) one (1) smoke detector for each guest room
 - iv) one (1) approved operational fire extinguisher per floor
 - v) emergency lighting installed according to specifications in the uniform building code
 - vi) two (2) means of egress clearly marked and prominently displayed in each guest room
 - vii) a copy of the floor plan with exits marked and prominently displayed in each guest room
 - (b) All such uses shall be subject to inspection by the county health director and all other regulations as defined in the Code of Iowa 1991 and subsequent revisions thereof.
 - (c) Any chemicals, gasoline, flammable liquids or other potentially hazardous materials shall be stored in a separate structure or containment area at least twenty-five feet (25') from any structure containing guest quarters. This shall not be construed to include common household products in quantities necessary for routine cleaning and maintaining of the structure.
 - (d) Permitted signs: on premise signs shall be permitted up to sixteen square feet (16 sq. ft.) and may be externally lighted by no more than two (2) separate one hundred-fifty (150) watt floodlights. [Added December 9, 1991]
- (13) Child Care Center, Licensed subject to the following restrictions:
- (a) Minimum fifteen-hundred square feet (1,500 sq. ft.) of yard area fenced with minimum of four feet (4') and maximum of six feet (6') high fence.
 - (b) one (1) parking space for each two (2) employees and one (1) for each three (3) children.
 - (c) Permitted sign: maximum of eight square feet (8 sq. ft.).
 - (d) Any Licensed Child Care Center must meet all requirements and licensing of the Iowa Department of Human Services and/or the Code of Iowa. {Amended April 12, 2010}
- (14) Water Storage Facility and related equipment, tanks and towers, which are part of a public or private water supply system approved under applicable state and local laws and regulations. [Added February 12, 2001]
- (15) telecommunications towers that satisfy the requirements of Part 8 of this Ordinance. [Added April 9, 2001] [Amended June 8, 2001]
- (16) Wind Energy Conversion Systems and Wind Towers [Amended August 28,

2006]

- (17) Public and Private Shooting Ranges, including shooting ranges used exclusively by Law Enforcement Agencies – Before a person improves a property acquired to establish, use, and maintain a shooting range by the erection of a building, breastworks, ramparts, or other works or before a person substantially changes the existing use of a shooting range, the person shall first obtain approval of the Dubuque County Zoning Commission (per Section 657.9, Code of Iowa) and in addition provide that the shooting range be designed so that when properly used no shot shall leave the range property. The Dubuque County Zoning Commission may elect to visit and inspect any proposed shooting range site prior to site approval. Proprietors of proposed shooting ranges will be required to submit a range site plan coupled with recommendations from third party shooting range professionals to ensure the proposed site is compatible with existing operational safety rules and procedures.....residentially and commercially developed properties cannot be considered for this use. [Amended May 5, 2008]

d APPLICABLE STANDARDS

Minimum lot area and frontage area, 1 acre; frontage, 150 feet.

Minimum required street, side and rear yard;

street	80 feet
rear	50 feet
side	50 feet
Maximum height.	35 feet

e PERMITTED SIGNS

- (1) Signs over a show window or door of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
- (2) Real estate signs not to exceed eight (8) square feet in area which advertise for sale, rental or lease of the premises upon which the said signs are temporarily located.
- (3) Name, occupation, warning, no hunting and no trespassing signs not to exceed two (2) square feet located on the premises.
- (4) Bulletin Boards for public, charitable or religious institutions not to exceed thirty-two (32) square feet in area located on the premises.
- (5) Memorial signs, tablets, names of buildings and date of erection when cut into masonry surface or when constructed of metal and affixed flat against a surface.
- (6) Official signs, such as traffic control, parking restrictions, information and notices.
- (7) Temporary signs or banners when authorized by the Board of Adjustment.
- (8) Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct

or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape; and no sign shall be placed so as to obstruct or interfere with traffic visibility.

- (9) Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure.
- (10) Signs indicating a semi-public recreation area, park or similar facility when such sign does not exceed sixteen (16) square feet in area and is lit by not more than one (1) external 150 watts floodlight. [Amended March 25, 1996]

f SPECIAL REQUIREMENTS

- (1) Residential fences are permitted in the required yards but shall not in any case exceed a height of six (6) feet; shall not exceed a height of four (4) feet in the street yard and shall not be closer than two (2) feet to any public right-of-way. No barbed wire shall be used in the construction, repair or maintenance of said fences.
- (2) Lot size shall be determined by the completion of a percolation test by a licensed engineer with his recommendation to lot size to adequately serve sanitary sewer and water systems, but at no time shall the lot size be less than one (1) acre in area.
- (3) Zoning permits will not be issued unless proof of the percolation test has been provided to the Zoning Administrator.

1-15.5 "R-2" SINGLE FAMILY RESIDENTIAL DISTRICT

a PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Single Family Residence. Minimum required off-street parking (for each dwelling unit) 2
- (2) The keeping of not more than two (2) roomers or boarders by a resident family.
- (3) Churches and similar places of worship and instruction including parish houses, but not to include nursing homes. Minimum required off-street parking (for each 5 seats).. 1
- (4) Government and cultural uses, such as fire and police stations, community centers, libraries and public emergency shelters. Minimum required off-street parking (for each 300 square feet of floor area).. 1
- (5) Utility substations provided all structures and uses are not less than fifty (50) feet from any residential district lot line, but not including open storage of materials and equipment. Minimum required off-street parking. 0
- (6) Public, parochial and private elementary and secondary schools and churches provided the lot area is not less than two (2) acres and all structures and uses are not less than fifty (50) feet from any lot line.
- (7) Public parks, recreation centers, playgrounds and community centers, not

- including trailer or tent camping areas or mobile home parks. Minimum required off-street parking. 0
- (8) Private stables, provided that all buildings and exercise yards shall be at least two hundred (200) feet from all dwellings on adjacent properties. Minimum required off-street parking. 0
- (9) Semi-public recreation areas and centers, including country clubs, swimming pools and golf courses, but not including such uses as camping areas, miniature golf courses or practice driving tees which are operated for commercial purposes. Minimum required off-street parking (for each 100 square feet of floor area OR for each three greens whichever is greater). . 1
- (10) Temporary mobile homes as defined herein and subject to restrictions of the district where located. After six (6) months the temporary mobile home shall be removed from the site within sixty (60) days. Anyone utilizing such a temporary structure must submit to the zoning administrator within ten (10) days of the installation of the structure a form explaining the hardship or other reason for such installation. [Added December 9, 1991]
- (11) Household or home occupations as defined herein. [Added December 9, 1991]

b PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings may be built in a required rear yard, but shall not occupy more than twenty (20) percent of the rear yard; nor shall said building be built closer than eight (8) feet to any building unless it is connected thereto; accessory buildings shall conform to all side yard requirements for the full depth of the lot and shall not exceed the maximum height of the principal building.
- (2) Fences.
- (3) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work as determined by the Administrative Officer. The latter shall include trailers and mobile homes used as offices and for tool storage only.
- (4) Customary home occupations.

c SPECIAL PERMIT USES AND STRUCTURES The Board of Adjustment may, by special permit, authorize the following special permit uses and structures in the "R-2" District, when authorized in accordance with the requirements of Section 1-103. A fee may be required as provided in Section 1-95. [Amended June 8, 2001]

- (1) Sanitary Land Fills
- (2) Amusement Parks
- (3) Cemeteries or Mausoleums.
- (4) Fair Grounds.
- (5) Radio, Television and Telephone Towers.
- (6) Electric Power Substations.

- (7) Airports.
- (8) Correctional Institutions.
- (9) Natural Gas Pumping, Metering or Storage Facilities.
- (10) Sewage Treatment Facilities and Lagoons.
- (11) Bed and Breakfast Homes and Inns subject to the following requirements and conditions:
 - (a) Requirements:
 - i) one (1) bathroom for each three (3) guest rooms
 - ii) one (1) parking space for each guest room and one (1) for each three (3) employees
 - iii) one (1) smoke detector for each guest room
 - iv) one (1) approved operational fire extinguisher per floor
 - v) emergency lighting installed according to specifications in the uniform building code
 - vi) two (2) means of egress clearly marked and accessible from each guest room
 - vii) a copy of the floor plan with exits marked and accessible from each guest room
 - (b) All such uses shall be subject to inspection by the county health director and all other regulations as defined in the Code of Iowa 1991 and subsequent revisions thereof
 - (c) Any chemicals, gasoline, flammable liquids or other potentially hazardous materials shall be stored in a separate structure or containment area at least twenty-five feet (25') from any structure containing guest quarters. This shall not be construed to include common household products in quantities necessary for routine cleaning and maintaining of the structure.
 - (d) Permitted signs: on premise signs shall be permitted up to sixteen square feet (16 sq. ft.) and may be externally lighted by no more than two (2) separate one hundred-fifty (150) watt floodlights. [Added December 9, 1991]
- (12) Child Care Center, Licensed subject to the following restrictions:
 - (a) Minimum fifteen-hundred square feet (1,500 sq. ft.) of yard area fenced with minimum of four feet (4') and maximum of six feet (6') high fence.
 - (b) one (1) parking space for each two (2) employees and one (1) for each three (3) children.
 - (c) Permitted sign: maximum of eight square feet (8 sq. ft.).
 - (d) Any Licensed Child Care Center must meet all requirements and licensing of the Iowa Department of Human Services and/or the Code of Iowa.[Amended April 12, 2010]
- (13) Water Storage Facility and related equipment, tanks and towers, which are part of a public or private water supply system approved under applicable state and local laws and regulations. [Added February 12, 2001]
- (14) Wind Energy Conversion Systems and Wind Towers [Amended August 28,

2006]

- (15) Public and Private Shooting Ranges, including shooting ranges used exclusively by Law Enforcement Agencies – Before a person improves a property acquired to establish, use, and maintain a shooting range by the erection of a building, breastworks, ramparts, or other works or before a person substantially changes the existing use of a shooting range, the person shall first obtain approval of the Dubuque County Zoning Commission (per Section 657.9, Code of Iowa) and in addition provide that the shooting range be designed so that when properly used no shot shall leave the range property. The Dubuque County Zoning Commission may elect to visit and inspect any proposed shooting range site prior to site approval. Proprietors of proposed shooting ranges will be required to submit a range site plan coupled with recommendations from third party shooting range professionals to ensure the proposed site is compatible with existing operational safety rules and procedures.....residentially and commercially developed properties cannot be considered for this use. [Amended May 5, 2008]

d APPLICABLE STANDARDS

Minimum lot area and frontage -area, 22,000 square feet; frontage, 120 feet.

School area - 2 acres

Minimum required street, side and rear yard;

street	50 feet
rear	50 feet
side	20 feet
street (school)..	50 feet
rear (school)..	50 feet
side (school)..	50 feet
Maximum height.	35 feet

e PERMITTED SIGNS

- (1) Signs over a show window or door of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
- (2) Real estate signs not to exceed eight (8) square feet in area which advertise for sale, rental or lease of the premises upon which the said signs are temporarily located.
- (3) Name, occupation, warning, no hunting and no trespassing signs not to exceed two (2) square feet located on the premises.
- (4) Bulletin Boards for public, charitable or religious institutions not to exceed thirty-two (32) square feet in area located on the premises.
- (5) Memorial signs, tablets, names of buildings and date of erection when cut into masonry surface or when constructed of metal and affixed flat against a surface.
- (6) Official signs, such as traffic control, parking restrictions, information and

notices.

- (7) Temporary signs or banners when authorized by the Board of Adjustment.
- (8) Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape; and no sign shall be placed so as to obstruct or interfere with traffic visibility.
- (9) Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure.

f SPECIAL REQUIREMENTS

- (1) Residential fences are permitted in the required yards but shall not in any case exceed a height of six (6) feet; shall not exceed a height of four (4) feet in the street yard and shall not be closer than two (2) feet to any public right-of-way. No barb wire shall be used in the construction, repair or maintenance of said fences.
- (2) Lot size shall be determined by the completion of a percolation test by a licensed engineer with his recommendation to lot size to adequately serve sanitary sewer and water systems, but at no time shall the lot size be less than twenty two thousand (22,000) square feet in area.
- (3) Zoning permits will not be issued unless proof of the percolation test has been provided to the Zoning Administrator.

1-15.6 "R-3" SINGLE FAMILY RESIDENTIAL DISTRICT

a PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Single Family Residence. Minimum required off-street parking (for each dwelling unit) 2
- (2) The keeping of not more than two (2) roomers or boarders by a resident family. Minimum required street parking. 0
- (3) Churches, and similar places of worship and instruction including parish houses, but not to include nursing homes. Minimum required off-street parking (for each five (5) seats). 1
- (4) Government and cultural uses, such as fire and police stations, community centers, libraries and public emergency shelters. Minimum required off-street parking (for each 150 square feet of floor area).. 1
- (5) Utilities provided all structures and uses are not less than fifty (50) feet from any residential district or lot line. Minimum required off-street parking. . 0
- (6) Public, parochial and private elementary and secondary schools and churches provided the lot area is not less than two (2) acres and all structures and uses are not less than fifty (50) feet from any lot line. Minimum required off-street parking (for each two (2) employees).. 1

- (7) Public parks, recreation areas, playgrounds and community centers, not including trailer or tent camping areas or mobile home parks. Minimum required off-street parking. 0
- (8) Semi-public recreation areas and centers including country clubs, swimming pools and golf courses, but not including such uses as camping areas, miniature golf courses or practice driving tees which are operated for commercial purposes. Minimum required off-street parking (for each 100 square feet of floor area OR each three greens whichever is greater).. . . . 1
- (9) Temporary mobile homes as defined herein and subject to restrictions of the district where located. After six (6) months the temporary mobile home shall be removed from the site within sixty (60) days. Anyone utilizing such a temporary structure must submit to the zoning administrator within ten (10) days of the installation of the structure a form explaining the hardship or other reason for such installation. [Added December 9, 1991]
- (10) Household or home occupations as defined herein. [Added December 9, 1991]

b PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings may be built in a required rear yard, but shall not occupy more than thirty (30) percent of the rear yard; nor shall said building be built closer than eight (8) feet to any building unless it is connected thereto; accessory buildings shall conform to all side yard requirements for the full depth of the lot and shall not exceed the maximum height of the principal building.
- (2) Fences.
- (3) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work as determined by the Administrative Officer. The latter shall include trailers and mobile homes used as offices and for tool storage only.
- (4) Customary home occupations.

c SPECIAL PERMIT USES AND STRUCTURES The Board of Adjustment may, by special permit, authorize the following special permit uses and structures in the "R-3" District, when authorized in accordance with the requirements of Section 1-103. A fee may be required as provided in Section 1-95. [Amended June 8, 2001]

- (1) Sanitary Land Fills
- (2) Amusement Parks
- (3) Cemeteries or Mausoleums.
- (4) Fair Grounds.
- (5) Radio, Television and Telephone Towers.
- (6) Electric Power Substations.
- (7) Airports.
- (8) Correctional Institutions.

- (9) Natural Gas Pumping, Metering or Storage Facilities.
- (10) Sewage Treatment Facilities and Lagoons.
- (11) Bed and Breakfast Homes and Inns subject to the following requirements and conditions:
 - (a) Requirements:
 - i) one (1) bathroom for each three (3) guest rooms
 - ii) one (1) parking space for each guest room and one (1) for each three (3) employees
 - iii) one (1) smoke detector for each guest room
 - iv) one (1) approved operational fire extinguisher per floor
 - v) emergency lighting installed according to specifications in the uniform building code
 - vi) two (2) means of egress clearly marked and accessible from each guest room
 - vii) a copy of the floor plan with exits marked and prominently displayed in each guest room
 - (b) All such uses shall be subject to inspection by the county health director and all other regulations as defined in the Code of Iowa 1991 and subsequent revisions thereof.
 - (c) Any chemicals, gasoline, flammable liquids or other potentially hazardous materials shall be stored in a separate structure or containment area at least twenty-five feet (25') from any structure containing guest quarters. This shall not be construed to include common household products in quantities necessary for routine cleaning and maintaining of the structure.
 - (d) Permitted signs: on premise signs shall be permitted up to sixteen square feet (16 sq. ft.) and may be externally lighted by no more than two (2) separate one hundred-fifty (150) watt floodlights. [Added December 9, 1991]
- (12) Child Care Center, Licensed subject to the following restrictions:
 - (a) Minimum fifteen-hundred square feet (1,500 sq. ft.) of yard area fenced with minimum of four feet (4') and maximum of six feet (6') high fence.
 - (b) one (1) parking space for each two (2) employees and one (1) for each three (3) children.
 - (c) Permitted sign: maximum of eight square feet (8 sq. ft.).
 - (d) Any Licensed Child Care Center must meet all requirements and licensing of the Iowa Department of Human Services and/or the Code of Iowa.[Amended April 12, 2010]
- (13) Water Storage Facility and related equipment, tanks and towers, which are part of a public or private water supply system approved under applicable state and local laws and regulations. [Added February 12, 2001]
- (14) Wind Energy Conversion Systems and Wind Towers [Amended August 28,2006]

Minimum lot area and frontage-area, 15,000 square feet; frontage, 90 feet.

School area - 2 acres

Minimum required street, side and rear yard;

street	30 feet
rear	40 feet
side	15 feet
street (school)..	50 feet
rear (school)..	50 feet
side (school)..	50 feet
Maximum height.	35 feet

e PERMITTED SIGNS

- (1) Signs over a show window or door of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
- (2) Real estate signs not to exceed eight (8) square feet in area which advertise for sale, rental or lease of the premises upon which the said signs are temporarily located.
- (3) Name, occupation, warning, no and no trespassing signs not to exceed two (2) square feet located on the premises.
- (4) Bulletin Boards for public, charitable or religious institutions not to exceed thirty-two (32) square feet in area located on the premises.
- (5) Memorial signs, tablets, names of buildings and date of erection when cut into masonry surface or when constructed of metal and affixed flat against a surface.
- (6) Official signs, such as traffic control, parking restrictions, information and notices.
- (7) Temporary signs or banners when authorized by the Board of Adjustment.
- (8) Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape; and no sign shall be placed so as to obstruct or interfere with traffic visibility.
- (9) Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure.
- (10) Signs indicating a semi-public recreation area, park or similar facility when such sign does not exceed sixteen (16) square feet in area and is lit by 150 watt floodlight. [Amended March 25, 1996]

f SPECIAL REQUIREMENTS

- (1) Residential fences are permitted in the required yards but shall not in any case

exceed a height of six (6) feet; shall not exceed a height of four (4) feet in the street yard and shall not be closer than two (2) feet to any public right-of-way. No barb wire shall be used in the construction, repair or maintenance of said fences.

- (2) Lot size shall be determined by the completion of a percolation test by a licensed engineer with his recommendation to lot size to adequately serve sanitary sewer and water systems, but at no time shall the lot size be less than fifteen thousand (15,000) square feet in area.
- (3) Zoning permits will not be issued unless proof of the percolation test has been provided to the Zoning Administrator.
- (4) In any subdivision that is platted and is served with a sanitary sewer system other than individual systems, the lot area may be reduced to ten thousand (10,000) square feet and the frontage may be reduced to eighty (80) feet. However, any sanitary sewer system shall conform to the regulations set forth in this ordinance.

1-15.7 "R-4" MULTI-FAMILY RESIDENTIAL DISTRICT

a PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Two-family dwellings. Minimum required off-street parking (for each dwelling unit). 1.5
- (2) Multi-family dwellings. Minimum required off-street parking (for each dwelling unit) 1.5
- (3) Churches and similar places of worship and instruction including parish houses. Minimum required off-street parking (for each five seats). 1
- (4) Government and cultural uses such as fire and police stations, community centers, libraries and public emergency shelters. Minimum required off-street parking (for each three hundred (300) square feet of floor space).. 1
- (5) Utilities provided all structures and uses are not less than fifty (50) from any residential district lot line. Minimum required off-street parking. 0
- (6) Public, parochial and private elementary and secondary schools and churches provided the lot area is not less than two (2) acres and all structures and uses are not less than fifty (50) feet from any lot line. Minimum required off-street parking (for every two (2) employees). 1
- (7) Mobile home parks as provided for in Part 6. Minimum required off-street parking (for each dwelling unit).. 2
- (8) Public parks, recreation areas, playgrounds and community centers, not including trailer or tent camping areas. Minimum required off-street parking 0
- (9) Semi-public recreation areas and centers including country clubs, swimming pools and golf courses, but not including such uses as camping areas, miniature golf courses or practice driving tees which are operated for commercial purposes. Minimum required off-street parking (for each 100 square feet of floor area OR each three greens whichever is greater). . . . 1

- (10) Clubs, lodges, social and recreational centers, fraternity and sorority houses, except those of which the chief activity is carried on for financial profit. Minimum required off-street parking (for each two (2) beds) 1 AND (for each three employees) 1
- (11) Buildings, devoted to professional offices, provided no such building shall be located within thirty (30) feet of any property line. Minimum required off-street parking (for each three hundred (300) square feet of floor area). .1
- (12) Temporary mobile homes as defined herein and subject to restrictions of the district where located. After six (6) months the temporary mobile home shall be removed from the site within sixty (60) days. Anyone utilizing such a temporary structure must submit to the zoning administrator within ten (10) days of the installation of the structure a form explaining the hardship or other reason for such installation. [Added December 9, 1991]
- (13) Household or home occupations as defined herein. [Added December 9, 1991]

b PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings may be built in a required rear yard, but shall not occupy more than forty (40) percent of the rear yard; nor shall said building be built closer than eight (8) feet to any building unless it is connected thereto; accessory buildings shall conform to all side yard requirements for the full depth of the lot and shall not exceed the maximum height of the principal building.
- (2) Fences.
- (3) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work as determined by the Administrative Officer. The latter shall include trailers and mobile homes used as offices and for tool storage only.
- (4) Customary home occupations.

c SPECIAL PERMIT USES AND STRUCTURES The Board of Adjustment may, by special permit, authorize the following special permit uses and structures in the "R-4" District, when authorized in accordance with the requirements of Section 1-103. A fee may be required as provided in Section 1-95. [Amended June 8, 2001]

- (1) Sanitary Land Fills
- (2) Amusement Parks
- (3) Cemeteries or Mausoleums.
- (4) Fair Grounds.
- (5) Radio, Television and Telephone Towers.
- (6) Electric Power Substations.
- (7) Airports.
- (8) Hospitals, Sanatoriums and Correctional Institutions
- (9) Natural Gas Pumping, Metering or Storage Facilities.

- (10) Sewage Treatment Facilities and Lagoons.
- (11) Water Storage Facility and related equipment, tanks and towers, which are part of a public or private water supply system approved under applicable state and local laws and regulations. [Added February 12, 2001]
- (12) Wind Energy Conversion Systems and Wind Towers [Amended August 28, 2006]

d APPLICABLE STANDARDS

Minimum lot area and frontage -area

(two-family dwelling) 15,000 square feet; frontage, 100 feet;

(multi-family dwelling) - area 15,000 square feet; with no less than 2,000 square feet, efficiency; 2,500 square feet, one-bedroom unit; 3,000 square feet, two-bedroom unit; frontage 120 feet

School area - 2 acres

Mobile home park area - 3 acres

Minimum required street, side and rear yard; (two-family and multi-family dwellings)

street.	35 feet
rear.	50 feet
side.	20 feet
street (school).	50 feet
rear (school).	50 feet
side (school).	50 feet
Maximum height.	35 feet
Minimum building area (per family).	500 square feet

e PERMITTED SIGNS

- (1) Signs over a show window or door of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
- (2) Real estate signs not to exceed eight (8) square feet in area which advertise for sale, rental or lease of the premises upon which the said signs are temporarily located.
- (3) Name, occupation, warning, no hunting and no trespassing signs not to exceed two (2) square feet located on the premises.
- (4) Bulletin Boards for public, charitable or religious institutions not to exceed thirty-two (32) square feet in area located on the premises.
- (5) Memorial signs, tablets, names of buildings and date of erection when cut into masonry surface or when constructed of metal and affixed flat against a surface.
- (6) Official signs, such as traffic control, parking restrictions, information and notices.
- (7) Temporary signs or banners when authorized by the Board of Adjustment.
- (8) Signs shall not resemble, imitate or approximate the shape, size, form or

color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape; and no sign shall be placed so as to obstruct or interfere with traffic visibility.

- (9) Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure.
- (10) Signs indicating a semi-public recreation area, park or similar facility when such sign does not exceed sixteen (16) square feet in area and is lit by not more than one(1) external 150 watts floodlight [Amended March 25, 1996].

f SPECIAL REQUIREMENTS

- (1) Residential fences are permitted in the required yards but shall not in any case exceed a height of six (6) feet; shall not exceed a height of four (4) feet in the street yard and shall not be closer than two (2) feet to any public right-of-way. No barb wire shall be used in the construction, repair or maintenance of said fences.
- (2) Lot size shall be determined by the completion of a percolation test by a licensed engineer with his recommendation to lot size to adequately serve sanitary sewer and water systems, but at no time shall the lot size be less than fifteen thousand (15000) square feet in area.
- (3) Zoning permits will not be issued unless proof of the percolation test has been provided to the Zoning Administrator.
- (4) Buildings may exceed the maximum height for the district if the building is set back from the minimum yard requirements at least one (1) foot for each foot of additional building height above the maximum height level. All requirements of the State Fire Code shall be met.

1-15.8 "R-5" MULTI-FAMILY RESIDENTIAL DISTRICT

a. PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Two-family dwellings. Minimum required off-street parking (for each dwelling unit) 1.5
- (2) Multi-family dwellings. Minimum required off-street parking (for each dwelling unit) 1.5
- (3) Churches and similar places of worship and instruction including parish houses. Minimum required off-street parking (for each five seats) 1
- (4) Government and cultural uses such as fire and police stations, community centers, libraries and public emergency shelters. Minimum required off-street parking (for each three hundred (300) square feet of floor space) 1
- (5) Utilities provided all structures and uses are not less than fifty (50) from any residential district lot line. Minimum required off-street parking. 0
- (6) Public, parochial and private elementary and secondary schools and churches

provided the lot area is not less than two (2) acres and all structures and uses are not less than fifty (50) feet from any lot line. Minimum required off-street parking (for every two (2) employees) 1

(7) Public parks, recreation areas, playgrounds and community centers, not including trailer or tent camping areas. Minimum required off-street parking 0

(8) Semi-public recreation areas and centers including country clubs, swimming pools and golf courses, but not including such uses as camping areas, miniature golf courses or practice driving tees which are operated for commercial purposes. Minimum required off-street parking (for each 100 square feet of floor area OR each three greens whichever is greater). 1

(9) Clubs, lodges, social and recreational centers, fraternity and sorority houses, except those of which the chief activity is carried on for financial profit. Minimum required off-street parking (for each two (2) beds) 1 AND (for each three employees) 1

(10) Buildings, devoted to professional offices, provided no such building shall be located within thirty (30) feet of any property line. Minimum required off-street parking (for each three hundred (300) square feet of floor area) . 1 [Amended May 17, 1971]

(11) Temporary mobile homes as defined herein and subject to restrictions of the district where located. After six (6) months the temporary mobile home shall be removed from the site within sixty (60) days. Anyone utilizing such a temporary structure must submit to the zoning administrator within ten (10) days of the installation of the structure a form explaining the hardship or other reason for such installation. [Added December 1991]

(12) Household or home occupations as defined herein. [Amended December 9, 1991]

b PERMITTED ACCESSORY USES AND STRUCTURES

(1) Accessory buildings may be built in a required rear yard, but shall not occupy more than forty (40) percent of the rear yard; nor shall said building be built closer than eight (8) feet to any building unless it is connected thereto; accessory buildings shall conform to all side yard requirements for the full depth of the lot and shall not exceed the maximum height of the principal building.

(2) Fences.

(3) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work as determined by the Administrative Officer. The latter shall include trailers and mobile homes used as offices and for tool storage only.

(4) Customary home occupations. [Amended May 17, 1971]

c SPECIAL PERMIT USES AND STRUCTURES The Board of Adjustment may, by special permit, authorize the following special permit uses and structures in

the "R-5" District, when authorized in accordance with the requirements of Section 1-103. A fee may be required as provided in Section 1-95. [Amended June 8, 2001]

- (1) Sanitary Land Fills.
- (2) Amusement Parks.
- (3) Cemeteries or Mausoleums.
- (4) Fair Grounds.
- (5) Radio, Television and Telephone Towers.
- (6) Electric Power Substations.
- (7) Airports.
- (8) Hospitals, Sanatoriums and Correctional Institutions.
- (9) Natural Gas Pumping, Metering or Storage Facilities.
- (10) Sewage Treatment Facilities and Lagoons. [Amended May 17, 1971]
- (11) Bed and Breakfast Homes and Inns subject to the following requirements and conditions:
 - (a) Requirements:
 - i) one (1) bathroom for each three (3) guest rooms
 - ii) one (1) parking space for each guest room and one (1) for each three (3) employees
 - iii) one (1) smoke detector for each guest room
 - iv) one (1) approved operational fire extinguisher per floor
emergency lighting installed according to specifications in the uniform building code
 - vi) two (2) means of egress clearly marked and accessible from each guest room
 - vii) a copy of the floor plan with exits marked and accessible from each guest room.
 - (b) All such uses shall be subject to inspection by the county health director and all other regulations as defined in the Code of Iowa 1991 and subsequent revisions thereof.
 - (c) Any chemicals, gasoline, flammable liquids or other potentially hazardous materials shall be stored in a separate structure or containment area at least twenty-five feet (25') from any structure containing guest quarters. This shall not be construed to include common household products in quantities necessary for routine cleaning and maintaining of the structure.
 - (d) Permitted signs: on premise signs shall be permitted up to sixteen square feet (16 sq. ft.) and may be externally lighted by no more than two (2) separate one hundred-fifty (150) watt floodlights. [Added December 9, 1991]
- (12) Water Storage Facility and related equipment, tanks and towers, which are part of a public or private water supply system approved under applicable state and local laws and regulations. [Added February 12, 2001]
- (13) Wind Energy Conversion Systems and Wind Towers [Amended August 28,

2006]

d APPLICABLE STANDARDS

Minimum lot area and frontage -area

(two-family dwelling) 15,000 square feet; frontage, 100 feet;

(multi-family dwelling) - area 15,000 square feet; with no less than 2,000 square feet, efficiency; 2,500 square feet, one-bedroom unit; 3,000 square feet, two-bedroom unit; frontage 120 feet

School area - 2 acres

Mobile home park area - 3 acres

Minimum required street, side and rear yard; (two-family and multi-family dwellings)

street	35 feet
rear	50 feet
side	20 feet
street (school).	50 feet
rear (school).	50 feet
side (school).	50 feet

Maximum height 35 feet

Minimum building area (per family).. 500 square feet

[Amended May 17, 1971]

e PERMITTED SIGNS

- (1) Signs over a show window or door of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
- (2) Real estate signs not to exceed eight (8) square feet in area which advertise for sale, rental or lease of the premises upon which the said signs are temporarily located.
- (3) Name, occupation, warning, no hunting and no trespassing signs not to exceed two (2) square feet located on the premises.
- (4) Bulletin Boards for public, charitable or religious institutions not to exceed thirty-two (32) square feet in area located on the premises.
- (5) Memorial signs, tablets, names of buildings and date of erection when cut into masonry surface or when constructed of metal and affixed flat against a surface.
- (6) Official signs, such as traffic control, parking restrictions, information and notices.
- (7) Temporary signs or banners when authorized by the Board of Adjustment.
- (8) Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape; and no sign

- shall be placed so as to obstruct or interfere with traffic visibility.
- (9) Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure. [Amended May 17, 1971]
- (10) Signs indicating a semi-public recreation area, park or similar facility when such sign does not exceed sixteen (16) square feet in area and is lit by not more than one (1) external 150 watts floodlight. [Amended March 25, 1996]

f **SPECIAL REQUIREMENTS**

- (1) Residential fences are permitted in the required yards but shall not in any case exceed a height of six (6) feet; shall not exceed a height of four (4) feet in the street yard and shall not be closer than two (2) feet to any public right-of-way. No barb wire shall be used in the construction, repair or maintenance of said fences.
- (2) Lot size shall be determined by the completion of a percolation test by a licensed engineer with his recommendation to lot size to adequately serve sanitary sewer and water systems, but at no time shall the lot size be less than fifteen thousand (15,000) square feet in area.
- (3) Zoning permits will not be issued unless proof of the percolation test has been provided to the Zoning Administrator.
- (4) Buildings may exceed the maximum height for the district if the building is set back from the minimum yard requirements at least one (1) foot for each foot of additional building height above the maximum height level. All requirements of the State Fire Code shall be met. [Amended May 17, 1971]

1-15.9 "B-1" BUSINESS DISTRICT

a **PERMITTED PRINCIPAL USES AND STRUCTURES**

- (1) All permitted uses in the "R-4" District except Two-family dwellings and Mobile Home Parks. [Amended May 17, 1971]
- (2) Dwelling unit or units located in a principal building where the principal use is a business establishment. Minimum required off-street parking (for each dwelling unit) 1
- (3) Art and School Supply Stores. Minimum required off-street parking (for each 150 square feet of floor area)..... 1
- (4) Animal hospitals, veterinary clinics and kennels, but not including open exercising runways or pens. Minimum required off-street parking (for each 150 square feet of floor area)..... 1
- (5) Assembly halls and public buildings. Minimum required off-street parking (for each 100 square feet of floor area). 1
[Amended November 5, 2001]
- (6) Auto parking, auto accessory stores and auto sales, but not including wrecking or junking of vehicles or storage thereof. Minimum required off-street parking (for each 150 square feet of floor area)..... 1

- (7) Bakeries and retail sales. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (8) Banks. Minimum required off-street parking (for each 150 square feet of floor area) 1
- (9) Book and stationery stores. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (10) Bus depots and similar public transportation passenger facilities. Minimum required off-street parking (for each 150 square feet of floor area).. 1
- (11) Camera and photographic supply stores. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (12) Candy and ice cream stores. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (13) Churches. Minimum required off-street parking (for each 5 seats).. 1
- (14) Clubs and lodges. Minimum required off-street parking (for each 100 square feet of floor area). 1
[Amended November 5, 2001]
- (15) Contractors and construction offices. Minimum required off-street parking (for each 300 square feet of floor area). 1
- (16) Department stores. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (17) Drug stores. Minimum required off-street parking (for each 150 square feet of floor area) 1
- (18) Self service and pick up laundry and dry cleaning establishments. Minimum required off-street parking (for each 150 square feet of floor area).. 1
- (19) Electrical and household appliance stores. Minimum required off-street parking (for each 150 square feet of floor area).. 1
- (20) Electrical and telephone office. Minimum required off-street parking (for each 300 square feet of floor area).. 1
- (21) Electrical repair shops. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (22) Flower shops. Minimum required off-street parking (for each 150 square feet of floor area) 1
- (23) Food stores. Minimum required off-street parking (for each 150 square feet of floor area) 1
- (24) Grocery stores, meat markets and frozen food stores including locker rental. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (25) Fuel sales, office only. Minimum required off-street parking (for each 300 square feet of floor area). 1
- (26) Furniture stores (including upholstery shops). Minimum required off-street parking (for each 150 square feet of floor area). 1
- (27) Garage, public, but not including body repair or painting. Minimum required off-street parking (for each 150 square feet of floor area).. 1
- (28) Garden supply and seed stores. Minimum required off-street parking (for

- each 150 square feet of floor area)..... 1
- (29) Gift shops. Minimum required off-street parking (for each 150 square feet of floor area) 1
- (30) Greenhouses, retail sales. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (31) Hardware stores. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (32) Hobby shops. Minimum required off-street parking (for each 150 square feet of floor area) 1
- (33) Hospitals, hotels and motels. Minimum required off-street parking (for each 5 beds) 1
AND (for each 3 employees)..... 1
- (34) Interior decorating shops. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (35) Jewelry stores. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (36) Laundries and public buildings. Minimum required off-street parking (for each 150 square feet of floor area).. 1
- (37) Libraries and public buildings. Minimum required off-street parking (for each 300 square feet of floor area).. 1
- (38) Loan Offices. Minimum required off-street parking (for each 300 square feet of floor area) 1
- (39) Medical and dental clinics. Minimum required off-street parking (for each doctor) 3
- (40) Messenger and/or telegraph service stations. Minimum required off-street parking (for each 300 square feet of floor area).. 1
- (41) Monument sales. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (42) Newspaper offices. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (43) Night clubs and cocktail lounges. Minimum required off-street parking (for each 100 square feet of floor area).. 1
[Amended November 5, 2001]
- (44) Office supply stores. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (45) Personal service shops, such as barber, beauty, tailor and dressmaking shops. Minimum required off-street parking (for each 150 square feet of floor area).1
- (46) Pet shops. Minimum required off-street parking (for each 150 square feet of floor area) 1
- (47) Planned retail or professional office developments or shopping centers. Minimum required off-street parking (for each 300 square feet of floor area). 1
- (48) Photography studios - including developing and printing as a part of the retail

- business. Minimum required off-street parking (for each 150 square feet of floor area) 1
- (49) Post offices. Minimum required off-street parking (for each 300 square feet of floor area) 1
- (50) Professional offices. Minimum required off-street parking (for each 300 square feet of floor area). 1
- (51) Radio and television stations and studios. Minimum required off-street parking (for each 300 square feet of floor area).. 1
- (52) Restaurants, cafes, tea rooms and similar establishments, not including those offering in car service. Minimum required off-street parking (for each 100 square feet of floor area). 1
[Amended November 5, 2001]
- (53) Sales and service of farm implements provided all storage, sale and service areas are within a structure or building. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (54) Shoe repair shops. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (55) Storage garages and automobile service stations. Minimum required off-street parking (for each 150 square feet of floor area).. 1
- (56) Taverns. Minimum required off-street parking (for each 100 square feet of floor area) 1
[Amended November 5, 2001]
- (57) Temporary buildings for construction purposes for a period not to exceed the duration of construction. Minimum required off-street parking (for each 150 square feet of floor area).. 1
- (58) Theatres, not including outdoor drive-ins. Minimum required off-street parking (for each 5 seats).. 1
- (59) Undertaking establishments, funeral homes and parlors. Minimum required off-street parking (for each 50 square feet devoted to parlors). 1
- (60) Any other enclosed commercial activity similar to the above listed uses. Minimum required off-street parking (for each 150 square feet of floor area). 1

b PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings may be built in a required rear yard, but shall not occupy more than forty (40) percent of the rear yard; nor shall said building be built closer than eight (8) feet to any building unless it is connected thereto; accessory buildings shall conform to all side yard requirements for the full depth of the lot and shall not exceed the maximum height of the principal building.
- (2) Fences.
- (3) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work as determined by the Administrative Officer. The latter

shall include trailers and mobile homes used as offices and for tool storage only.

- c SPECIAL PERMIT USES AND STRUCTURES The Board of Adjustment may, by special permit, authorize the following special permit uses and structures in the "B-1" District, when authorized in accordance with the requirements of Section 1-103. A fee may be required as provided in Section 1-95. [Amended June 8, 2001]
- (1) Sanitary Land Fills
 - (2) Amusement Parks
 - (3) Cemeteries or Mausoleums.
 - (4) Fair Grounds.
 - (5) Radio, Television and Telephone Towers.
 - (6) Electric Power Substations.
 - (7) Airports.
 - (8) Hospitals, Sanatoriums and Correctional Institutions
 - (9) Natural Gas Pumping, Metering or Storage Facilities.
 - (10) Sewage Treatment Facilities and Lagoons.
 - (11) Temporary facilities for the bulk mixing of cement and/or asphalt when associated with approved road construction projects. Such sites shall contain a minimum of one (1) acre. The following special requirements to be considered by the Board of Adjustment:
 - (a) A site plan, indicating the proposed use, length of stay, off-street parking and traffic circulation be submitted with the appropriate filing fee as established in Section 1-95 as otherwise provided for in the District Regulations; and
 - (b) The use is of a limited and temporary duration, and in no case will exceed six (6) months; and
 - (c) The use will serve a public need or contribute to the public convenience and welfare; and
 - (d) The use bears some functional or other beneficial relationship to a permitted use within the district; and
 - (e) The use will not be likely to interfere with the appropriate use and enjoyment of nearby properties that may be affected by its operation. [Amended April 20, 1987]
 - (12) Kennels, pounds, animal shelters or other similar and related uses subject to the following restrictions:
 - (a) All kennels, pounds, animal shelters or other similar and related uses shall be subject to all requirements of the Iowa Department of Agriculture and the Code of Iowa except as listed herein.
 - (b) Special Use Permits allowing kennels must be renewed every five (5) years.
 - (c) All open kennels shall be kept a minimum of five hundred feet (500') from any residential use.

- (d) No kennel shall be allowed to harbor, breed, train, buy, sell, exchange or offer for sale any animal to be used solely for attack purposes nor any animal not normally associated with domestic enjoyment. Such ban shall include but shall not be limited to jungle cats, venomous snakes or other reptiles larger than four feet in length, pit bulls, coyotes, wolves, foxes, skunks, deer or other similar wild animals. This ban shall not apply to qualified veterinarians providing medical treatment to any animal which is a member of an endangered species where the intention is to return said animal to its natural habitat as soon as practicable. [Added December 9, 1991]
- (13) Water Storage Facility and related equipment, tanks and towers, which are part of a public or private water supply system approved under applicable state and local laws and regulations. [Added February 12, 2001]
- (14) telecommunications towers that satisfy the requirements of Part 8 of this Ordinance. [Added April 9, 2001] [Amended June 8, 2001]
- (15) Custom cabinet, furniture and wood working shops not to exceed 6000 square feet, all contained within a single building. Products made primarily from wood and wood based materials may be constructed, reconstructed, repaired or refinished for retail sale on the premises. No outside storage of materials, scrap, waste or completed or partially completed products shall be permitted. Minimum off-street parking (for each 600 square feet of floor area) 1
[Added February 9, 2004]
- (16) Wind Energy Conversion Systems and Wind Towers [Amended August 28, 2006]
- (17) Child Care Center, Licensed subject to the following restrictions:
 - (a) Minimum fifteen-hundred square feet (1,500 sq. ft.) of yard area fenced with minimum of four feet (4') and maximum of six feet (6') high fence.
 - (b) one (1) parking space for each two (2) employees and one (1) for each three (3) children.
 - (c) Permitted sign: maximum of eight square feet (8 sq. ft.).
 - (d) Any Licensed Child Care Center must meet all requirements and licensing of the Iowa Department of Human Services and/or the Code of Iowa. [Amended April 12, 2010]

d

APPLICABLE STANDARDS
 Minimum lot area and frontage - none
 Minimum required street, side and rear yard;
 street 25 feet
 side 15 feet
 or if the lot adjoins a residential district a side yard setback of twenty-five feet (25') shall be required
 rear 40 feet

Maximum height 35 feet
 When a lot is not served by a public sanitary sewerage system, the open and undeveloped rear yard area shall not be less than the area required to provide suitable sanitary treatment facilities which shall meet the requirements of the State Board of Health for the anticipated use of the lot, and as determined by a licensed Sanitary Engineer. [Amended December 9, 1991]

e PERMITTED SIGNS

- (1) No sign shall hereafter be located, erected, moved, reconstructed, enlarged, converted or structurally altered without a zoning permit and without being in conformity with the provisions of this Ordinance.
- (2) The following controls apply to off-premise signs: [Amended April 20, 1987]
 - (a) PERMIT: A permit must be obtained from the County Zoning Administrator prior to erecting a sign.
 - (b) ZONING RESTRICTIONS: New signs may be erected only in areas zoned "B-1", "B-2", "M-1" or "M-2".
 - (c) SIZE: The display area of a single-face is limited to a maximum of twelve thousand (1,200) square feet. A maximum of two (2) faces may be oriented in the same direction. The two (2) faces must be on a common structure, and the maximum combined display area of the two (2) faces is seven hundred fifty (750) square feet.
 - (d) LIGHTS: In general, flashing, intermittent or moving lights are prohibited.
 - (e) SPACING: A new sign must be a minimum of three hundred (300) feet from any other off-premise sign facing the same direction.
 - (f) PLACEMENT: At the intersection of a primary highway and a city street, county road or other primary highway, off-premise signs are prohibited in an area at the corner of private property to maintain adequate sight distance for motorist safety. [Amended April 20, 1987]
- (3) The fee for a sign permit shall be determined by the fee schedule in Section 1-95. The sign permit will expire five (5) years after the date of issue, at which time a new sign permit may be issued provided all provisions of this Ordinance are met. If a new permit is not issued, the sign must be removed within three (3) months after the expiration date.
- (4) Signs excepted from zoning permit.
 - (a) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
 - (b) Real Estate Signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
 - (c) Name, Occupation, Warning, No Hunting and No Trespassing Signs not to exceed two (2) square feet located on the premises.

- (d) Bulletin Boards for public, charitable or religious institutions not to exceed thirty-two (32) square feet in area located on the premises.
 - (e) Memorial Signs, tablets, names of buildings and date of erection when cut into masonry surface or when constructed of metal and affixed flat against a structure.
 - (f) Official Signs, such as traffic control, parking restrictions, information and notices.
 - (g) Temporary Signs or banners when authorized by the Board of Adjustment.
- (5) Signs needing a zoning permit.
- (a) Wall Signs placed against the exterior walls of buildings shall not extend more than fifteen (15) inches outside of a building's wall surface, but shall not extend into a yard. Wall signs attached to, and advertising copy painted on an exterior wall shall not exceed eight hundred (800) square feet in area or more than twenty five (25) percent of the total exterior wall space per building, whichever is larger.
 - (b) Projecting Signs fastened to, suspended from or supported by structures, shall not extend more than six (6) feet into any required yard; shall not extend into any public right-of-way; shall not be less than ten (10) feet from all side lot lines; shall not exceed the height of the building to which it is attached and shall not be less than fifteen (15) feet above a driveway.
 - (c) Ground Signs shall meet all yard requirements for the district in which it is located. [Amended April 20, 1987]
 - (d) Roof Signs shall not exceed ten (10) feet in height; shall meet all the yard requirements for the district on which it is located; shall not exceed four hundred (400) square feet on all sides for any one premises; shall be required to maintain a three (3) feet setback from the edge of the building or a six (6) feet clearance from the roof to the bottom of the sign.
 - (e) Combinations of any of the above signs shall meet all the requirements for the individual sign.
 - (f) Such signs shall be permitted only provided they are not erected or placed within three hundred (300) feet of a railroad intersecting a street, road or highway; or within three hundred (300) feet of any existing residence or residence district; nor nearer an existing sign than a distance in lineal feet equal to the sum of the square feet area of both the existing and the proposed sign; provided that no sign, regardless of size, shall be closer to another sign than three hundred (300) feet on any one side of the street, road or highway; nor shall any sign, at any point, obstruct proper and necessary sight distance from any street, road or highway. [Amended April 20, 1987]
- (6) Placement. At the intersection of a primary highway and a city street, county road or other primary highway, off-premise signs are prohibited in an area designated by the County Engineer or other official having jurisdiction over county or state roadways as a "clear sight area" at the corner of private

property to maintain adequate sight distance for motorist safety. [Amended December 9, 1991]

- (7) Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape; and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.
- (8) Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure.
- (9) No sign permit will be required for lawfully existing signs until two (2) years after the date of this Ordinance is adopted, at which time all signs, except those excepted must have a sign permit.

f SPECIAL REQUIREMENTS

- (1) Security Fences are permitted in the required yards but shall not exceed ten (10) feet in height.
- (2) Storage Garages and automobile service stations.
 - (a) No repair work shall be performed out-of-doors. Pumps, lubricating or other devices shall be located at least twenty (20) feet from any lot line, street line or highway right-of-way.
 - (b) All fuel, oil or similar substances shall be stored at least thirty-five (35) feet distant from any street or lot line.
 - (c) All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
 - (d) No automobile service station shall be erected within any district where such use would be permitted, unless the entrance or exit driveways for vehicles are at least two hundred (200) feet or more from any previously existing assembly hall, theatre, public library, church, school, public playground, public park or hospital.
- (3) Parking provisions related to number of employees shall be computed on the basis of the number of employees on the maximum work shift.

1-15.10 "B-2" HIGHWAY BUSINESS DISTRICT

a PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Bowling alleys. Minimum required off-street parking (for each alley). . . 5
- (2) Bus depots and similar public transportation passenger facilities. Minimum required off-street parking (for each 150 square feet of floor area).. . . . 1
- (3) Confectioneries. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (4) Drive-in Banks. Minimum required off-street parking (for each 150 square

- feet of floor area). 1
- (5) Drive-in establishments serving food or beverages for consumption outside the structure. Minimum required off-street parking (for each 150 square feet of floor area) 1
- (6) Drive-in theatres, provided that a planting screen at least twenty-five (25) feet wide is created along any side abutting a residential district. Minimum required off-street parking -- storage land outside of ticket booth to accommodate ten (10) percent of the theatre capacity. 1
- (7) Drug stores. Minimum required off-street parking (for each 150 square feet of floor area) 1
- (8) Funeral Homes. Minimum required off-street parking (for each 150 square feet of floor area) 1
- (9) Gift shops. Minimum required off-street parking (for each 150 square feet of floor area) 1
- (10) Hotels and motels. Minimum required off-street parking (for each guest room) 1
AND (for each three employees). 1
- (11) Places of entertainment. Minimum required off-street parking (for each 100 square feet of floor area). 1
[Amended November 5, 2001]
- (12) Planned retail or professional office developments or shopping centers. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (13) Recreation centers, skating rinks, miniature golf courses and driving ranges. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (14) Restaurants. Minimum required off-street parking (for each 100 square feet of floor area) 1
[Amended November 5, 2001]
- (15) Sales and Service of farm implements provided service areas are within a structure or building. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (16) Tourist homes, provided such is located on a State Trunk or U.S. numbered highway. Minimum required off-street parking (for each guest room). . . 1
AND (for each three employees). 1
- (17) Trailer camps. Minimum required off-street parking (for each trailer space). 1
- (18) Vehicle sales, service, washing and repair stations, garages, taxi stands and storage garages and service stations. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (19) All uses permitted in the B-1, Business District under Sections 1-15.8(a)(3) to 1-15.8(a)(60), inclusive, not to include any residential use. Minimum required off-street parking shall be the same as required in the B-1 district. [Amended September 14, 2001]

- (20) Display and Sales of Manufactured Homes, Modular Homes and Recreational Vehicles excluding any residential use. Minimum required off-street parking (for each 150 square feet of sales office building floor area). 1 [Added May 9, 2005]

b PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings may be built in a required rear yard, but shall not occupy more than forty (40) percent of the rear yard; nor shall said building be built closer than eight (8) feet to any building unless it is connected thereto; accessory buildings shall conform to all side yard requirements for the full depth of the lot and shall not exceed the maximum height of the principal building.
- (2) Fences.
- (3) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work as determined by the Administrative Officer. The latter shall include trailers and mobile homes used as offices and for tool storage only.

c SPECIAL PERMIT USES AND STRUCTURES The Board of Adjustment may, by special permit, authorize the following special permit uses and structures in the "B-2" District, when authorized in accordance with the requirements of Section 1-103. A fee may be required as provided in Section 1-95. [Amended June 8, 2001]

- (1) Sanitary Land Fills
- (2) Amusement Parks
- (3) Cemeteries or Mausoleums.
- (4) Fair Grounds.
- (5) Radio, Television and Telephone Towers.
- (6) Electric Power Substations.
- (7) Airports.
- (8) Hospitals, Sanatoriums and Correctional Institutions
- (9) Natural Gas Pumping, Metering or Storage Facilities.
- (10) Sewage Treatment Facilities and Lagoons.
- (11) Automotive body repairs, only when such body work is on cars offered for sale by the vehicle sales business. [Amended April 1, 1985]
- (12) Temporary facilities for the bulk mixing of cement and/or asphalt when associated with approved road construction projects. Such sites shall contain a minimum of one (1) acre. The following special requirements to be considered by the Board of Adjustment:
 - (a) A site plan, indicating the proposed use, length of stay, off-street parking and traffic circulation be submitted with the appropriate filing fee as established in Section 1-95 and approved by signature of the City Development Planner except as otherwise provided for in the District Regulations; and

- (b) The use is of a limited and temporary duration, and in no case will exceed six (6) months; and
- (c) The use will serve a public need or contribute to the public convenience and welfare; and
- (d) The use bears some functional or other beneficial relationship to a permitted use within the district; and
- (e) The use will not be likely to interfere with the appropriate use and enjoyment of nearby properties that may be affected by its operations. [Amended April 20, 1987]
- (13) Water Storage Facility and related equipment, tanks and towers, which are part of a public or private water supply system approved under applicable state and local laws and regulations. [Added February 12, 2001]
- (14) telecommunications towers that satisfy the requirements of Part 8 of this Ordinance. [Added April 9, 2001] [Amended June 8, 2001]
- (15) Custom cabinet, furniture and wood working shops not to exceed 6000 square feet, all contained within a single building. Products made primarily from wood and wood based materials may be constructed, reconstructed, repaired or refinished for retail sale on the premises. No outside storage of materials, scrap, waste or completed or partially completed products shall be permitted. Minimum off-street parking (for each 600 square feet of floor area). 1 [Added February 9, 2004]
- (16) Wind Energy Conversion Systems and Wind Towers [Amended August 28, 2006]
- (17) Motorized Race Tracks subject to the following minimum development requirements:
 - (a) Minimum Complex Area - twenty (20) acres.
 - (b) Minimum Complex Width - six hundred (600) feet.
 - (c) Front Yard setback - two hundred (200) feet for clear zone, except for safety measures
 - (d) Side Yard setback - two hundred (200) feet for clear zone, except for safety measures
 - (e) Rear Yard setback - two hundred (200) feet for clear zone, except for safety measures
 - (f) Off Street Parking - Adequate parking must be provided on the property.
 - (g) Lighting - any lighting provided shall be so arranged that it will not shine directly onto adjacent properties.
 - (h) Buffering - noise buffering in the form of landscaping or fencing may be required by the Board of Adjustment as needed according to its discretion at the expense of the applicant. Additional restrictions to noise may be imposed by limiting hours of operation or maximum decibel levels.
 - (i) Distance from existing dwelling - no track shall be located closer than one thousand (1000) feet from any existing dwellings other than the dwellings

- owned by the applicant for the proposed track.
- (j) Surfacing - the tracks shall be surfaced with asphalt or treated with dust inhibitor to reduce dust.
 - (k) Notification by mail to property owners within one thousand (1000) feet of the property lines.
 - (l) A site plan drawn to scale of the proposed development showing location, size and use of all new and existing buildings with setbacks of those buildings from lot lines and street lines; areas used for the race track will be delineated on the site plan showing the setbacks from lot lines and street lines and existing homes within 2,000 feet of the raceway; location and type of safety measures planned including curbs, guardrail, debris fences or other barrier systems, sandpits, gravel traps, run-off areas or setbacks etc. to protect the drivers, spectators, and adjacent property owners; parking areas with parking stalls delineated and direction of traffic indicated; fencing, berms or tree screening used for visibility or noise barrier to adjacent property owners and any livestock; points of ingress and egress from public right-of-ways; location and type of storm water run-off facilities; location of sanitary sewer and water facilities to be provided (if these involve connection to public facilities the connection will be indicated). The site plan must be reviewed by the County Engineer, Health Administrator and Zoning Administrator and their concerns addressed prior to submittal to the Board of Adjustment. Additional measures may be required by the Board of Adjustment
 - (m) Written description of the proposed activity including types of racing allowed and types of accessory uses planned, number of days projected for each type of racing, hours of operation for racing, hours of operation for accessory uses, traffic projections for Average Daily Traffic (ADT) and peak volume projections; emergency services provided; identification of all owners/partners involved. Any changes to the approved plan must be presented to the Board of Adjustment as a new or amended application.
 - (n) Property considered for this use should consider overall CSR and the county comprehensive plan objectives in granting approval.
 - (o) The proposed track must be insurable and proof of liability insurance must be provided annually.
 - (p) Accessory uses that are allowed with this Special Use Permit include: structures necessary for track operation and viewing, camping, food and beverage sales, storage areas or buildings for ground and track maintenance equipment, structure(s) for race vehicle repair, one owner occupied single family home.
 - (q) In the event that the use of the track is discontinued for a period of 275 consecutive days, the use will be deemed abandoned. Determination of the date of abandonment shall be made by the county Zoning Administrator. Upon such abandonment, the property owner will have an additional 180

days within which to (1) reactivate the use of the track, or (2) dismantle and remove any structures associated with the use. If the structure(s) are not dismantled and removed as required, the county may issue a County Infraction per Iowa Code Section 331.307 to have the structures removed and assess the costs against the property for collection in the same manner as property taxes. [Amended July 2, 2007]

d APPLICABLE STANDARDS

Minimum lot area and frontage - No minimum lot area or frontage shall be required in any "B-2" District, but said district shall contain at least three (3) acres except where special circumstances may require a smaller area for the highest and best use of the land.

Minimum required street, side and rear yard;

street	25 feet
side	15 feet
or if the lot adjoins a residential district a side yard setback of twenty-five feet (25') shall be required	
rear	40 feet
Maximum height	35 feet

[Amended December 9, 1991]

e PERMITTED SIGNS

- (1) No sign shall hereafter be located, erected, moved, reconstructed, enlarged, converted or structurally altered without a zoning permit and without being in conformity with the provisions of this Ordinance.
- (2) The following controls apply to off-premise signs:
 - (a) PERMIT: A permit must be obtained from the County Zoning Administrator prior to erecting a sign.
 - (b) ZONING RESTRICTIONS: New signs may be erected only in areas zoned "B-1", "B-2", "M-1" or "M-2".
 - (c) SIZE: The display area of a single-face is limited to a maximum of twelve thousand (1,200) square feet. A maximum of two (2) faces may be oriented in the same direction. The two (2) faces must be on a common structure, and the maximum combined display area of the two (2) faces is seven hundred fifty (750) square feet.
 - (d) LIGHTS: In general, flashing, intermittent or moving lights are prohibited.
 - (e) SPACING: A new sign must be a minimum of 300 feet from any other off-premise sign facing the same direction.
 - (f) PLACEMENT: At the intersection of a primary highway and a city street, county road or other primary highway, off-premise signs are prohibited in an area at the corner of private property to maintain adequate sight distance for motorist safety. [Amended April 20, 1987]
- (3) The fee for a sign permit shall be determined by the fee schedule in Section 1-95. The sign permit will expire five (5) years after the date of issue, at which time a new sign permit may be issued provided all provisions of this

Ordinance are met. If a new permit is not issued, the sign must be removed within three (3) months after the expiration date.

- (4) Signs excepted from zoning permit.
 - (a) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
 - (b) Real Estate Signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
 - (c) Name, Occupation, Warning, No Hunting and No Trespassing Signs not to exceed two (2) square feet located on the premises.
 - (d) Bulletin Boards for public, charitable or religious institutions not to exceed thirty-two (32) square feet in area located on the premises.
 - (e) Memorial Signs, tablets, names of buildings and date of erection when cut into masonry surface or when constructed of metal and affixed flat against a structure.
 - (f) Official Signs, such as traffic control, parking restrictions, information and notices.
 - (g) Temporary Signs or banners when authorized by the Board of Adjustment.
- (5) Signs needing a zoning permit.
 - (a) Wall Signs placed against the exterior walls of buildings shall not extend more than fifteen (15) inches outside of a building's wall surface, but shall not extend into a yard. Wall signs attached to, and advertising copy painted on an exterior wall shall not exceed eight hundred (800) square feet in area or more than twenty five (25) percent of the total exterior wall space per building, whichever is larger.
 - (b) Projecting Signs fastened to, suspended from or supported by structures, shall not extend more than six (6) feet into any required yard; shall not extend into any public right-of-way; shall not be less than ten (10) feet from all side lot lines; shall not exceed the height of the building to which it is attached and shall not be less than fifteen (15) feet above a driveway.
 - (c) Ground Signs shall meet all yard requirements for the district in which it is located. [Amended April 20, 1987]
 - (d) Roof Signs shall not exceed ten (10) feet in height; shall meet all the yard requirements for the district on which it is located; shall not exceed four hundred (400) square feet on all sides for any one premises; shall be required to maintain a three (3) feet setback from the edge of the building or a six (6) feet clearance from the roof to the bottom of the sign.
 - (e) Combinations of any of the above signs shall meet all the requirements for the individual sign.
- (6) Placement. At the intersection of a primary highway and a city street, county road or other primary highway, off-premise signs are prohibited in an area

designated by the County Engineer or other official having jurisdiction over county or state roadways as a 'clear sight area' at the corner of private property to maintain adequate sight distance for motorist safety. [Amended April 20, 1987] [Amended December 9, 1991]

- (7) No sign except those excepted from Zoning permits shall be permitted to face a residential district within one hundred (100) feet of such district boundary.
- (8) Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape; and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.
- (9) Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure.

f SPECIAL REQUIREMENTS

- (1) Uses shall be permitted after review and approval of the County Zoning Commission. A detailed site plan shall be presented to the Commission showing the building location and size, access and driveways for ingress and egress, parking as required, lighting, landscaping, drainage, sewerage and water systems, and a location sketch showing all uses and traffic circulation within 1,000 feet. The site plan shall be prepared to a scale of no less than fifty (50) feet to the inch, and a minimum of five (5) copies shall be prepared for the Commission.
- (2) Security Fences are permitted in the required yards but shall not exceed ten (10) feet in height.
- (3) Storage Garages and automobile service stations.
 - (a) No repair work shall be performed out-of-doors. Pumps, lubricating or other devices shall be located at least twenty (20) feet from any lot line, street line or highway right-of-way.
 - (b) All fuel, oil or similar substances shall be stored at least thirty-five (35) feet distant from any street or lot line.
 - (c) All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
 - (d) No automobile service station shall be erected within any district where such use would be permitted, unless the entrance or exit driveways for vehicles are at least two hundred (200) feet or more from any previously existing assembly hall, theatre, public library, church, school, public playground, public park or hospital.
- (4) Parking provisions related to number of employees shall be computed on the basis of the number of employees on the maximum work shift.

- (5) Trailer camps shall be governed by the requirements of Part 6 of this ordinance

1-15.11 "M-1" INDUSTRIAL DISTRICT

a PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) All permitted uses in the "B-2" District except residential. Minimum required off-street parking, same as in the "B-2" District.
- (2) Automotive body repairs. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (3) Cleaning, pressing and dyeing establishments. Minimum required off-street parking (for each 150 square feet of floor area).. 1
- (4) Commercial bakeries. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (5) Commercial greenhouses. Minimum required off-street parking (for each 150 square feet of floor area).. 1
- (6) Distributors. Minimum required off-street parking (for each 150 square feet of floor area) 1
- (7) Farm machinery. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (8) Food locker plants. Minimum required off-street parking (for each 150 square feet of floor area). 1
- (9) Laboratories. Minimum required off-street parking (for each 150 square feet of floor area) 1
- (10) Machine shops. Minimum required off-street parking (for each 3 employees) 1
- (11) Manufacture and bottling of nonalcoholic beverages. Minimum required off-street parking (for each 3 employees). 1
- (12) Painting and printing. Minimum required off-street parking (for each 3 employees). 1
- (13) Publishing. Minimum required off-street parking (for each 3 employees) . 1
- (14) Storage and sale of machinery and equipment. Minimum required off-street parking (for each 150 square feet of floor area).. 1
- (15) Trade and contractors offices. Minimum required off-street parking (for each 300 square feet of floor area).. 1
- (16) Warehousing and wholesaling. Minimum required off-street parking (for each 3 employees). 1
- (17) Manufacturing, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, plastics, textiles and wood. Minimum required off-street parking (for each 3 employees).. 1
- (18) Manufacturing, fabrication, processing, packaging and packing of confections, cosmetics, electrical appliances, electronic devices, food except cabbage, fish and fish products, meat and meat products, and pea vining, instruments, jewelry, pharmaceuticals, tobacco and toiletries. Minimum

- required off-street parking (for each 3 employees). 1
- (19) Utilities are permitted provided structures are not less than fifty (50) feet from any residential lot line. Minimum required off-street parking. . . . 0
- (20) Public passenger transportation terminals are permitted provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.
Minimum required off-street parking (for each 150 square feet of floor area).
. 1

b PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings.
- (2) Fences.
- (3) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work as determined by the Administrative Officer. The latter shall include trailers and mobile homes used as offices and for tool storage only.
- (4) Dwelling units for watchmen or custodial employees on the premises.

c SPECIAL PERMIT USES AND STRUCTURES The Board of Adjustment may, by special permit, authorize the following special permit uses and structures in the "M-1" District, when authorized in accordance with the requirements of Section 1-103. A fee may be required as provided in Section 1-95. [Amended June 8, 2001]

- (1) Sanitary Land Fills
- (2) Amusement Parks
- (3) Cemeteries or Mausoleums.
- (4) Fair Grounds.
- (5) Radio, Television and Telephone Towers.
- (6) Electric Power Substations.
- (7) Airports.
- (8) Hospitals, Sanatoriums and Correctional Institutions
- (9) Natural Gas Pumping, Metering or Storage Facilities.
- (10) Sewage Treatment Facilities and Lagoons.
- (11) A single family residential unit may be allowed as a special permitted use for custodial purposes when the dwelling is occupied by the owner of the property or a family member and when the area of the lot is three acres or more. Any residential unit so placed shall be required to meet the setback requirements of the adjacent residential or commercial district, if any, or the manufacturing district where located, whichever is more restrictive. Such residential unit shall not be separated nor subdivided from the remainder of the property unless such separation or subdivision shall be for the purpose of creating a lot for additional manufacturing use in conformance with the provisions and standards established by this Ordinance and only if the occupancy of the dwelling shall be continued by the owner of the property

upon which said dwelling is located. Such property shall not subsequently be eligible for rezoning to a nonmanufacturing use unless such rezoning shall bring it into conformity with at least 75% of the surrounding properties. [Amended August 17, 1992.]

- (12) Water Storage Facility and related equipment, tanks and towers, which are part of a public or private water supply system approved under applicable state and local laws and regulations. [Added February 12, 2001]
- (13) telecommunications towers that satisfy the requirements of Part 8 of this Ordinance. [Added April 9, 2001] [Amended June 8, 2001]
- (14) Wind Energy Conversion Systems and Wind Towers [Amended August 28, 2006]

d APPLICABLE STANDARDS No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted except as authorized by a special exception granted by the Board of Adjustment.

Minimum lot area and frontage - none

Minimum required street, side and rear yard;

street	30 feet
rear	30 feet
side	30 feet
maximum height.	35 feet

e PERMITTED SIGNS

- (1) No sign shall hereafter be located, erected, moved, reconstructed, enlarged, converted or structurally altered without a zoning permit and without being in conformity with the provisions of this Ordinance.
- (2) The following controls apply to off-premise signs:
 - (a) PERMIT: A permit must be obtained from the County Zoning Administrator prior to erecting a sign.
 - (b) ZONING RESTRICTIONS: New signs may be erected only in areas zoned "B-1", "B-2", "M-1" or "M-2".
 - (c) SIZE: The display area of a single-face is limited to a maximum of twelve thousand (1,200) square feet. A maximum of two (2) faces may be oriented in the same direction. The two (2) faces must be on a common structure, and the maximum combined display area of the two (2) faces is seven hundred fifty (750) square feet.
 - (d) LIGHTS: In general, flashing, intermittent or moving lights are prohibited.
 - (e) SPACING: A new sign must be a minimum of three hundred (300) feet from any other off-premise sign facing the same directions.
 - (f) PLACEMENT: At the intersection of a primary highway and a city street, county road or other primary highway, off-premise signs are prohibited in an area at the corner of private property to maintain adequate sight distance for motorist safety. [Amended April 20, 1987]
- (3) The fee for a sign permit shall be determined by the fee schedule in Section

1-95. The sign permit will expire five (5) years after the date of issue, at which time a new sign permit may be issued provided all provisions of this Ordinance are met. If a new permit is not issued, the sign must be removed within three (3) months after the expiration date.

- (4) Signs excepted from zoning permit.
 - (a) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
 - (b) Real Estate Signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
 - (c) Name, Occupation, Warning, No Hunting and No Trespassing Signs not to exceed two (2) square feet located on the premises.
 - (d) Bulletin Boards for public, charitable or religious institutions not to exceed thirty-two (32) square feet in area located on the premises.
 - (e) Memorial Signs, tablets, names of buildings and date of erection when cut into masonry surface or when constructed of metal and affixed flat against a structure.
 - (f) Official Signs, such as traffic control, parking restrictions, information and notices.
 - (g) Temporary Signs or banners when authorized by the Board of Adjustment.
- (5) Signs needing a zoning permit.
 - (a) Wall Signs placed against the exterior walls of buildings shall not extend more than fifteen (15) inches outside of a building's wall surface, but shall not extend into a yard. Wall signs attached to, and advertising copy painted on an exterior wall shall not exceed eight hundred (800) square feet in area or more than twenty five (25) percent of the total exterior wall space per building, whichever is larger.
 - (b) Projecting Signs fastened to, suspended from or supported by structures, shall not extend more than six (6) feet into any required yard; shall not extend into any public right-of-way; shall not be less than ten (10) feet from all side lot lines; shall not exceed the height of the building to which it is attached and shall not be less than fifteen (15) feet above a driveway.
 - (c) Ground Signs shall meet all yard requirements for the district in which it is located. [Amended April 20, 1987]
 - (d) Roof Signs shall not exceed ten (10) feet in height; shall meet all the yard requirements for the district on which it is located; shall not exceed four hundred (400) square feet on all sides for any one premises; shall be required to maintain a three (3) feet setback from the edge of the building or a six (6) feet clearance from the roof to the bottom of the sign.
 - (e) Combinations of any of the above signs shall meet all the requirements for the individual sign.

- (6) Such signs shall be permitted only provided they are not erected or placed within three hundred (300) feet of a railroad intersecting a street, road or highway; or within three hundred (300) feet of any existing residence or residence district; nor nearer an existing sign than a distance in lineal feet equal to the sum of the square feet area of both the existing and the proposed sign; provided that no sign, regardless of size, shall be closer to another sign than three hundred (300) feet on any one side of the street, road or highway; nor shall any sign, at any point, obstruct proper and necessary sight distance from any street, road or highway. [Amended April 20, 1987]
- (7) No sign except those excepted from Zoning permits shall be permitted to face a residential district within one hundred (100) feet of such district boundary.
- (8) Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape; and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.
- (9) Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure.
- (10) No sign permit will be required for lawfully existing signs until two (2) years after the date of this Ordinance is adopted, at which time all signs, except those excepted must have a sign permit.

f SPECIAL REQUIREMENTS

- (1) Security Fences are permitted in the required yards but shall not exceed ten (10) feet in height.
- (2) Storage Garages and automobile service stations.
 - (a) No repair work shall be performed out-of-doors. Pumps, lubricating or other devices shall be located at least twenty (20) feet from any lot line, street line or highway right-of-way.
 - (b) All fuel, oil or similar substances shall be stored at least thirty-five (35) feet distant from any street or lot line.
 - (c) All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
 - (d) No automobile service station shall be erected within any district where such use would be permitted, unless the entrance or exit driveways for vehicles are at least two hundred (200) feet or more from any previously existing assembly hall, theatre, public library, church, school, public playground, public park or hospital.
- (3) Parking provisions related to number of employees shall be computed on the basis of the number of employees on the maximum work shift.

- (4) Any residence existing prior to the adoption of this Ordinance shall be considered to be a nonconforming use in any industrial district.
- (5) Manufacturing, fabricating, repairing, storing, cleaning, servicing and testing of materials, goods or products shall be carried on in such a manner as not to be injurious or offensive by reason of the emission, or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious.
- (6) No building, structure or parcel of land shall be used for manufacturing, fabricating, repairing, storing, cleaning or servicing of materials, products or goods, within thirty (30) feet of any lot line adjoining a dwelling or a residence district and when directly across the street from a dwelling or residence district there shall be provided for such use, a front yard not less than thirty-five (35) feet in depth along such street frontage.
- (7) No lot or parcel of land shall be used for dwelling purposes except as custodian quarters with a permitted use.
- (8) Maximum height shall not apply when fire protection is provided by the owner, but shall set back from minimum yard requirements at least one foot for each foot of additional building height above the maximum height limit.

1-15.12 "M-2" HEAVY INDUSTRIAL DISTRICT

a PERMITTED PRINCIPAL USES AND STRUCTURES

Any building or premises may be used for any nonresidential purpose whatever, except uses listed under "special permit uses and structures".

- (1) Hotels and motels. Minimum required off-street parking (for each guest room) 1
AND (for each three employees). 1
- (2) Hospitals, clubs and lodges. Minimum required off-street parking (for each two beds). 1
AND (for each three employees). 1
- (3) Sanatoriums, institutions, rest and nursing homes. Minimum required off-street parking (for each five beds). 1
AND (for each three employees). 1
- (4) Medical and mental clinics. Minimum required off-street parking (for each doctor) 3
- (5) Churches, theatres, auditoriums, community centers, vocational and night schools and other places of public assembly. Minimum required off-street parking (for each five seats).. 1
- (6) Colleges, secondary and elementary schools. Minimum required off-street parking (for each two employees). 1
- (7) Restaurants, bars, places of entertainment, repair shops, retail and service stores. Minimum required off-street parking (for each 150 square feet of floor area) 1
- (8) Manufacturing and processing plants, laboratories and warehouses. Minimum required off-street parking (for each three employees). 1

- (9) Financial institutions, businesses, governmental and professional offices. Minimum required off-street parking (for each 300 square feet of floor area). 1
- (10) Funeral homes. Minimum required off-street parking (for each 50 square feet devoted to parlors). 1
- (11) Bowling alleys. Minimum required off-street parking (for each alley). . . 5
 Uses not listed. In the case of structures or uses not mentioned, the provisions for a use which is similar shall apply.
 Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

b PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings.
- (2) Fences.
- (3) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work as determined by the Administrative Officer. The latter shall include trailers and mobile homes used as offices and for tool storage only.

c SPECIAL PERMIT USES AND STRUCTURES

The Board of Adjustment may, by special permit, authorize the following special permit uses and structures in the "M-2" District, when authorized in accordance with the requirements of Section 1-103. A fee may be required as provided in Section 1-95. [Amended June 8, 2001]

- (1) Sanitary Land Fills
- (2) Amusement Parks
- (3) Cemeteries or Mausoleums.
- (4) Fair Grounds.
- (5) Radio, Television and Telephone Towers.
- (6) Electric Power Substations.
- (7) Airports.
- (8) Hospitals, Sanatoriums and Correctional Institutions
- (9) Natural Gas Pumping, Metering or Storage Facilities.
- (10) Acid manufacturing
- (11) Dead animals, reduction of
- (12) Distillation of bone
- (13) Fat rendering
- (14) Fertilizer, manufacturing of
- (15) Gas, manufacture of
- (16) Garbage disposal
- (17) Glue, manufacture of
- (18) Junkyards and auto salvage (see "special requirements")
- (19) Oil refinery
- (20) Stock yards or slaughtering of animals

- (21) Tanneries
- (22) Sewage Treatment Facilities and Lagoons.
- (23) A single family residential unit may be allowed as a special permitted use for custodial purposes when the dwelling is occupied by the owner of the property or a family member and when the area of the lot is three acres or more. Any residential unit so placed shall be required to meet the setback requirements of the adjacent residential or commercial district, if any, or the manufacturing district where located, whichever is more restrictive. Such residential unit shall not be separated nor subdivided from the remainder of the property unless such separation or subdivision shall be for the purpose of creating a lot for additional manufacturing use in conformance with the provisions and standards established by this Ordinance and only if the occupancy of the dwelling shall be continued by the owner of the property upon which said dwelling is located. Such property shall not subsequently be eligible for rezoning to a nonmanufacturing use unless such rezoning shall bring it into conformity with at least 75% of the surrounding properties.[Amended August 17, 1992]
- (24) Water Storage Facility and related equipment, tanks and towers, which are part of a public or private water supply system approved under applicable state and local laws and regulations. [Added February 12, 2001]
- (25) telecommunications towers that satisfy the requirements of Part 8 of this Ordinance. [Added April 9, 2001] [Amended June 8, 2001]
- (26) Wind Energy Conversion Systems and Wind Towers [Amended August 28, 2006]

d APPLICABLE STANDARDS

Minimum lot area and frontage - None

Minimum required street, side and rear yard;

street	30 feet
rear	20 feet
side	20 feet

Maximum height 4 stories or 50 feet
[Amended December 9, 1991]

e PERMITTED SIGNS

- (1) No sign shall hereafter be located, erected, moved, reconstructed, enlarged, converted or structurally altered without a zoning permit and without being in conformity with the provisions of this Ordinance.
- (2) The following controls apply to off-premise signs:
 - (a) PERMIT: A permit must be obtained from the County Zoning Administrator prior to erecting a sign.
 - (b) ZONING RESTRICTIONS: New signs may be erected only in areas zoned "B-1", "B-2", "M-1" or "M-2".
 - (c) SIZE: The display area of a single-face is limited to a maximum of twelve thousand (1,200) square feet. A maximum of two (2) faces may be

- oriented in the same direction. The two (2) faces must be on a common structure, and the maximum combined display area of the two (2) faces is seven hundred fifty (750) square feet.
- (d) LIGHTS: In general, flashing, intermittent or moving lights are prohibited.
 - (e) SPACING: A new sign must be a minimum of three hundred (300) feet from any other off-premise sign facing the same direction.
 - (f) PLACEMENT: At the intersection of a primary highway and a city street, county road or other primary highway, off-premise signs are prohibited in an area at the corner of private property to maintain adequate sight distance for motorist safety. [Amended April 20, 1987]
- (3) The fee for a sign permit shall be determined by the fee schedule in Section 1-95. The sign permit will expire five (5) years after the date of issue, at which time a new sign permit may be issued provided all provisions of this Ordinance are met. If a new permit is not issued, the sign must be removed within three (3) months after the expiration date.
- (4) Signs excepted from zoning permit.
- (a) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
 - (b) Real Estate Signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
 - (c) Name, Occupation, Warning, No Hunting and No Trespassing Signs not to exceed two (2) square feet located on the premises.
 - (d) Bulletin Boards for public, charitable or religious institutions not to exceed thirty-two (32) square feet in area located on the premises.
 - (e) Memorial Signs, tablets, names of buildings and date of erection when cut into masonry surface or when constructed of metal and affixed flat against a structure.
 - (f) Official Signs, such as traffic control, parking restrictions, information and notices.
 - (g) Temporary Signs or banners when authorized by the Board of Adjustment.
- (5) Signs needing a zoning permit.
- (a) Wall Signs placed against the exterior walls of buildings shall not extend more than fifteen (15) inches outside of a building's wall surface, but shall not extend into a yard. Wall signs attached to, and advertising copy painted on an exterior wall shall not exceed eight hundred (800) square feet in area or more than twenty five (25) percent of the total exterior wall space per building, whichever is larger.
 - (b) Projecting Signs fastened to, suspended from or supported by structures, shall not extend more than six (6) feet into any required yard; shall not

- extend into any public right-of-way; shall not be less than ten (10) feet from all side lot lines; shall not exceed the height of the building to which it is attached and shall not be less than fifteen (15) feet above a driveway.
- (c) Ground Signs shall meet all yard requirements for the district in which it is located. [Amended April 20, 1987]
 - (d) Roof Signs shall not exceed ten (10) feet in height; shall meet all the yard requirements for the district on which it is located; shall not exceed four hundred (400) square feet on all sides for any one premises; shall be required to maintain a three (3) feet setback from the edge of the building or a six (6) feet clearance from the roof to the bottom of the sign.
 - (e) Combinations of any of the above signs shall meet all the requirements for the individual sign.
- (6) Such signs shall be permitted only providing they are not erected or placed within three hundred (300) feet of a railroad intersecting a street, road or highway; or within three hundred (300) feet of any existing residence or residence district; nor nearer an existing sign than a distance in lineal feet equal to the sum of the square feet area of both the existing and the proposed sign; provided that no sign, regardless of size, shall be closer to another sign than three hundred (300) feet on any one side of the street, road or highway; nor shall any sign, at any point, obstruct proper and necessary sight distance from any street, road or highway. [Amended April 20, 1987]
 - (7) No sign except those excepted from Zoning permits shall be permitted to face a residential district within one hundred (100) feet of such district boundary.
 - (8) Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape; and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.
 - (9) Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure. No sign permit shall be required for lawfully existing signs until two (2) years after the date of this Ordinance is adopted, at which time all signs, except those excepted must have a sign permit.

f SPECIAL REQUIREMENTS

- (1) Security Fences are permitted in the required yards but shall not exceed ten (10) feet in height.
- (2) Storage Garages and automobile service stations.
 - (a) No repair work shall be performed out-of-doors. Pumps, lubricating or other devices shall be located at least twenty (20) feet from any lot line,

- street line or highway right-of-way.
- (b) All fuel, oil or similar substances shall be stored at least thirty-five (35) feet distant from any street or lot line.
 - (c) All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
 - (d) No automobile service station shall be erected within any district where such use would be permitted, unless the entrance or exit driveways for vehicles are at least two hundred (200) feet or more from any previously existing assembly hall, theatre, public library, church, school, public playground, public park or hospital.
- (3) Parking provisions related to number of employees shall be computed on the basis of the number of employees on the maximum work shift.
 - (4) Any residence existing prior to the adoption of this Ordinance shall be considered to be a nonconforming use in any industrial district.
 - (5) No lot or parcel of land shall be used for dwelling purposes except as custodian quarters with a permitted use.
 - (6) Maximum height shall not apply when fire protection is provided by the owner, but shall set back from minimum yard requirements at least one foot for each foot of additional building height above the maximum height limit.
 - (7) In any instances where an "M-2" District abuts and adjoins a residential district, only buildings in the "M-2" District shall be set back fifty (50) feet from the district line.
 - (8) JUNK YARDS: Junk yards or vehicular wrecking yards, scrap iron, scrap paper or rag storage, sorting, or baling shall be conducted within a building or where entirely enclosed within the screened confines of a painted fence, masonry wall or suitable substitute not less than eight (8) feet in height, and where there is no open storage at a greater height than that of the screening fence or masonry wall.
 - (9) Nonconforming junk yards located in any district shall maintain the respective yard requirements applicable for the district wherein the same may be located and the screening fence shall not be located within said required yards.
 - (10) All junk yards will comply with the above requirements no later than twelve (12) months from the adoption of this ordinance.

1-15.13 "PC" PLANNED COMPLEX DISTRICT

This district is provided to accommodate the development of planned residential, commercial and industrial complexes or combinations of such uses and their customary accessory uses so that each unit is an integral part of an overall concept.

- a APPLICATION: The owner or owners of contiguous property comprising ten (10) acres or more may submit an application to have their land classified "PC" Planned Complex on the Zoning Map. The application shall be made to the

Zoning Administrator and shall include the following:

- (1) Legal description of the property as it is presently recorded.
 - (2) Six (6) copies of the plan of the property showing the existing topography, all buildings and other man made structures, present uses and recorded lot lines. This plan shall be drawn to a scale of one (1) inch equals two hundred (200) feet with contour intervals of two (2) feet.
 - (3) Plot plan of proposed development showing all buildings with exterior dimensions, parking areas with parking stalls delineated and direction of traffic indicated, streets showing direction of traffic indicated, streets showing direction of traffic flow, points of ingress and egress from public right-of-ways, sanitary sewer and water facilities to be provided (if these involve connection to public facilities the connection will be indicated).
 - (4) A preliminary plan for any privately operated sanitary sewer facilities or water facilities.
 - (5) Proposed plat of the area to be included in the planned complex and any public right of way included as a part of the development. The plat will be administered according to the provisions of the county subdivision regulations. The final plat shall be approved in conjunction with the planned complex. Existing lots and blocks that are deemed to be unsuitable for the best development of the proposed complex shall be vacated.
 - (6) A written statement describing the concept of the proposed development substantiating the following:
 - (a) That the proposed development is in accord with Section 1-3 Purpose and Intent of this Ordinance.
 - (b) That the proposed uses are in accord with the future land use plan.
 - (c) That in consideration of the best interests of the general public the proposed development is more beneficial than the development that could be accomplished under the provisions of any other district.
 - (d) That the general public will actually benefit by the proposal because of increased accommodations and aesthetic qualities.
 - (e) That the design for the area is in accord with sound and generally accepted principles of architecture, landscape architecture, engineering and related fields.
- b REVIEW: Upon receipt of such application the Zoning Administrator shall notify the chairman of the Dubuque County Zoning Commission. Within thirty (30) days of the date of such application, the Commission shall prepare a specific listing of additional information that they deem necessary in preparing an analysis of the proposal. Within 30 days of receipt of such information the Commission will prepare in writing an analysis of the proposal and forward the analysis and application to the Board of Supervisors. The Board of Supervisors shall hold a public hearing prior to taking action on the proposal.
- c PERMITS: The Zoning Enforcement Officer shall issue permits only for buildings, structures or uses shown on the plan.

- d AMENDMENTS: A proposed amendment to the plan will be subject to all regulations and procedures of an original proposal.

1-15.14 "AO" AIRPORT OPERATIONS DISTRICT [Added March 14, 2005]

This is a restricted district for land located on-airport as designated on the District Zoning Map for the Dubuque Regional Airport Influence Area, and is established to protect airport operations from any encroachments or land use conflicts.

a PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Runways and taxiways
- (2) Navigational aids
- (3) Federal Aviation Administration (FAA) approved operational aids
- (4) Utilities (underground) subject to review approval by Airport Commission

b PERMITTED ACCESSORY USES AND STRUCTURES

All uses customarily incidental to the principal permitted uses and with such accessory uses are operated and maintained in conjunction with the principal use, but not to include commercial use outside the principal building.

c HEIGHT AND SETBACK REGULATIONS

No structure or buildings may be constructed in this zone at a height other than those specifically required or permitted by Federal Aviation Administration (FAA) for operational purposes. A 30' setback is required from adjoining properties for any structure placed along the perimeter of the Dubuque Regional Airport Influence Area.

1-15.15 "AC" AIRPORT COMMERCIAL DISTRICT [Added March 14, 2005]

This district as designated on the District Zoning Map for the Dubuque Regional Airport Influence Area, is created to provide for on-airport land uses, which are not involved in direct flight operations, but are related to airport support activities and light commercial and industrial uses.

a PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Terminal operations, to include related ticketing and office uses, baggage, handling and restaurants.
- (2) Fixed base operations, including charter, agricultural spraying, and flying school operations and similar and compatible land uses.
- (3) Airport hangers, maintenance and storage buildings.
- (4) The following retail businesses and offices where all activity is inside a building and which emit no electrical or radio interference.
 - (a) Hotels and motels
 - (b) Retail sales and/or service
 - (c) Professional office developments
 - (d) Restaurants
 - (e) Vehicle sales, service, washing and repair stations, garages, taxi stands and storage garages and service stations
- (5) Post secondary public or private schools, colleges and universities.

- (6) The following light industrial or manufacturing operations where the entire operation is confined within a building and provides no noxious or offensive vibration, noise, dust, fumes, gas, radio interference, odor or smoke.
 - (a) Distributors
 - (b) Laboratories
 - (c) Machine shops
 - (d) Manufacture and bottling of nonalcoholic beverages
 - (e) Painting and printing

 - (f) Publishing
 - (g) Trade and contractors offices
 - (h) Warehousing and wholesaling
 - (i) Manufacturing, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, plastics, textiles and wood.
 - (j) Manufacturing, fabrication, processing, packaging and packing of confections, cosmetics, pharmaceuticals, electrical appliances, electronic devices, food except cabbage, fish and fish products, meat and meat products, and pea vining, instruments, jewelry.
 - (k) Bus depots and similar public transportation passenger facilities
 - (l) Contractors and construction officers.
 - (m) Fuel sales, office only.

b PERMITTED ACCESSORY USES AND STRUCTURES
 All uses customarily incidental to the principal permitted uses and with which such accessory uses are operated and maintained in conjunction with the principal use, but not to include a commercial use outside the principal building.

c HEIGHT AND SETBACK REGULATIONS
 Maximum height for structures shall be regulated by Dubuque County Airport Height and Hazard Zone (AH) and Federal Part 77 Airspace requirements. A 30' setback is required from adjoining properties for any structure placed along the perimeter of the Dubuque Regional Airport Influence Area.

d SPECIAL PERMIT USES AND STRUCTURES
 Same as "M-1" District - Section 1-15.10c.

e SPECIAL REQUIREMENTS
 In addition to all other requirements, all uses and structures shall be and remain in compliance with all applicable FAA regulations, as well as all regulations and restrictions imposed by the Dubuque Airport Commission, including those related to setback, parking, and signs.

1-15.16 "AA" AIRPORT INFLUENCE AREA AGRICULTURE DISTRICT [Added March 14, 2005]

This district as designated on the District Zoning Map for the Dubuque Regional

Airport Influence Area, is established to provide for agricultural land uses of off-airport property, which is located in the Dubuque Regional Airport Influence Area.

a PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Agricultural uses including farm dwellings and accessory buildings
- (2) Public utilities (underground)
- (3) Public parks and recreation areas
- (4) Cemeteries
- (5) Riding stables
- (6) Quarries

b PERMITTED ACCESSORY USES AND STRUCTURES

All uses customarily incidental to the principal permitted uses and with which such accessory uses are operated and maintained in conjunction with the principal use, but not to include a commercial use outside the principal building.

c HEIGHT AND SETBACK REGULATIONS

Maximum height for structures shall be regulated by the Dubuque County Airport Height and Hazard Zone (AH) and Part 77 Airspace requirements. A 30' setback is required from adjoining properties for any structure placed along the perimeter of the Dubuque Regional Airport Influence Area.

1-16 RESTRICTED HEIGHT (RH) ZONES [Amended November 3, 1997]

1-16.1 In addition to height restrictions imposed in other sections of this Ordinance, it is recognized that certain areas shall need to be further restricted in terms of height of structures or natural objects. Such restrictions may be necessary for emergency communication transmission and reception of other legitimate public safety concerns. Such areas shall be identified on the Zoning Map as *Restricted Height (RH) Zones*. Such designation shall not affect usage of the property within the parameters of its zoning classification except that no structure or object shall be allowed to exceed the height above mean sea level specified in the RH designation. No variance shall be granted to the Restricted Height Zones.

1-16.2 The following areas shall be designated as RH Zones:

- a. A strip of land one hundred feet (100') wide from the Communications Tower at Sunnycrest Manor to the Communications Tower at the Peosta Water Tower. The maximum height allowed in this corridor shall be one thousand feet (1000') above mean sea level as determined by a qualified engineer licensed under the laws of the State of Iowa.
- b. A strip of land one hundred feet (100') wide from the Communications Tower at the Peosta Water Tower to the Communications Tower at the Farley Water Tower. The maximum height allowed in this corridor shall be one thousand one hundred and fifty feet (1150') above mean sea level as determined by a qualified engineer licensed under the laws of the State of Iowa.

- c. A strip of land with the point of beginning at the intersection of Runway 18-36 of the Dubuque Regional Airport with the north line of Section 34 T88N-R2E, Table Mound Township and thence running south to the southerly line of Section 34-T88N-R2E, Washington Township which is also the southern boundary of Dubuque County. The RH Zone shall be five hundred and fifty feet (550') on either side of the centerline of said Runway 18-36 at the point of beginning and shall widen to nine hundred and fifty feet (950') on either side of the centerline of said north-south runway as extended at the point of termination. The height restriction shall be one thousand feet (1000') above mean sea level at the point of beginning and shall rise proportionally to one thousand eight hundred feet (1900') above mean sea level at the point of termination as determined by a qualified engineer licensed under the laws of the State of Iowa. Property lying within the above boundaries shall also be subject to all restrictions as set forth in Section 1-17 of this Ordinance.

1-17 AIRPORT HEIGHT AND HAZARDS (AH) ZONE [Amended November 3, 1997]

1-17.1 PURPOSE

- a. These regulations are adopted by the Board of Supervisors of Dubuque County for the purpose of exercising to the fullest extent possible the power granted by Chapter 329 of the Code of Iowa 1973 pertaining to the restriction of airport hazards in the vicinity of airports and creating airport hazard zones.
- b. The administration and enforcement of these zoning regulations shall be performed by the Dubuque Airport Zoning Commission acting through the Airport Manager, or through such other persons or representatives as the Dubuque Airport Commission may from time to time by resolution direct, but as provided by Section 329.13 of the Code of Iowa 1997 or subsequent revisions thereof, such duties of enforcement and administration may not be delegated to any person who is a member of any Board of Adjustment.

1-17.2 In all cases where, in the opinion of the Zoning Administrator, a proposed structure or alteration or natural object may exceed any of the following heights, the application for a zoning certificate shall be forwarded to the Airport Zoning Commission for review. That body shall determine whether the proposal poses a threat to air navigation as determined by Federal Aviation Administration (FAA) standards. If the site is determined to pose a hazard and before a zoning certificate shall be granted, the application shall be by proof that notice has been given pursuant to 14CFR 77.17 and that the proposed building, structure, or natural object would not be a hazard to air navigation.

- a. Any building, structure or alteration or natural object which would exceed two hundred (200) feet above the ground level at its site.
- b. Any building, structure, alteration or natural object which will exceed one hundred fifty feet (150') above the elevation of the Dubuque Regional

- Airport (designated as 1,076.5' above mean sea level {MSL}).
- c. Any building, structure, alteration or natural object which will exceed the height of any imaginary surface extending outward and upward at a slope of one hundred (100) to one (1) for a horizontal distance of ten thousand feet (10,000') from the nearest point of any runway of the Dubuque Regional Airport.
- 1-17-3 The Airport Zoning Commission may waive notice to the FAA for any proposed building, structure, alteration or natural object which would be shielded by existing structures of a permanent and substantial character or natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town or settlement where it is evident beyond a reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
- 1-17-4 Any building, structure, alteration or natural object for which notice to the FAA is required shall comply with all marking and lighting requirements prescribed by the FAA.
- 1-17-5 The construction of any building, structure, alteration or natural object which has been determined by the FAA to be a hazard to air navigation or for which notice to the FAA is required but has not been given or any failure to comply with FAA marking and lighting requirements shall constitute a violation of this Ordinance and shall be subject to all of the remedies and penalties set out in Section 1-94.
- 1-17-6 This section (1-17) is adopted pursuant to authority granted by Iowa Code Chapter 329. Buildings, structures, alterations or natural objects which are exempt from other zoning requirements under Iowa Code Section 335.2 shall be subject to the provisions of this section. Any person proposing to construct a building, structure, alteration or natural object which is otherwise exempt, but which may exceed any of the heights set out in Section 1-17.2, shall obtain a zoning certificate showing compliance with this section prior to commencing construction.
- 1-17-7 Any building, structure other object existing at the time of the adoption of this section, which is subsequently determined by the FAA to be a hazard to air navigation, shall constitute a nonconforming use and shall not be extended, enlarged, reconstructed, moved or structurally altered except in compliance with this section.
- 1-18 WIND ENERGY CONVERSION SYSTEMS & WIND TOWERS** [Amended August 28, 2006]
- 1-18.1 **PURPOSE.** The purpose of this amendment is to regulate the siting of Wind Energy Conversion Systems or Wind Towers in Dubuque County to ensure the health, safety and welfare of the residents while encouraging the use of new energy technologies to provide more locally produced energy. (Policy D-5.1)
- 1-18.2 **SPECIAL PERMIT USE**
- a A Wind Energy Conversion System (WECS) tower may be permitted as a Special

Permit Use in any zoning district upon determination that all of the applicable conditions in this ordinance are met.

A Special Permit Use must be granted by the Board of Adjustment in accordance with Section 1-103 of the Dubuque County Zoning Ordinance to place a tower in the unincorporated areas of Dubuque County. A fee may be required as provided in Section 1-95.

- b A site plan, drawn to scale, identifying the WECS tower structure site boundary; tower location and height; tower setback from property lines and building line(s); location of guy wires and anchors; existing and proposed structures, including accessory structures; access roads, parking areas, fences, lighting, signage and landscape plans; and existing uses on abutting parcels are required to be submitted with the Special Permit Use application.
- 1-18.3 APPLICABLE CONDITIONS. Any applicant must show that all of the following applicable conditions are met:
- a Appearance, Color and Finish – The WECS tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless a change is approved by the Board of Adjustment.
 - b Interference – The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwave or television signals caused by any WECS tower.
 - c Lighting – WECS shall not be lighted unless required to do so by the Federal Aviation Administration (FAA).
 - d Safety - The minimum distance between the ground and any protruding blades utilized on a WECS tower shall be 15 feet, as measured at the lowest point of the arc of the blades. The lowest point of the arc of the blade shall also be 10 feet above the height of any structure within 150 feet of the base. The supporting tower shall also be enclosed with a 6 foot tall fence or the base of the tower shall not be climbable for a distance of 12 feet.
 - e Setback – The base of the tower must be set back one hundred percent (100%) of the total tower height to all adjoining property lines and building lines.
 - f Signage – A WECS tower shall not be used for the display of any advertising.
- 1-18.4 ZONING CERTIFICATE REQUIREMENTS. A Zoning Certificate must be issued by the Dubuque County Zoning Department before a new tower may be built. A fee may be required as provided in Section 1-95.
- 1-18.5 ABANDONMENT – In the event the use of any WECS tower has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Dubuque County Zoning Administrator. Upon such abandonment, the tower shall have an additional one-hundred eighty (180) days within which to
- a Reactivate the use of the tower, or
 - b Dismantle and remove the tower.
 - c If the tower is not dismantled and removed as required, the county may do so and

assess the costs against the property for collection in the same manner as a property tax, pursuant to Iowa Code 331.384.

1-19 through 1-20 Reserved.

PART 3 GENERAL PROVISIONS

- 1-21 COMPLIANCE. No building, structure or premises shall hereafter be erected, extended, converted, moved, rebuilt or altered except in conformity with all district regulations established by this Ordinance for the district in which it is located. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that work is under way, but such temporary buildings shall be removed upon completion of the construction work as determined by the Administrative Officer. This shall include trailers and mobile homes used as offices and for tool storage only.
- 1-22 PERMITS AND CERTIFICATES REQUIRED. All permits and certificates required by this ordinance must be in writing, issued by the Administrative Officer after a proper application and accompanied by the required fees. Fees shall be established by a resolution of the Board of Supervisors in an official schedule of fees for zoning and development services. [Amended May 10, 1999] [Amended June 8, 2001]
- a MORATORIUM FOR PERMITS AND REZONING IN THE SOUTHWEST ARTERIAL CORRIDOR
- The administrative officer shall not issue any permit for any new construction or substantial enlargement, alteration, repair or remodeling of any structure, building or sign in the Southwest Arterial Corridor but not to include demolition, as delineated on the drawings and maps on file at the Dubuque County Zoning Office from the effective date of this Section to July 1, 2016, except where a vested right to the issuance of such permit accrued prior to the effective date of this section. In addition, said administrative officer nor the Board of Supervisors shall give final approval to any zoning reclassification (rezoning) request for property in the Southwest Arterial Corridor that lies within the county limits of the county of Dubuque, as shown delineated on drawings on file in the County Zoning Office from the effective date of this section to July 1, 2016 except where a vested right to the issuance of said approval accrued to any person, firm or corporation as a matter of law prior to the effective date of this section. Notwithstanding the foregoing, the Administrative Officer and the County Board of Supervisors may approve a requested zoning upon a determination that the proposed rezoning will not negatively impact the acquisition of right-of-way along the preferred alignment of the Southwest Arterial Corridor. The County Board of Supervisors

and administrative officer shall also consider any recommendation from the Southwest Arterial Technical Committee regarding potential negative impact, if any, that would result from approval of the requested re-zoning and the subsequent development of the parcel(s).[Amended August 2, 2010, June 6, 2011, July 30, 2012, June 17, 2013, June 16, 2014, August 10, 2016]

- 1-23 FRONTAGE REQUIRED. All lots shall abut a public dedicated street or road right-of-way unless otherwise provided in this Ordinance.
- 1-24 CORNER LOTS. Corner lots platted hereafter shall provide a side yard adjacent to the intersection which shall be equivalent to the front yard requirement of the lots to the rear of the corner lot, which front on the intersecting street or road.
- 1-25 PRINCIPAL RESIDENTIAL BUILDINGS. Every building hereafter erected or structurally altered shall be located on a lot as defined herein and in no case shall there be more than one (1) principal residential building on one lot unless otherwise provided for by this Ordinance.
- 1-26 HALF STREETS. No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- 1-27 SEWER AND WATER. In all cases where a proposed building or proposed use will involve the use of sewerage facilities, and public sewer or public water supply is not available, the sewerage disposal or domestic water supply shall comply with the requirements of the State Plumbing Code and the County Board of Health and the application for a zoning certificate shall be accompanied by a certificate of approval from said Board of Health. Where a public sewer and public water supply is available, such public utilities shall be used. Where an existing system is in operation, or is to be provided for a planned development of 20 acres or more (residential, commercial or industrial); such sewer and water system may be used in lieu of a public system.
- 1-28 EXISTING RESIDENCE. Any residence existing prior to the adoption of this Ordinance shall be considered to be a conforming use in any industrial district.
- 1-29 CAPPED BASEMENTS. A "capped" basement is not to be used as living quarters except on a temporary basis not to exceed one (1) year and must comply with state laws.
- 1-30 ADDITIONS. Any additions to the unincorporated area of the County resulting from disconnections by municipalities or otherwise shall be automatically classified as in the "A-1" Agricultural District until otherwise classified by

amendment.

- 1-31 HEIGHT-AIR NAVIGATION OBSTRUCTIONS [Repealed November 3, 1997; see Section 1-17]
- 1-32 VARIANCES. All variances and special permits shall be recorded and certified in a form appropriate for recording in the Dubuque County Recorder's Office. No zoning certificate shall be issued by the Zoning Administrator prior to recording. [Amended November 16, 1979]
- 1-33 through 1-40 Reserved.

PART 4 TRAFFIC, PARKING AND ACCESS

- 1-41 TRAFFIC VISIBILITY. [Amended December 9, 1991]
- 1-41.1 No obstruction, such as structures, parking or vegetation, shall be permitted in any district if the obstruction could block a driver's view of potentially conflicting vehicles. Obstructions shall not be permitted in clear sight triangles configured according to the current version of the American Association of State Highway and Transportation Officials (AASHTO) policy on geometric designs of highways and streets. Restricted clear sight triangles shall include both approach sight triangles and departure sight triangles as defined by the AASHTO policy. [Amended November 5, 2001]
- 1-41.2 Unless otherwise designated by the transportation plan, all State Highways and County Collector Highways shall be treated as arterials. [Amended November 5, 2001]
- 1-42 LOADING REQUIREMENTS. In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.
- 1-43 PARKING REQUIREMENTS. In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:
 - 1-43.1 Parking Stalls Required. In the case of structures or uses not mentioned in the District Regulations, the provision for a use which is similar should apply. Combination of any uses shall provide the total of the number of stalls required for each individual use.
 - 1-43.2 Adequate Access to a public street shall be provided for each parking space, and

- driveways shall be at least ten (10) feet wide for one and two-family dwellings and a minimum of twenty-four (24) feet wide for all other uses.
- 1-43.3 Size of each parking space shall be not less than one hundred and eighty (180) square feet exclusive of the space required for ingress or egress. Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use. No parking stall or driveways except in residential districts shall be closer than twenty-five (25) feet to a residential district lot line or a street line opposite a residential district.
- 1-43.4 In residence districts boats, campers, house trailers, trucks (other than pickups), boat trailers or similar vehicles or similar accessories to vehicles shall not be parked in front yards or required side yards.
- 1-44 VEHICULAR ENTRANCES AND EXITS to drive-in theatres, banks and restaurants, motels, funeral homes, vehicular sales, service, washing and repair stations; garages or public parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or other place of public assembly.
- 1-45 HIGHWAY ACCESS. Access to a state highway shall be subject to the regulation of the Iowa State Highway Commission. Access to a county road shall be subject to the regulations of the Board of Supervisors.
- 1-45.1 No direct public or private access shall be permitted to the existing or proposed right-of-ways of the following:
- (a) Freeways, Interstate Highways and their interchanges or turning lanes nor to intersecting or interchanging streets within fifteen hundred (1,500) feet of the most remote end of the taper of the turning lanes.
 - (b) Arterial Streets intersecting another arterial street within one hundred (100) feet of the intersection of the right-of-way lines.
 - (c) Temporary Access to the above rights-of-way may be granted by the Board of Adjustment after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months. In all Residential Districts driveways shall be spaced at intervals no closer than six hundred (600) feet except to serve lots platted in accordance with the procedures and requirements of the County Subdivision Ordinance.
- 1-46 LIMITED ACCESS ROADS.
- 1-46.1 All properties located adjacent to or abutting upon roads, streets, county, state or federal highways which have been or are hereafter declared as limited access roads shall meet the following front yard setback requirements in addition to the front yard setback requirements specified in the applicable zoning district.

1-46.2 Front Yard Setback Fifty (50) feet from the right-of-way line or one hundred ten (110) feet from the centerline of the right-of-way whichever is greater. (In determining the total setback for a specific situation, add the setback requirements as specified in the applicable district regulations, plus a distance of fifty (50) feet from the right-of-way, or one hundred ten (110) feet from the centerline of the right-of-way, whichever is greater.

1-47 through 1-50 Reserved.

PART 5 MODIFICATIONS

1-51 HEIGHT. The following structures may exceed the height limitations set out in Section 1-15, District Regulations, but shall be subject to the procedures and limitations of the air navigation obstruction provisions set out in Section 1-17. [Amended December 12, 1983]

1-51.1 Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys.

1-51.2 Special Structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smokestacks.

1-51.3 Essential Services, utilities, water towers, electric power and communication transmission lines.

1-51.4 Communication structures, such as radio and television transmission and relay towers, aerials and observation towers shall not exceed in height three (3) times their distance from the nearest lot line.

1-52 YARDS.

1-52.1 Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

1-52.2 The required street yards may be decreased in any residential or business districts to the average of the abutting structures on each side but in no case less than fifteen (15) feet in any residential district.

1-53 NOISE. Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are permitted.

1-54 through 1-60 Reserved.

PART 6
MOBILE HOMES, MOBILE HOME PARKS AND TRAILER CAMPS

All mobile homes shall be placed or located only in mobile home parks, or as provided for in the "A-1" District.

- 1-61 MOBILE HOME AND TRAILER CAMP PARKS PROCEDURE. Mobile home parks shall be located in the "R-4" District subject to the following permit procedure:
- 1-61.1 Trailer camps shall be located in the "B-2" District subject to the following permit procedure:
- a The owner or owners of any tract of ground located within the unincorporated areas of Dubuque County who may wish to establish a mobile home park or trailer camp, shall submit six (6) copies of a preliminary plan detailing such features as are necessary to establish the fact of compliance with the specific terms of the Ordinance to the Board of Supervisors for consideration. A fee may be required as provided in Section 1-95. [Amended June 8, 2001]
 - b The Board of Supervisors shall refer three (3) copies of said plans to the Zoning Commission and one (1) copy to the County Engineer for review.
 - c The Zoning Commission shall hold a public hearing on the proposed plans and after due consideration, shall render to the Board of Supervisors a report including, but not limited to, a treatment of the following factors:
 - (1) The relation of the proposed mobile home park to the public interest.
 - (2) The effect of the proposed mobile home park on adjacent property values.
 - (3) The consistence and compliance of the proposed mobile home park with the provisions of this Ordinance.
 - (4) The suitability of the site for present development with special attention to topography, subsurface conditions and the availability of necessary utility services.
 - (5) The relation of the population density resulting from the proposed mobile home park to the public interest.
 - (6) The exhibition of sound planning and engineering practices.
 - (7) The availability of access from existing highways and the nature of the altered traffic pattern resulting from the trailer park.
 - (8) The availability of schools, police protection, fire protection and other community services.
 - (9) A recommendation as to the approval or disapproval of proposed plans and location.
 - d The Zoning Commission may require the owner to appear before it and make such changes as may be required. These changes shall be made promptly and the Commission shall render its report to the Supervisors within thirty (30) days after the receipt of the revisions. If the Commission requires no revision, it shall render its recommendation within thirty (30) days after its public hearing.

- e Upon receipt of recommendations from the Zoning Commission, Iowa Board of Health and the County Engineer, the Supervisors shall take action upon the proposed location and plans and approve or disapprove the same.
- 1-61.2 The park shall be located on a well-drained site, properly graded to insure rapid drainage and free from stagnant pools of water.
- a A mobile home park shall contain at least three (3) acres.
 - b No more than eight (8) mobile homes shall be allowed per acre of land in the mobile home park.
 - c Mobile homes shall have a clearance of at least twenty (20) feet from any other mobile home or any building in the park, except in end-to-end clearance. For mobile homes parked end-to-end, the clearance shall be at least fifteen (15) feet.
 - d Mobile homes shall not be located closer than twenty-five (25) feet to any property line of the park abutting upon a public street or highway.
 - e All mobile home spaces shall abut a driveway of not less than twenty-four (24) feet in width, which shall have unobstructed access to a public street, alley or highway.
 - f All thoroughfares within the park shall be hard-surfaced.
 - g All thoroughfares shall be adequately lighted at night.
 - h An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park.
 - i Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installation and plumbing and sanitation systems.
- 1-62 SEWAGE AND REFUSE DISPOSAL. Waste from showers, toilets, slop sinks and laundries shall be discharged into a public sewer system or into a private sewer and disposal plant or septic tank system in compliance with the applicable statutes.
- 1-62.1 Sanitary Equipment and Facilities. Trailer and tent camps shall be provided with toilets, showers, slop sinks and other sanitation facilities which shall conform to the following requirements. When such facilities are provided in a mobile home park, they shall also conform.
- a Toilet facilities for men and women shall be either in separate buildings at least twenty (20) feet apart or shall be separated, if in the same building, by a soundproofed wall.
 - b Toilet facilities for women shall consist of not less than one (1) flush toilet for each ten (10) spaces or fraction thereof, one (1) shower for each twenty (20) spaces or fraction thereof, one (1) lavatory or its equivalent for each ten (10) spaces or fraction thereof, and one (1) slop sink. Each toilet and shower shall be in a private compartment.
 - c Toilet facilities for men shall consist of not less than one (1) flush toilet for each fifteen (15) spaces or fraction thereof, one (1) shower for each twenty (20) spaces or fraction thereof, one (1) lavatory or its equivalent for each ten (10) spaces or

- fraction thereof, one (1) urinal for each twenty-five (25) spaces or fraction thereof, and one (1) slop sink. Each toilet and shower shall be in a private compartment.
- d Service buildings housing the toilet facilities shall be permanent structures and shall be located not nearer than ten (10) feet nor farther than two hundred fifty (250) feet from any space. Service buildings shall be well lighted, shall be well ventilated with screened openings, shall be constructed of such moisture-proof material, including painted woodwork, and shall permit repeated cleaning and washing. They shall be maintained at a temperature of not less than seventy (70) degrees Fahrenheit. The floors of said buildings shall be of a water-impervious material and shall slope to a floor drain connected with the sewage system of the park.
- e Each service building and park grounds shall be maintained in a clean, sightly building and park grounds shall be maintained in a clean, sightly condition and kept free from any condition that will menace the health of any occupant or the public or constitute a nuisance.
- 1-62.2 Garbage, Waste and Rubbish. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow. Sufficient receptacles shall be provided to prevent littering the ground with rubbish and debris.
- 1-63 FIRE PROTECTION. Each service building shall be equipped with approved fire extinguishers. An approved incinerator or specially equipped stove shall be provided to burn all paper and rubbish and shall be supervised by the management. No open fires shall be permitted at any place or time on the property, other than at the approved incinerator.
- 1-64 ADDITIONS TO MOBILE HOMES. No additions shall be built onto any mobile home other than a porch or entry-way which shall leave a clearance of not less than fifteen (15) clear feet between said appurtenance or porch and the next mobile home. No additions shall be permitted in a trailer camp to any mobile units.
- 1-65 SUSPENSION OF PERMIT. Any mobile home park permit issued under this Ordinance may be suspended by the Administrative Officer when the permit holder violates or is in violation of any of the provision of this Ordinance.
- 1-66 PERMIT NOT TRANSFERABLE. No permit granted under the provisions of this Ordinance shall be transferred to any other person. Upon every change in ownership, management and operation of any Mobile Home Park, the permit previously issued for the park shall be null and void.
- 1-67 PERMITS FOR TEMPORARY OCCUPANCY OF MOBILE HOMES OUTSIDE OF A MOBILE HOME PARK

- 1-67.1 Application for permit: Within a period of ten (10) days an application for a permit to occupy a mobile home for dwelling or sleeping purposes outside of a mobile home park upon a lot or premises occupied by a dwelling shall be made at the office of the administrative officer. Said application shall set forth the location of the occupied dwelling where such mobile home is to be used and occupied, the name of the occupant in control of such dwelling. [Amended December 9, 1991]
- 1-67.2 A fee may be required as provided in Section 1-95. The provisions of Part 6 as to locations of a mobile home do not include this situation. [Amended December 9, 1991] [Amended June 8, 2001]
- 1-67.3 Issuing of Permit: The Administrative Officer may issue a permit for the temporary occupancy of a mobile home outside of a Mobile Home Park upon receipt of the applications as set forth in the previous paragraph. The permit may be issued for a period not to exceed six (6) months from the date of the granting permit. Holder of a temporary occupancy permit for a mobile home shall not be subject to the occupancy certificate requirements of Part 9.
- 1-68 INSPECTION. It shall be the duty of the Administrative Officer to enforce all of the provisions of this Section. For the purpose of securing enforcement of the provisions of this Section, the Administrative Officer or any of his duly authorized representatives or any officer of Dubuque County, shall have authority to enter and inspect any Mobile Home Park and the location of any mobile home parked outside of a Mobile Home Park on a temporary occupancy permit.
- 1-69 USE OF A MOBILE HOME AS A HOUSE. [Repealed December 9, 1991]
- 1-70 through 1-72 Reserved.

PART 7

NONCONFORMING USES, STRUCTURES AND LOTS

- 1-73 EXISTING NONCONFORMING USES. The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; however:
- 1-73.1 Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance. Total lifetime structural repairs or alterations shall not exceed fifty (50) per cent of the assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed

- to conform to the use provisions of this Ordinance.
- 1-73.2 Substitution of new equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the Nonconforming use with the neighboring uses.
- 1-74 **ABOLISHMENT OR REPLACEMENT.** Whenever the lawful nonconforming use of a building, structure or land has been abandoned, such building, structure or land shall thereafter be used only in such manner as to conform to all of the provisions of that ordinance. A nonconforming use shall be considered abandoned where the intent of the owner to discontinue the use is apparent, or when the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within twelve (12) months, or when it has been replaced by a conforming use, or when it has been changed to another use under permit from the Board of Adjustment.
- 1-75 **EXISTING NONCONFORMING STRUCTURES.**
- 1-75.1 The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading and access provisions of this Ordinance; however, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.
- 1.75.2 A lawful nonconforming use may be extended or enlarged, permitted within the classification of the existing use, if the Board of Adjustment shall determine, after a public hearing of which public notice has been given, that such extension or enlargement will meet a county need without adversely affecting the neighborhood, and that such extension or enlargement will not defeat the spirit and intent of this Ordinance. [Amended June 27, 1977]
- 1-75.3 A lawful non-conforming single family residence in actual use, may be replaced, enlarged, or structurally altered in an A-1, Agricultural or C-1, Conservancy district as long as the total square footage of the original non-conforming structure is not increased by more than 50%. Any well and septic systems for the structure must meet all County Board of Health regulations before replacing or adding onto the structure. One accessory building of up to 600 square feet is also allowed. All setbacks and variances will be required. [Added March 25, 2002]
- 1-76 **CHANGES AND SUBSTITUTIONS.** Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Adjustment.

- 1-77 SUBSTANDARD LOTS. [Amended December 9, 1991]
- 1-77.1 In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel, which was recorded in the County Recorder's Office before the effective date or amendment of this Ordinance. However, no lot of any size may be built upon unless the County Health Director approved the method of sewage disposal and source of water for any structure of such lot. [Amended December 9, 1991]
- 1-77.2 Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance. If in separate ownership, all the yard requirements of this district shall be complied with. [Amended December 9, 1991]
- 1-78 through 1-80 Reserved.

PART 8
TELECOMMUNICATIONS TOWERS

[Added June 8, 2001]

- 1-81 EXEMPT TOWERS. This ordinance does not apply to private radio operators with personal telecommunication towers for private use, not exceeding 100' in total height.
- 1-82 REGISTRATION OF TOWERS. All owners or operators of existing telecommunication towers over 150' in the unincorporated areas of Dubuque County, shall register their towers with the Dubuque County Zoning Department within one hundred twenty (120) days of publication of this ordinance. All owners or operators of new or proposed telecommunication towers subject to these regulations shall register their towers with the Dubuque County Zoning Department within one hundred twenty (120) days of completing the tower structure. Registration shall include the following:
- 1-82.1 Name and address of the tower owner;
- 1-82.2 Name, address, phone number and title of primary contact person;
- 1-82.3 Address and legal description of the tower location;
- 1-82.4 Principal use of the tower;
- 1-82.5 Latitude, Longitude, Tower Height and Ground Elevation;
- 1-82.6 Date of the last inspection of the tower;
- 1-82.7 Date the tower was originally erected.
- 1-82.8 FCC Registration #
- 1-83 SPECIAL PERMIT USE. A telecommunications tower may be permitted as a

Special Permitted Use upon determination that all of the applicable conditions in this ordinance are met. A Special Use Permit must be granted by the Board of Adjustment in accordance with Section 1-103 of the Dubuque County Zoning Ordinance to place a telecommunication tower in the unincorporated areas of Dubuque County. A fee may be required as provided in Section 1-95. [Amended June 8, 2001]

- 1-84 ZONING CERTIFICATE. A Zoning Certificate shall be issued by the Dubuque County Zoning Department before a new telecommunication tower may be built. A fee may be required as provided in Section 1-95. [Amended June 8, 2001]
- 1-85 PERMITTED LOCATIONS. Telecommunications towers may be permitted as a Special Permit Use in any district except C-1, Conservancy; R-2 and R-3, Single Family Residential; and R-4 and R-5, Multi-family Residential. Any telecommunication tower within 500' of the incorporated limits of a city shall be less than 200' in height.
- 1-86 APPLICATION REQUIREMENTS. The applicant for a Special Permit Use for construction of a telecommunications tower shall file an application with the Dubuque County Zoning Administrator. The application shall include the following documents, accompanied by a fee as provided in Section 1-95: [Amended June 8, 2001]
- 1-86.1 A site plan, drawn to scale, identifying the telecommunication tower structure site boundary; tower location; tower setback from property lines and height; location of guy wires and anchors; existing and proposed structures, including accessory structures; photographs or elevation drawings depicting the design of proposed structures, access roads, parking areas, fences, lighting, signage and landscape plans; and existing uses on abutting parcels;
- 1-86.2 A report from a structural engineer containing the following:
- a A report, including a description and visual depiction, showing the visual and aesthetic impact of the tower on the surrounding area, with technical reasons for its design and an explanation of why existing towers or other structures cannot be utilized;
 - b Engineered plans for the structure and foundation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location and that the tower meets the minimum safety requirements in Electronics Industries Association (EIA) Standard 222 "Structural Standards for Steel Antenna Towers and Antenna Support Structures";
 - c The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate;
- 1-86.3 Pursuant to Section 1-87.1, letters from owners of telecommunication towers within a four mile radius of the proposed new tower site, including county-owned property, stating that the equipment for which the tower is being constructed

- cannot be technologically or structurally accommodated on an existing or approved tower;
- 1-86.4 Evidence that the applicable conditions of Section 1-87 of this ordinance have been met;
- 1-86.5 Additional information as required to determine that all applicable conditions of this ordinance have been met.
- 1-86.6 A fee may be required as provided in Section 1-95.
- 1-87 **APPLICABLE CONDITIONS.** Any applicant must show that all of the following applicable conditions are met:
- 1-87.1 Prior to consideration of a permit for location on private property which must be acquired or leased, applicant must show that available publicly owned sites, and available privately owned sites, are unsuitable for operation of the facility under applicable telecommunications regulations and applicant's technical design requirements. A new telecommunication tower is not allowed if technically suitable space can be found on an existing or alternative tower structure which meets the engineering requirements of an applicant's cellular or wireless network or other broadcasting needs within a four mile radius of the proposed new tower site.
- 1-87.2 The applicant must meet all applicable health, nuisance, noise, fire, building and safety code requirements.
- 1-87.3 Where possible, towers and telecommunications facilities shall be of camouflage design standards. Examples of camouflage facilities include, but are not limited to, architecturally screened roof-mounted towers and antennas, antennas integrated into architectural elements, telecommunications towers designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles and trees. At a minimum, all towers not requiring FAA painting or markings shall have an exterior finish which is galvanized or painted dull blue, gray or black to reduce visual impact.
- 1-87.4 For all registered telecommunications towers, pursuant to Section 1-82, the tower owner must file with the Dubuque County Zoning Administrator, proof of liability insurance of at least one-million dollars (\$1,000,000.00) in the aggregate which may arise from operation of the facility during its life. This information shall be updated annually by the owner.
- 1-87.5 Land use regulations, visibility, fencing, screening, landscaping, parking, access, exterior illumination, sign, storage, and all other general zoning regulations except setback and height shall apply to the telecommunications tower.
- 1-87.6 All towers will include signage attached to the fencing or mounted on the tower stating the following information: Tower ID#, Site Name, E-911 Address, Emergency Contact name and #, General Information (company name, address and phone number), FCC Registration # and County Registration #.
- 1-87.7 For all telecommunication towers regulated by this ordinance, setbacks on all sides shall be a distance equal to the height of the tower, measured from the base

- of the structure to the property line.
- 1-87.8 The base of any telecommunications tower shall be screened from view with a solid screening fence a minimum of eight feet in height and shrubbery which will grow to at least eight-feet (8') in height and must be four-feet (4') high when planted.
- 1-87.9 No guy anchors or towers shall be located in an existing easement located on the property. No tower accessories or appurtenances shall defeat the purpose of any easement on the property.
- 1-88 INSPECTIONS.
- 1-88.1 At the county's discretion or by complaint, telecommunications towers may be required to be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of telecommunications towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures."
- 1-88.2 If, upon inspection, a tower fails to comply with such standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the Dubuque County Zoning Administrator may order the removal or cause the removal of such tower. All costs for such inspection, repair or removal shall be paid for by the owner of the telecommunication tower.
- 1-89 ABANDONMENT. In the event the use of any telecommunications tower has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Dubuque County Zoning Administrator. Upon such abandonment, the tower owner shall have an additional one-hundred eighty (180) days within which to (1) Reactivate the use of the tower, or (2) Dismantle and remove the tower. If the tower is not dismantled and removed as required, the county may do so and assess the costs against the property for collection in the same manner as a property tax, pursuant to Iowa Code 331.384.
- 1-90 Reserved.

PART 9
ADMINISTRATION AND ENFORCEMENT

- 1-91 ADMINISTRATIVE OFFICER. The Board of Supervisors shall appoint an

Administrative Officer and necessary assistants and it shall be the duty of said Officer to enforce this Ordinance. It shall also be his duty to examine all applications for certificates and permits, issue certificates and permits for construction and the establishment of uses which are in accordance with the requirements of this Ordinance, record and file all applications for certificates and permits with accompanying plans and documents, and make such reports as the Board of Supervisors or the Board of Adjustment may require. Certificates and permits for construction and uses which are a special exception or variance to requirements of this Ordinance shall be issued only upon order of the Board of Adjustment. The Administrative Officer may be a person holding other public office in the county, or in a city or other governmental subdivision within the county. The Board of Supervisors is authorized to pay to such Officer and necessary assistants out of the general fund such compensation as it shall deem fit.

- 1-92 ZONING AND OCCUPANCY CERTIFICATES.
- 1-92.1 Zoning Certificates Required. A Zoning Certificate shall be obtained by the administrative officer before starting or proceeding with the erection, construction, moving in or the structural alteration of a building or structure, including signs. No contractor shall commence work on a building or structure which requires a zoning certificate until ascertaining that the appropriate zoning certificate has been issued for the building or structure. [Amended May 17, 2004]
- 1-92.2 Occupancy Certificates Required. An Occupancy Certificate shall be obtained from the Administrative Officer before the use or occupancy of any building, structure, mobile home or land, may commence for any use.
- 1-92.3 Procedure for Certificates. To secure a Zoning Certificate and an Occupancy Certificate, the applicant shall file with the Administrative Officer a written application on forms approved by the Zoning Commission and shall state the legal description of the property as of public record and the names of the owner and applicant. The applicant shall describe the uses to be established or expanded, the proposed cost of the erection, construction or structural alteration of the building or structure and any other information the Administrative Officer deems essential for the enforcement of this Ordinance. Each application shall be accompanied by a dimensioned drawing in duplicate of the lot showing the location of buildings, dimensions of the lot and size of yards. The lot and the location of the building thereon shall be staked out on the ground before construction is started. When public sanitary sewers are not available the application shall include the approval of the Iowa State Department of Health as to plans and specifications of proposed private sanitary sewerage disposal system when said facilities are of a magnitude as to be subject to the State Department of Health requirements.
- 1-92.4 Fees. A fee may be required as provided in Section 1-95 for the issuance of Zoning Certificates and Occupancy Certificates. [Amended May 10, 1999] [Amended June 8, 2001]
- 1-92.5 Payment of Fees. Fees shall be paid to Dubuque County at the office of the

- Administrative Officer.
- 1-92.6 Construction Notice. The applicant or his agent shall give the Administrative Officer forty-eight (48) hours notice of beginning date of construction and the Administrative Officer or his duly authorized representative shall have access to such premises from such time on, during construction, for any inspection he deems necessary.
- 1-92.7 Issuance of Certificates. The Administrative Officer shall issue, within seven (7) days of the completed application, a written Zoning Certificate or Occupancy Certificate or denial thereof with reasons in writing from the Administrative Officer, certificates hereafter issued shall expire within ninety (90) days if a substantial beginning has not been made in the construction or if the use applied for has not been established within one (1) year. Nothing herein contained shall require any change in plans or construction of a lawful use, the construction of which is completed within one (1) year of the effective date of this Ordinance.
- 1-92.8 Records. All applications for Certificates, Permits and copies of those issued shall be systematically kept for ready public reference by the Administrative Officer, who shall also account to Dubuque County for all fees collected.
- 1-92.9 No zoning or occupancy certificate shall be issued for a residential, commercial or industrial structure located on property where the only public road access is to a road which has been designated area service 'B' by the Board of Supervisors under Iowa Code Section 309.57. [Added June 8, 2001]
- 1-93 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 County and shall not be deemed a limitation or repeal of any other power granted by the Iowa Statutes.
- 1-94 VIOLATION AND PENALTY.
- 1-94.1 Violation. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure or land is used in violation of this Ordinance, the Board of Supervisors, in addition to other remedies, may institute any proper action to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent any illegal act, conduct, business or use in or about such premises.
- 1-94.2 Simple Misdemeanor. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be subject to a penalty of not more than \$500.00 and imprisoned for not more than 30 days for each offense. Each day that a violation is permitted by the defendant to exist shall constitute a separate offense. [Amended June 8, 2001]
- 1-94.3. County Infraction. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the

provisions of this ordinance shall be guilty of a county infraction and shall be subject to the penalties and remedies provided in Iowa Code Section 331.307. Each day that a violation occurs or is permitted by the defendant to exist shall constitute a separate infraction. A violation of Section 1-92.1 by a contractor shall constitute a county infraction and not a simple misdemeanor. [Added June 8, 2001] [Amended May 17, 2004]

- 1-95 FEES. [Added June 8, 2001]
- 1-95.1 Fees Required. Applications for the following services shall be accompanied by the required fee:
- a Applications for special use permits.
 - b Applications for mobile home park and trailer camp park permits under Section 1-61.
 - c Applications for temporary occupancy of a mobile home under Section 1-67.
 - d Zoning Certificates except for accessory buildings up to 180 square feet. [Amended March 25, 2002]
 - e Occupancy Certificates.
 - f Petitions to the Board of Adjustment for appeals, special exceptions and variances.
 - g Zoning and Text Amendments to this Ordinance.
- 1-95.2 Amount of Fee. The amount of each fee shall be established by a resolution of the Dubuque County Board of Supervisors in an official schedule of fees for zoning and development services.
- 1-95.3 All fees shall be collected by the Zoning Administrator at the time the application is filed.
- 1-95.4 Fee Exemption. No fee shall be required for applications filed in the public interest by the Board of Supervisors, the Zoning Commission, the Zoning Board of Adjustment or the Zoning Administrator.
- 1-96 through 1-100 Reserved.

PART 10 BOARD OF ADJUSTMENT

- 1-101 **CREATION AND MEMBERSHIP.** A Board of Adjustment, to be hereinafter referred to as the Board, is hereby established. The Board shall consist of five (5) members appointed by the County Board of Supervisors. The five members of the first Board appointed shall serve terms of one (1), two (2), three (3), four (4) and five (5) years, respectively. Thereafter, terms shall be for five (5) years and vacancies shall be filled for the unexpired time of any member whose term becomes vacant. The County Board of Supervisors shall have power to remove

any member of the Board for cause upon written charges and after public hearing.
[Amended May 29, 1990]

- 1-102 CHAIRMAN, MEETING AND RECORDS. The Board shall adopt its own rules of procedure, not in conflict with this Ordinance or the Code of Iowa, to enable it to perform its functions and duties. The Board shall elect its own Chairman, who shall serve for one (1) year. Such Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be held at the call of the Chairman and at such time and place within the County as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board and shall be of public record.
- 1-103 SPECIAL PERMIT USES AND STRUCTURES. A special permit use or structure shall not be granted by the Board of Adjustment unless and until:
- 1-103.1 A written application for a special permit is submitted on forms supplied by the Administrative Officer stating the grounds on which it is requested.
- 1-103.2 A public hearing shall be held. Any person may appear in person or by agent or attorney.
- 1-103.3 Notice shall be given at least 15 days in advance of the public hearing by publication in a newspaper of general circulation in Dubuque County, stating the legal description of the property and general statement of its location by including adjacent streets and roads.
- 1-103.4 The Board of Adjustment, in reviewing an application for a special permit, shall consider the most appropriate use of the land; the conservation and stabilization of property; adequate open spaces for light and air; concentration of population; congestion of public streets; the promotion of the public safety, morale, health, convenience and comfort; and the general welfare of the persons residing or working in the neighborhood of such use.
- 1-103.5 In addition to the general requirements of this Ordinance in granting a special permit the Board of Adjustment may recommend conditions be attached which it finds are necessary to carry out the purpose of this Ordinance. These conditions may increase the required lot or yard, control the location and number of vehicular access points to the property, limit the number of signs, limit coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property, require screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area.
- 1-103.6 The Board of Adjustment will make its findings and recommendations in writing within forty (40) days after the public hearing on proposed special permit use or structure. All actions by the Board of Adjustment with regard to special permits

shall be maintained by the Administrative Officer. The Administrative Officer shall notify the applicant for a special permit use or structure in writing of the Board of Adjustment's action within seven (7) days after the Board of Adjustment has rendered its decision.

1-104 APPEALS.

- 1-104.1 Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision of the Administrative Officer. Such appeal shall be taken within thirty (30) days of that grievance by filing with the Administrative Officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of an appeal and shall decide the appeal or application within a reasonable time. It shall give public notice and shall conduct a public hearing before making a decision on any appeal. The provisions of Section 335.6 of the Code of Iowa, relative to official notice of public hearing shall apply. Due notice by letter from the Administrative Officer shall be given to all owners of abutting property to the property for which the variation is sought. The letters shall state the location of the property and a brief description of the nature of the appeal, and shall state the time and place of public hearing.
- 1-104.2 An appeal stays all proceeding in furtherance of the action appealed from, unless the Administrative Officer certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application of notice to the Officer from whom the appeal is taken and on due cause shown.
- 1-105 POWERS OF BOARD. The Board of Adjustment shall have the following powers:
- 1-105.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance or of the Code of Iowa.
- 1-105.2 To hear and decide the following special exceptions to the terms of this Ordinance:
- a Those special exceptions of Use, Height and Area Regulations which are enumerated in this Ordinance.
 - b Yard variances for lots of record as enumerated in this Ordinance.
 - c Exceeding of height limitations as enumerated in this Ordinance.
 - d Off-site parking provisions as enumerated in this Ordinance.
- 1-105.3 To authorize upon appeal, in specific cases, such variance from the terms of this

Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. The Board shall be satisfied, by the evidence heard before it, that the granting of such variance will alleviate a hardship approaching confiscation as distinguished from special privilege sought by the owner.

- 1-106 DECISION. In exercising the above mentioned powers such Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from or as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
- 1-107 VOTE REQUIRED. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.
- 1-108 RELIEF FROM DECISION. Any person or persons, jointly or severally aggrieved by any decision of the Board under the provisions of this Ordinance, or any taxpayer, or any officer, department, board or bureau of Dubuque County, Iowa, may seek such relief through the courts as provided by the Statute.
- 1-109 FEES. A fee may be required as provided in Section 1-95 for petitions for appeal, special exceptions or variances. [Amended August 27, 1979] [Amended June 8, 2001]
- 1-110 Reserved.

PART 11 CHANGES, AMENDMENTS AND FEES

- 1-111 CHANGES AND AMENDMENTS. The regulations, restrictions and boundaries established by this Ordinance may from time to time, be amended, supplemented, changed, modified or repealed by the Board of Supervisors or by petition for change by any person or corporation who owns some or all of the subject land to be affected by the petition of change; but no such amendments shall be made by the Board of Supervisors without first having received a report on such amendment from the Zoning Commission and without first having given official

notice of and having held a public hearing on such amendment as provided by the Code of Iowa. As part of an ordinance amendment changing land from one zoning district to another zoning district, the Board of Supervisors may impose conditions on a property owner which are in addition to existing regulations. Such conditions shall only limit the permitted uses listed for the area proposed for rezoning. The imposed conditions shall be agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case of a protest against such change signed by the owners of twenty (20) per cent or more either of the area included in such proposed change, or of the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such amendment shall not become effective except by favorable vote of a majority of the Board of Supervisors. [Amended December 27, 1989]

1-112 FEES. A fee may be required as provided in Section 1-95. The Administrator with concurrence of the Chairperson and Vice Chairperson of the Zoning Commission, may waive all or part of said fee and costs, if, in their opinion, the proposed change primarily serves a public rather than a private interest, or where the primary purpose of the proposed change is to correct an error not caused by the applicant.[Amended February 27, 1995] [Amended June 8, 2001]

1-113 through 1-120 Reserved.

PART 12 CONFLICT AND VALIDITY

1-121 CONFLICT. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standard shall govern.

1-122 VALIDITY. Should any section, sentence, clause or provision of this Ordinance be declared by a court to be invalid, the same shall not affect the validity of this Ordinance as a whole or the remaining portions of this Ordinance.

1-123 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.

1-124 REPEAL. All other ordinances or parts of ordinances of the County inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are

hereby repealed.

1-125 through 1-130 Reserved.

**PART 13
ENACTMENT**

1-131 This Ordinance shall be in full force and effect one day from and after its final passage, adoption and publication, as provided by law.

ADDENDUM A
[Added May 10, 1999] [Repealed June 8, 2001]