

CHAPTER 1 - ZONING ORDINANCE OF DUBUQUE COUNTY, IOWA

Adopted February 11, 1971
Amended May 17, 1971
Amended January 17, 1972
Amended November 16, 1979
Amended December 12, 1983
Amended April 1, 1985
Amended April 20, 1987
Amended December 9, 1991
Amended August 17, 1992
Amended August 17, 1993
Amended November 29, 1993
Amended March 25, 1996
Amended November 3, 1997
Amended May 10, 1999
Amended February 12, 2001
Amended April 9, 2001
Amended June 8, 2001
Amended September 14, 2001
Amended November 5, 2001
Amended March 25, 2002
Amended February 9, 2004
Amended May 17, 2004
Amended March 14, 2005
Amended May 9, 2005
Amended August 28, 2006
Amended July 2, 2007
Amended May 5, 2008
Amended July 13, 2009
Amended October 19, 2009
Amended April 12, 2010
Amended August 2, 2010
Amended May 9, 2011
Amended June 6, 2011
Amended July 30, 2012
Amended November 19, 2012
Amended June 17, 2013
Amended July 15, 2013
Amended June 16, 2014
Amended October 20, 2014
Amended August 10, 2015
Amended July 10, 2017
Amended December 6, 2021

Table of Contents

Page

Part 1 Introduction 6

1-1 Authority 6

1-2 Definitions..... 6

1-3 Purpose and Intent..... 19

1-4 Abrogation and Greater Restrictions 20

1-5 Title..... 20

1-6 Farms Exempt..... 20

1-7 through 1-10 Reserved

Part 2 District Regulations..... 22

1-11 Establishment of Districts 22

1-12 Official Zoning Map 22

1-13 Replacement of the Official Zoning Map 23

1-14 Rules for Interpretation of District Boundaries 24

1-15 District Regulations 24

1 “C-1” Conservancy District 24

2 “A-1” Agricultural District 28

3 “A-2” Agricultural Residential District 40

4 “R-1” Rural Residential District 44

5 “R-2” Single Family Residential District 50

6 “R-3” Single Family Residential District 55

7 “R-4” Multi-Family Residential District 60

8 “R-5” Multi-Family Residential District 65

9 “B-1” Business District..... 70

10 “B-2” Highway Business District 78

11 “M-1” Industrial District..... 87

12 “M-2” Heavy Industrial District 93

13 “PC” Planned Complex District..... 100

14 “AO” Airport Operations District..... 102

15 “AC” Airport Commercial District..... 103

16 “AA” Airport Influence Area Agriculture District 104

1-16 Restricted Height (RH) Zones 105

1-17 Airport Height and Hazards (AH) Zone 106

1-18 Wind Energy Conversion Systems & Wind Towers 107

1-19 through 1-20 Reserved

Part 3 General Provision 109

1-21 Compliance 109

1-22 Permits and Certificates Required 109

1-23 Frontage Required..... 109

1-24 Corner Lots 110

| | | |
|------|---|-----|
| 1-25 | Principal Residential Buildings..... | 110 |
| 1-26 | Half-Streets | 110 |
| 1-27 | Sewer and Water | 110 |
| 1-28 | Existing Residence..... | 110 |
| 1-29 | Capped Basements | 110 |
| 1-30 | Additions..... | 110 |
| 1-31 | Height-Air Navigation Obstructions..... | 110 |
| 1-32 | Variances..... | 111 |

1-33 through 1-40 Reserved

Part 4 Traffic, Parking and Access 111

| | | |
|------|----------------------------|-----|
| 1-41 | Traffic Visibility | 111 |
| 1-42 | Loading Requirements | 111 |
| 1-43 | Parking Requirements..... | 111 |
| 1-44 | Reserved..... | 112 |
| 1-45 | Highway Access..... | 112 |
| 1-46 | Limited Access Roads..... | 112 |

1-47 through 1-50 Reserved

Part 5 Modifications 112

| | | |
|------|-------------|-----|
| 1-51 | Height..... | 112 |
| 1-52 | Yards..... | 113 |
| 1-53 | Noise..... | 113 |

1-54 through 1-60 Reserved

Part 6 Mobile Homes, Mobile Home Parks, and Trailer Camps 113

| | | |
|------|--|-----|
| 1-61 | Location | 113 |
| 1-62 | Purpose..... | 114 |
| 1-63 | Permitted Accessory Use | 114 |
| 1-64 | Area and Yard Requirements..... | 114 |
| 1-65 | Off-Street Parking..... | 115 |
| 1-66 | Visitor Parking | 115 |
| 1-67 | Manufactured Housing Developments and Mobile Home Park Standards | 115 |

1-68 through 1-72 Reserved

Part 7 Nonconforming Uses, Structures and Lots 120

| | | |
|------|---|-----|
| 1-73 | Existing Nonconforming Uses..... | 120 |
| 1-74 | Abolishment or Replacement..... | 120 |
| 1-75 | Existing Nonconforming Structures | 121 |
| 1-76 | Changes and Substitutions | 121 |

Substandard Lots..... 122

1-78 through 1-80 Reserved

Part 8 Telecommunications Towers 122

1-81 Exempt Towers 122

1-82 Registration of Towers..... 122

1-83 Special Permit Use 122

1-84 Zoning Certificate 122

1-85 Permitted Locations 122

1-86 Application Requirements 123

1-87 Applicable Conditions 124

1-88 Inspections 125

1-89 Abandonment..... 125

1-90 Reserved

Part 9 Administration and Enforcement 126

1-91 Administrative Officer 126

1-92 Zoning and Occupancy Certificates 126

1-93 Interpretation..... 128

1-94 Violation and Penalty..... 128

1-95 Fees.... 128

1-96 through 1-100 Reserved

Part 10 Board of Adjustment..... 129

1-101 Creation and Membership..... 129

1-102 Chairman, Meetings and Records 130

1-103 Special Permit Uses and Structures 130

1-104 Appeals 131

1-105 Powers of Board..... 132

1-106 Decision 132

1-107 Vote Required 132

1-108 Relief from Decision..... 132

1-109 Fees.... 133

1-110 Reserved

Part 11 Changes, Amendments and Fees..... 133

1-111 Changes and Amendments..... 133

1-112 Fees.... 133

1-113 through 1-120 Reserved

| | | |
|-------|--|------------|
| | Part 12 Conflict and Validity | 134 |
| 1-121 | Conflict | 134 |
| 1-122 | Validity | 134 |
| 1-123 | Severability | 134 |
| 1-124 | Repeal. | 134 |

1-125 through 1-130 Reserved

| | | |
|-------|--------------------------------|------------|
| | Part 13 Enactment | 134 |
| 1-131 | Enactment | 134 |

**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 Use or Structure”** A use or structure subordinate to the principal uses of the building on the lot and serving the purpose customarily incidental to the use of the principal building. [Amended December 6, 2021]
- 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 way, affording a secondary means of access to abutting property. [Amended December 6, 2021]
- 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”** See Dwelling, Multi Family [Amended December 6, 2021]
- 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** “**Assisted Living**” A provision of housing with services which may include but not limited to health-related care, personal care, and assistance with instrumental activities of daily living in a physical structure which provides a home like environment. [Added December 6, 2021]
- 1-2.11** “**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]
- 1-2.12** “**Basement**” That portion of any structure located partly below the average adjoining lot grade.
- 1-2.13** “**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]
- 1-2.14** “**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]
- 1-2.15** “**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.
- 1-2.16** “**Buildable Area**” The portion of a lot remaining after required yards have been provided. [Added December 6, 2021]
- 1-2.17** “**Building**” A structure built and maintained for the support, shelter, or enclosure of persons, animals, or property of any kind. [Amended December 6, 2021]
- 1-2.18** “**Building, Accessory**” See Accessory Building. [Amended November 3, 1997]
- 1-2.19** “**Building Height**” The vertical distance from the average ground level at the front wall of the building to the highest point of the underside of the ceiling beams for a flat roof, or to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge for a gable, hip, or gambrel roof. [Amended December 6, 2021]
- 1-2.20** “**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.
- 1-2.21** “**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.

- 1-2.22** “**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]
- 1-2.23** “**Childcare center, licensed**” A facility providing childcare or preschool services for children that requires State of Iowa licensure. [Amended April 2, 2010]
- 1-2.24** “**Childcare, 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]
- 1-2.25** “**Co-Location**” Locating wireless telecommunications equipment from more than one provider on a single site. [Added June 8, 2001]
- 1-2.26** “**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.
- 1-2.27** “**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.
- 1-2.28** “**Condominium**” A multiple-family dwelling as defined herein whereby the title to each unit is held in separate ownership, and the real-estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real-estate. [Added November 3, 1997] [Amended December 6, 2021]
- 1-2.29** “**Condominium Association**” See Homeowners Association. [Added December 6, 2021]
- 1-2.30** “**Convenience Store**” A retail store engaged in selling primarily food, beverages, and other household supplies to customers, and designed to attract a large volume of stop and go customers. [Added December 6, 2021]
- 1-2.31** “**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.
- 1-2.32** “**Cow Pool**” A land use with related structures where dairy cows or beef cattle, not the property of the operator is housed, fed, exercised, or milked by an operator, in lieu of performance of this labor by the owner of the cows or cattle

- involved.
- 1-2.33** “**Daycare**” See Child Care Center, Licensed. [Added December 6, 2021]
- 1-2.34** “**Daycare, Adult**” A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of the 24-hour day. [Added December 6, 2021]
- 1-2.35** “**Distillery or Brewery**” – A facility where liquor, spirits, beer, or similar alcoholic beverage is manufactured, bottled, and stored. [Amended November 19, 2012]
- 1-2.36** “**Dormitory**” A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery, or similar institutional use. [Added December 6, 2021]
- 1-2.37** “**Dwelling**” A building or portion thereof, designed or used exclusively for residential occupancy, including a manufactured home as defined by state law, but not including commercial uses such as hotels, motels, motor lodges, tourist homes/houses, tents, trailers, and RV’s. [Amended December 6, 2021]
- 1-2.38** “**Dwelling Unit**” One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent kitchen, toilet, and sleeping facilities. [Amended December 6, 2021]
- 1-2.39** “**Dwelling, Single-Family**” A detached residential building designed for or occupied by one family. [Amended December 6, 2021]
- 1-2.40** “**Dwelling, Single-Family Attached**” See Townhouse. [Added December 6, 2021]
- 1-2.41** “**Dwelling, Two-Family**” A building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family and separate utilities. [Amended December 6, 2021]
- 1-2.42** “**Dwelling, Multiple-Family**” A building or buildings designed and used for occupancy by three or more families, all living independently of each other and having separate kitchen and toilet facilities for each family and separate utilities. [Amended December 6, 2021]
- 1-2.43** “**Dwelling, Zero-Lot Line**” A residential dwelling unit designed for occupancy for one family only, which physically adjoins one other matching residential single family dwelling unit across an abutting side lot line, with each unit occupying its own parcel. [Added December 6, 2021]
- 1-2.44** “**Efficiency**” A dwelling unit consisting of one principal room with no separate sleeping rooms.
- 1-2.45** “**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, traffic signals, pumps, lift stations and hydrants, but not including buildings. [Amended December 6, 2021]

- 1-2.46** **“Family”** Any number of people occupying a single dwelling unit living together as a single housekeeping unit, related by blood, marriage, or formal adoption plus not more than three additional people not so related, except for foster children and persons with disabilities. [Amended November 3, 1997, Amended December 6, 2021]
- 1-2.47** **“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 honeybees. 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; 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 regarding 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, December 6, 2021]
- 1-2.48** **“Fence”** A freestanding structure designed to restrict movement across a boundary.
- 1-2.49** **“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”. [Amended December 9, 1991] [Amended April 10, 1995] [Amended December 6, 2021]
- 1-2.50** **“Garage”** A structure or building or portion thereof in which one or more vehicles may be parked or stored. For purposes of this code, garages include carports. [Added December 6, 2021]
- 1-2.51** **“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]
- 1-2.52 “Gas Station”** A building and/or premises where gasoline, oil and minor auto accessories, and convenience items may be supplied and dispensed at retail and may include an automated customer activated fuel dispensing system. A gas station is not a service station. For other services other than the sale of gasoline, see service station. [Added December 6, 2021]
- 1-2.53 “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]
- 1-2.54 “Guyed Tower”** A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors. [Added June 8, 2001]
- 1-2.55 “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 3, 1997]
- 1-2.56 “Home Based Business”** A secondary use of a residence and/or accessory building, of a commercial or light industrial nature carried on entirely within the structure by a member of the family residing on the premises, where there is no evidence of such occupation being conducted on the premises by virtue of exterior displays or outdoor storage, excessive noises, obnoxious odors, electrical disturbances, or significant increase in vehicular activity. Any merchandise sold on the premises shall be incidental to the business operated on the property. [Added July 10, 2017]
- 1-2.57 “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]
- 1-2.58 “Homeowners Association”** A private, nonprofit corporation or association of homeowners in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities. [Added December 6, 2021]
- 1-2.59 “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]
- 1-2.60** “**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.
- 1-2.61** “**Kennel**” Any building or portion thereof where dogs, cats, or other household domestic animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale. [Amended December 6, 2021]
- 1-2.62** “**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]
- 1-2.63** “**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]
- 1-2.64** “**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 3, 1997]
- 1-2.65** “**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 3, 1997]
- 1-2.66** “**Lattice Tower**” A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment. [Added June 8, 2001]
- 1-2.67** “**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 3, 1997]
- 1-2.68** “**Lot**” A parcel or tract of land with established, recorded boundaries and legal description which may be sold, conveyed, or transferred based on such legal description. [Amended November 3, 1997] [Amended December 6, 2021]
- 1-2.69** “**Lot Area**” The total horizontal area included within the boundaries of the lot lines of a lot. [Added December 6, 2021]
- 1-2.70** “**Lot, Corner**” A lot abutting upon two or more streets at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

- [Added December 6, 2021]
- 1-2.71** “**Lot Coverage**” That portion of a lot covered by principal and accessory uses and/or buildings expressed as a percentage of the lot area. [Added December 6, 2021]
- 1-2.72** “**Lot Depth**” - The mean horizontal distance between the front and rear lot lines. [Added December 6, 2021]
- 1-2.73** “**Lot, Flag**” A lot that has access to a public right-of-way by means of a narrow strip of land. [Added December 6, 2021]
- 1-2.74** “**Lot Frontage**” All sides of a lot abutting a street and measured along the front property line as it abuts the street right of way or roadway easement line. [Added December 6, 2021]
- 1-2.75** “**Lot, Interior**” A lot other than a corner lot with only one frontage on a street. [Added December 6, 2021]
- 1-2.76** “**Lot Line**” Property line bounding a lot. [Added December 6, 2021]
- 1-2.77** “**Lot Line, Front**” The property line abutting a street right-of-way or roadway easement line. [Added December 6, 2021]
- 1-2.78** “**Lot Line, Rear**” A lot line not abutting a street which is opposite and generally most distant from the front lot line. [Added December 6, 2021]
- 1-2.79** “**Lot Line, Side**” Any lot line not a front lot line or a rear lot line. [Added December 6, 2021]
- 1-2.80** “**Lot, Through**” and “**Lot, Double Frontage**” A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. [Added December 6, 2021]
- 1-2.81** “**Lot Width**” The width of a lot measured at the building line (frontage line) and at right angles to its depth. [Amended November 3, 1997] [Amended December 6, 2021].
- 1-2.82** “**Manufactured home**” A factory-built structure built under the authority of 42 U.S.C. Section 5403, that is required by federal law to display a seal required by HUD and was constructed on or after June 15, 1976. [Added December 9, 1991] [Amended November 3, 1997] [Amended December 6, 2021]
- 1-2.83** “**Mobile Home**” 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 or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in the Iowa. A mobile home is factory-built housing on a chassis. A mobile home shall not be constructed to be a travel trailer or other form of recreational vehicle. A mobile home shall be constructed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. However, certain mobile homes may be classified as “manufactured homes.” Nothing in this Code shall be construed as permitting a mobile home in other than a

mobile home park unless such mobile home is classified as a manufactured home. [Added December 9, 1991] [Amended November 3, 1997] [Amended December 6, 2021]

- 1-2.84** “**Mobile Home Park**” A parcel of land under single ownership that has been planned and improved for the placement of mobile housing used or to be used for dwelling purposes and where mobile home spaces are not offered for sale or sold. The term “mobile home park” does not include sales lots on which new or used mobile homes are parked for the purposes of storage, inspection, or sale. [Amended December 6, 2021]
- 1-2.85** Reserved
- 1-2.86** Reserved
- 1-2.87** “**Mobile Home Space or Mobile Home Lot**” A parcel of ground within a mobile home park designed for the accommodation of one mobile home.
- 1-2.88** “**Modular Home**” A factory-built structure which is to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, as adopted and displays a seal issued by the Iowa State Building Code Commissioner. [Added December 9, 1991] [Amended December 6, 2021]
- 1-2.89** “**Monopole Tower**” A telecommunication tower consisting of a single vertical structure not supported by radiating guy wires or ground anchors. [Added June 8, 2001]
- 1-2.90** “**Motel**” A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
- 1-2.91** “**Nonconforming Building**” – a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations. [Added December 6, 2021]
- 1-2.92** “**Nonconforming Use**” A use lawful when established but which does not conform to subsequently established zoning or zoning regulation. [Added December 6, 2021]
- 1-2.93** “**Nursing or Convalescent Home**” An establishment providing full-time housing and care for the aged or physically infirm, and not involving surgery, obstetrical services, or other major medical services more commonly provided in hospitals or clinics. Such establishment may involve usual convalescent or chronic care including bedside nursing care, administration of medicines or special diets, application of bandages or dressings, and similar procedures. [Added December 6, 2021]
- 1-2.94** “**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.
- 1-2.95** “**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.
- 1-2.96** “**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 3, 1997]
- 1-2.97 “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]
- 1-2.98 “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 3, 1997]
- 1-2.99 “Private Radio Operator”** Amateur or hobby radio operators who use communications equipment for personal, private, and not-for-profit purposes. [Added June 8, 2001]
- 1-2.100 “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]
- 1-2.101 “Recreational Vehicle Park”** A tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by residential vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.
- 1-2.102 “RV 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 temporary occupancy only. [Amended December 6, 2021]
- 1-2.103 “Recreational Vehicle (RV)”** A vehicular unit designed for recreational camping or travel under its own power or designed to be mounted or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, and camping trailer. [Added November 3, 1997] [Amended December 6, 2021]
- 1-2.104 “Recycling center”** A place for the reclamation, recycling or reprocessing of used, waste or secondhand materials. (See also Junk Yard). [Added December 9, 1991]
- 1-2.105 “Roadside Stand”** A temporary structure, unenclosed, and so designed and constructed that the structure is easily portable and can be readily moved.
- 1-2.106 “Service Station”** A building and premise where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

- [Added December 6, 2021]
- 1-2.107** “**Setback**” The distance required between a property line or roadway easement line and the buildable area on a lot. [Added December 6, 2021]
- 1-2.108** “**Setback, Front**” A line which defines the required minimum distance between a building or structure and the right of way or roadway easement line. The front setback line shall be parallel with the right of way or roadway easement line. Corner lots and double frontage lots shall have a front setback along both street frontages. [Added December 6, 2021]
- 1-2.109** “**Setback Line, Building**” A line which defines the required minimum distance between a building or structure and the right of way or roadway easement line. The front setback line shall be parallel with the right of way or roadway easement line. Corner lots and double frontage lots shall have a front setback along both street frontages. [Added December 6, 2021]
- 1-2.110** “**Setback, Rear**” A line which defines the required minimum distance between a building or structure and the property line opposite the right of way line or roadway easement line. The rear setback line shall be parallel with the rear property line except for corner lots and double frontage lots. [Added December 6, 2021]
- 1-2.111** “**Setback, Side**” A line which defines the required minimum distance between a building or structure and an interior property line, extending between the front and rear setback lines. The side setback line shall be parallel with the nearest interior property line. For purposes of accessory buildings and structures, the side setback shall be extended to the rear property line. [Added December 6, 2021]
- 1-2.112** “**Signs**” Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks 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.
- 1-2.113** “**Sign, Off-Premises**” 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]
- 1-2.114** “**Special Use Permit**” – A permit issued by the Board of Adjustment that authorizes the recipient to make conditional use of property in accordance with the provisions of this ordinance and any additional conditions placed upon or required by said permit. [Added December 6, 2021]
- 1-2.115** “**Stable**” A principal building and/or use in which horses are kept for remuneration, hire or sale. [Amended November 3, 1997] [Amended December 6, 2021]
- 1-2.116** “**Street**” A public right-of-way which affords a primary means of access to abutting property.
- 1-2.117** “**Street Line**” A dividing line between a lot, tract or parcel of land and an adjacent street right-of-way.
- 1-2.118** “**Structure**” Anything constructed or built above ground, any edifice or building of any kind, or any piece of work artificially built up or composed of

- parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including but not limited to buildings, mobile homes, billboards, poster panels, above ground storage tanks, and similar uses. [Amended December 6, 2021]
- 1-2.119 “Structure, Temporary”** A building or structure erected for a one-time temporary use, lacking a permanent foundation, connections to water and sewer, and generally having open walls, distinct from a permanent structure which must meet adopted building codes. [Added December 6, 2021]
- 1-2.120 “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.
- 1-2.121 “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]
- 1-2.122 “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]
- 1-2.123 “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]
- 1-2.124 “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]
- 1-2.125 “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]

- 1-2.126** “**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]
- 1-2.127** “**Townhouse**” A one-family dwelling unit, with a private entrance in a group of three or more units, which part of a structure whose dwelling units are attached horizontally in a linear arrangement, having a total exposed front and at least one other building wall exposed to allow for access, light, and ventilation. [Amended December 6, 2021]
- 1-2.128** “**Tract**” – An aliquot part of a section or an undivided government lot. [Amended October 20, 2014]
- 1-2.129** “**Use**” The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained. [Added December 6, 2021]
- 1-2.130** “**Use, Nonconforming**” A building, structure, or land lawfully occupied by a use that does not conform to the form and function regulations of the zoning district in which it is situated. [Added December 6, 2021]
- 1-2.131** “**Use, Permitted**” Any land use allowed without condition within a zoning district. [Added December 6, 2021]
- 1-2.132** “**Use, Principal**” The primary use of land or structure. [Added December 6, 2021]
- 1-2.133** “**Use, Prohibited**” Any use of land, other than non-conforming, which is not listed as a permitted or conditional use within a zoning district. [Added December 6, 2021]
- 1-2.134** “**Use, Special**” A use allowed by the district regulations, that would not be appropriate generally throughout the zoning district without regulations, but which, if controlled as to number, size, area, location, relationship to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare. [Added December 6, 2021]
- 1-2.135** “**Variance**” A relief from or variation from the strict application of the bulk regulations, as applied to a specific piece of property, which may be granted by the Zoning Board of Adjustment according to the provisions of this code. [Added December 6, 2021]
- 1-2.136** “**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]
- 1-2.137** “**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]
- 1-2.138 “Wind Energy Conversion System (WECS) Tower”** The support structure to which the nacelle and rotor are attached. [Added August 28, 2006]
- 1-2.139 “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]
- 1-2.140 “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]
- 1-2.141 “Yard”** An open space which is unoccupied and unobstructed by any structure or portion thereof from the natural ground level to the sky, except as otherwise provided in this code. [Amended December 6, 2021]
- 1-2.142 “Yard, Front”** A yard extending across the full width of the lot measured between the principal building and the right-of-way line or roadway easement line. [Amended December 6, 2021]
- 1-2.143 “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.
- 1-2.144 “Yard, Side”** A yard between the side lot line and the nearest point on the principal building extending between the front yard and the rear yard. In the case of through lots, side yards shall extend between the front yards. In the case of corner lots, yards remaining after front yards have been established shall be considered side yards. [Amended December 6, 2021]
- 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 THE PURPOSE 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, farmhouses, 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 number 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 farmland 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]

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

The C-1 Conservancy District is intended to provide open space for active and/or passive recreation; to protect and conserve natural, historic, or cultural resources; to provide habitat for wildlife; to prevent development in environmentally sensitive locations such as bluffs, wetlands, floodplains, and drainage ways; to serve as a buffer between differing land uses; and to provide natural beauty in an urban environment. The Conservancy District is where minimal development is desirable and any rezoning of C-1 Conservancy to another district must first be reviewed by the Dubuque County Conservation Board for their recommendation before the public hearing with the Zoning Board.

A. PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Agriculture
- (2) Public Parks
- (3) Public Recreational Areas
- (4) Preservation of Scenic, Historic and Scientific Areas
- (5) Public Fish Hatcheries
- (6) Fishing and Hunting
- (7) Soil and Water Conservation
- (8) Sustained Yield Forestry

- (9) Stream and Bank and Lake Shore Protection
- (10) Water Retention
- (11) Temporary Mobile Homes

B. PERMITTED ACCESSORY USES & STRUCTURES

- (1) Accessory buildings may be built in a yard but shall not be larger than thirty (30) percent of the 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) Telecommunication Tower
- (2) Electric Power Substations
- (3) Drainage, Water Measurement and Water Control Facilities
- (4) Utilities
- (5) Private or Public Country Clubs, Golf Courses, Marinas, Lakes and 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.
- (6) Single Family Residence with 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.
- (7) 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.
- (8) Wind Energy Conversion Systems and Wind Towers
- (9) Game or Hunting Preserves
- (10) Public or 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.

(11) 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) sleeping rooms
- ii) one (1) parking space for each sleeping room and one (1) for each three (3) employees
- iii) one (1) smoke detector in proper working order in each sleeping room
- iv) one (1) fire extinguisher in proper working order on each 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 sleeping room
- vii) a copy of the floor plan with exits marked and prominently displayed in each sleeping 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 Chapter 137C and 137F shall be followed.

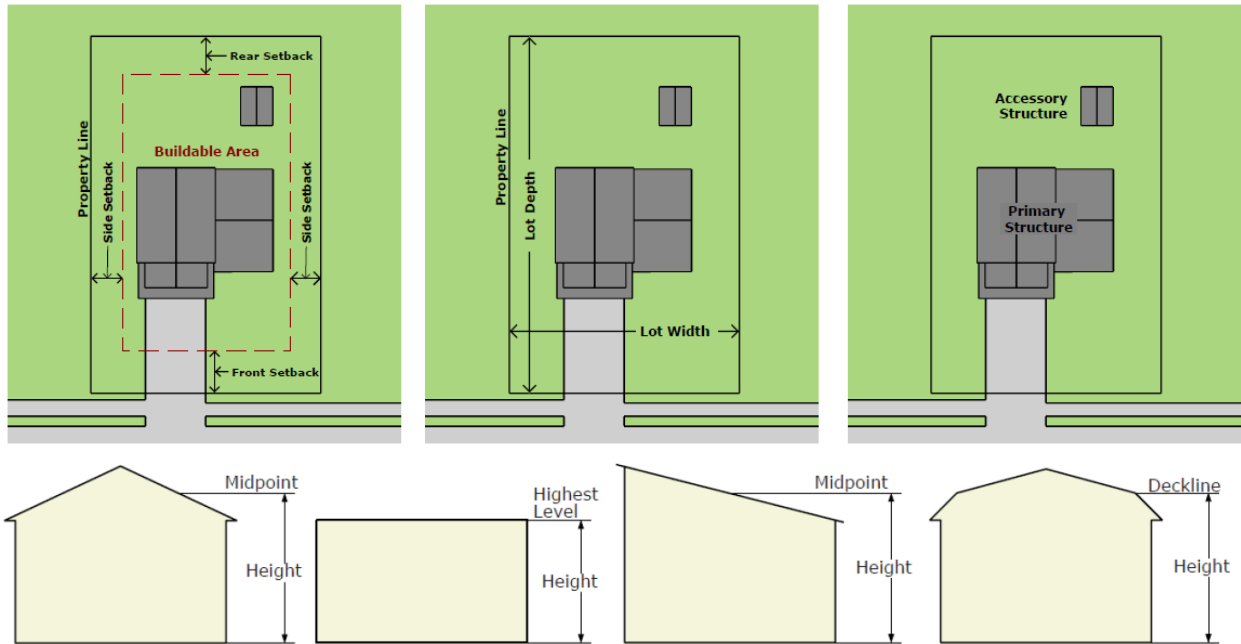
(c) Any chemicals, gasoline, flammable liquids, or other potentially hazardous materials shall be stored in a separate structure or containment area at least twenty-five feet (25') from any structure containing guest quarters. This shall not be construed to include common household products in quantities 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 (150) watt floodlights.

D. APPLICABLE STANDARDS

| | | | | | | |
|-----|------------------|----------------------|---------------------|-------------------|-------------------|----------------|
| C-1 | Minimum Lot Area | Minimum Lot Frontage | Minimum Street Yard | Minimum Side yard | Minimum Rear Yard | Maximum Height |
|-----|------------------|----------------------|---------------------|-------------------|-------------------|----------------|

| | | | | | | |
|----------|---------|---------|--------|--------|---------|--------|
| All uses | 3 acres | 300 ft. | 80 ft. | 50 ft. | 100 ft. | 35 ft. |
|----------|---------|---------|--------|--------|---------|--------|



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.

G. **PARKING REQUIREMENTS**

| Permitted Principal Uses and Structures | Required Parking Spaces |
|---|-------------------------|
| Agriculture | 0 |
| Public Parks | 0 |
| Public Recreational Areas | 0 |
| Preservation of Scenic, Historic and Scientific Areas | 0 |
| Public Fish Hatcheries | 0 |
| Fishing and Hunting | 0 |
| Soil and Water Conservation | 0 |
| Sustained Yield Forestry | 0 |
| Stream and Banks and Lake Shore Protection | 0 |
| Water Retention | 0 |
| Wildlife Preserves | 0 |
| Temporary Mobile Homes | 0 |

1-15.2 “A-1” AGRICULTURAL DISTRICT

The A-1 Agricultural District is intended to conserve farmland for agricultural use well into the future and to serve as a “holding” zone to prevent premature development of land, which could impact the orderly and efficient development of the cities and urbanized areas in Dubuque County. Farmland is one of the County’s most valuable resources. Conserving farmland can help conserve energy, prevent urban sprawl, control public investment in infrastructure, maintain open space and rural character, and reduce conflicts between farming and non-farming uses. The A-1 district allows primarily farming uses and could allow some additional uses that, under special circumstances, may be appropriate in the agricultural district through a Special Use Permit. A zoning change from A-1 to another district should be done in conformance with the comprehensive plan as needs justify the change and when the specific areas can be adequately served by roads, utilities and public infrastructure and facilities.

A. **PERMITTED PRINCIPAL USES AND STRUCTURES**

- (1) Agriculture
- (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 affect 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 tie downs 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.
- (3) 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.
 - (4) Public Buildings, except those whose chief function is an activity conducted for commercial purposes.
 - (5) 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.

- (6) Home Based Business and Household or Home Occupations

B. PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings may be built in a yard but shall not be larger than thirty (30) percent of the 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) Electric Power Substations
- (4) Airports
- (5) Gas Pumping, Metering or Storage Facilities
- (6) Sewage Treatment Facilities and Lagoons
- (7) Recreational Areas 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.
- (8) Bulk Storage and Sale of Agricultural Supplies, including fertilizers, herbicides, pesticides, and others which may not be properly located in developed areas because of potentially hazardous conditions.
- (9) Business Providing Agricultural Materials or Services which do not alter the agricultural character of the surrounding property.
- (10) Temporary Bulk Mixing Cement or Asphalt Plants 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.
 - (b) The use is of a limited and temporary duration, and in no case will exceed twelve (12) 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.

(11) Quarries, Mining and Extraction of Minerals, 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.

(12) Bed and Breakfast Homes and Inns subject to the following requirements and conditions:

- (a) Requirements:
 - i) one (1) bathroom for each three (3) sleeping rooms
 - ii) one (1) parking space for each sleeping room and one (1) for each three (3) employees
 - iii) one (1) smoke detector in proper working order in each sleeping room
 - iv) one (1) fire extinguisher in proper working order on each 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 sleeping room
 - vii) A copy of the floor plan with exits marked and prominently displayed in each sleeping 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 Chapter 137C and 137F shall be followed.
- (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 (15) watt floodlights.

(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

- (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.
- (15) Telecommunications Towers that satisfy the requirements of Part 8 of this Ordinance.
- (16) Wind Energy Conversion Systems and Wind Towers
- (17) Motorized Racetracks 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 rights-of-way; 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.

- (18) Public or 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.
- (19) 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.
- (20) 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
- (21) 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.
- (22) Livestock Auction Sales Barns or Yards
- (23) Game or Hunting Preserves
- (24) Nursery Products Grown Inside a Building
- (25) Sod Farming
- (26) 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

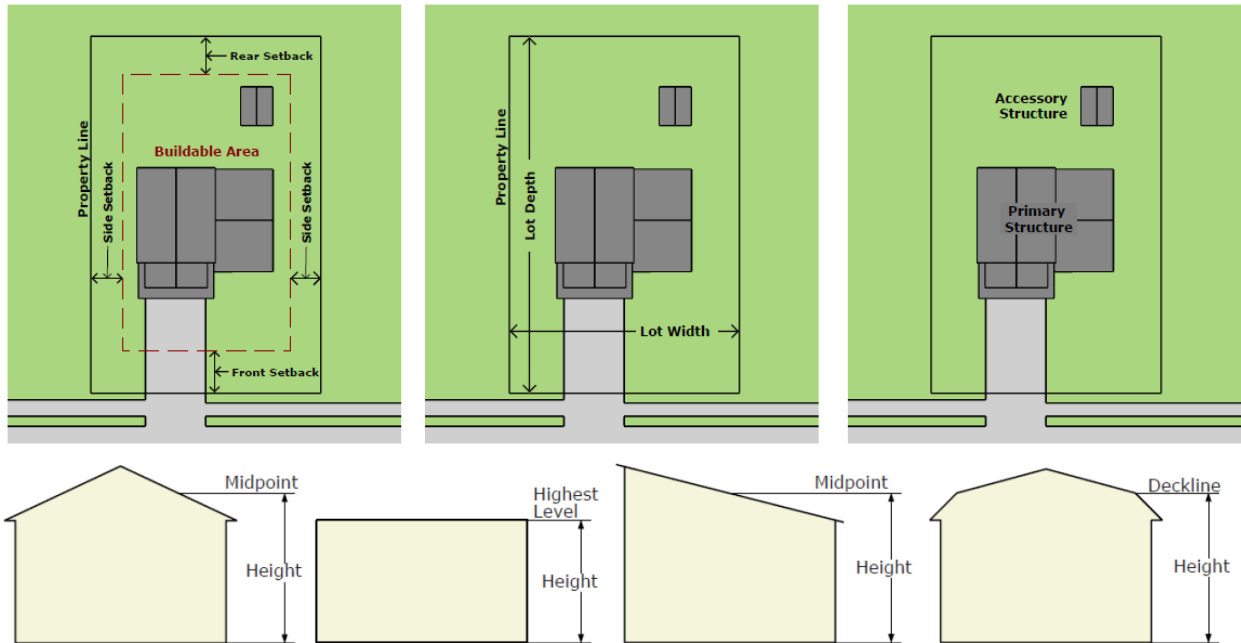
shall not apply to qualified veterinarians providing medical treatment to any animal which is a member of an endangered species where the intention is to return said animal to its natural habitat as soon as practicable.

- (27) Veterinary Clinics and Stables, Public or Private Riding Academies or Clubs all buildings that house animals and all animal runways and exercise yard shall be at least two hundred (200) feet from all dwellings on adjacent property.
- (28) Schools
- (29) Churches
- (30) Cemeteries, 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.
- (31) Hospitals, Clinics, Charitable Institutions for the treatment of diseases and Nursing or Convalescent Home; except correctional or penal institutions; provided no such use shall be established or permitted on a parcel of land of less than one (1) 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 unobstructed uses, be permitted within thirty (30) feet of any property line.
- (32) Sanitary Landfills for the proper dumping of trash or garbage, provided that such use shall not be located nearer than on 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 landfills.
- (33) Additional Dwelling on a Farm

D. APPLICABLE STANDARDS

| A-1 | Minimum Lot Area | Minimum Lot Frontage | Minimum Street Yard | Minimum Side yard | Minimum Rear Yard | Maximum Height |
|--|------------------|----------------------|---------------------|-------------------|-------------------|----------------|
| Dwelling Unit | 1 acre | 200 ft. | 80 ft. | 50 ft. | 50 ft. | 35 ft. |
| Veterinary Clinics, Stables, Riding Academies or Clubs | 3 acres | | | | | |
| School | 2 acres | | | | | |
| Hospitals, | 1 acre | | | | | |

| | | | | | | |
|---|----------|--|--|--|--|--|
| Clinics, Charitable Institutions & Nursing or Convalescent Homes | | | | | | |
| Cemeteries, Mausoleums & Crematoriums | 20 acres | | | | | |



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”.

TABLE ON NEXT PAGE

F. Parking Requirements

| Permitted Principal Uses and Structures | Required Parking Spaces |
|---|--|
| Agriculture | 0 |
| Farms | 0 |
| Veterinary Clinics, Stables, Public or Private Riding Academies or Clubs. | 0 |
| Roadside stands for the sale of farm products produced only on agricultural premises. | 4 spaces for each stand |
| Public Buildings | 1 space for each 300 sq. ft. of floor area |
| Schools | 1 space for each 2 employees |
| Churches | 1 for each 5 seats |
| Cemeteries, Mausoleums and Crematories. | 0 |
| Hospitals, Clinics, Charitable Institutions for the treatment of | 1 space for each 2 beds, |

| | |
|---|--|
| diseases, Nursing or Convalescent Homes | plus 1 space for each 3 employees. |
| Recreational Areas | 1 space for each 100 sq. ft. of floor area or 1 space for each 3 greens whichever is greater |
| Temporary Mobile Homes | 0 |
| Sanitary Landfills | 0 |
| Household or Home Occupation | 0 |
| Home Based Business | Max of 4 parking spots |

1-15.3 “A-2” AGRICULTURAL RESIDENTIAL DISTRICT

The A-2 Agricultural Residential District is a floating zone intended to allow very limited residential use in primarily agricultural areas of the County. It is intended to preserve as much farmland for agricultural use as possible, without creating a precedence for future residential subdivisions. It provides a means for splitting off an existing farm home with a minimal amount of land, to sell or to separate from the farmland for financing or other purposes, and also to allow a new home on a small lot, if it is needed to continue or promote farming operations in the area. The A-2 district should be minimized to include mainly the ground where the home, farm buildings, well, septic system, driveway and yard areas are on the parcel. The home may be platted off, but no additional homes will be allowed on either the home lot or the balance of the parcel(s) being surveyed unless rezoned for that use. The purpose of this district is to preserve valuable farmland, to preserve the value of existing housing stock in the rural areas, and to provide options for people to live in the rural areas of the County, but not to create subdivisions. That would require the property to be rezoned to an “R” Residential district. The A-2 district also allows summer cottages to be placed in non-farmed areas of the county.

A. PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Existing 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.
- (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.
- (3) Summer Cottages
- (4) Home Based Business and Household or Home Occupations

B. PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings may be built in a yard but shall not be larger than thirty (30) percent of the 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-2” District when authorized in accordance with the requirements of Section 1-103.

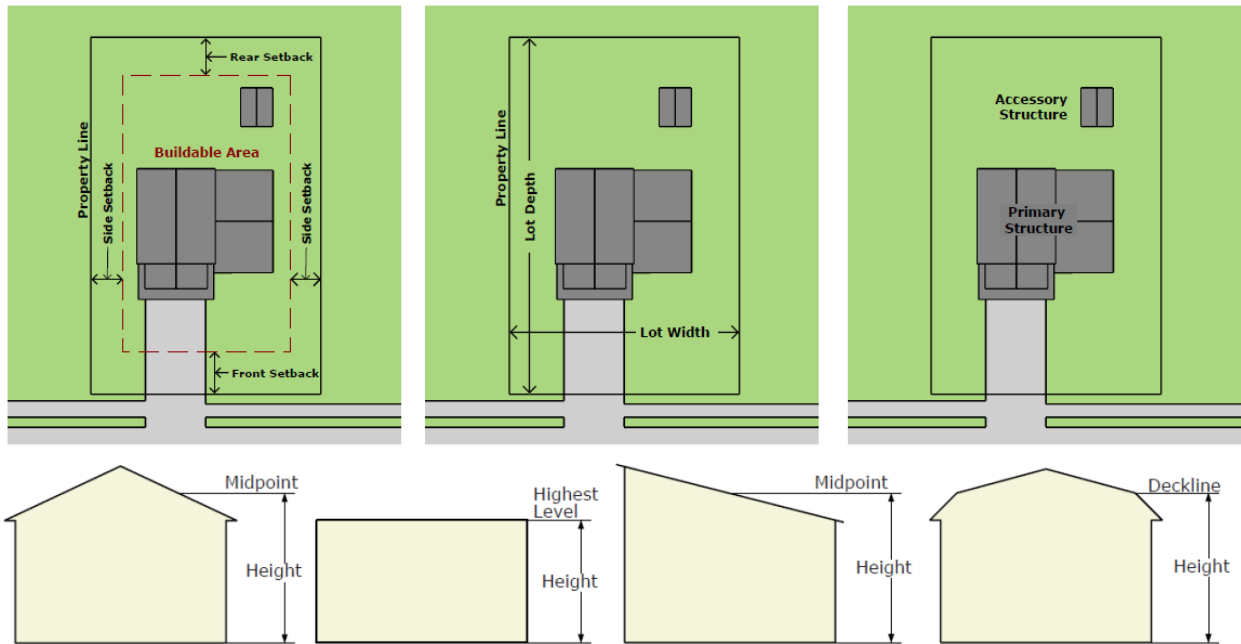
- (1) Bed and Breakfast Homes and Inns subject to the following requirements and conditions:
 - (a) Requirements:
 - i)one (1) bathroom for each three (3) sleeping rooms
 - ii)one (1) parking space for each sleeping room and one (1) for each three (3) employees
 - iii)one (1) smoke detector in proper working order in each sleeping room.
 - iv)one (1) fire extinguisher in proper working order on each 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 sleeping room
 - vii)A copy of the floor plan with exits marked and prominently displayed in each sleeping 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 Chapter 137C and 137F shall be followed.
 - (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.

TABLE ON NEXT PAGE

D. APPLICABLE STANDARDS

| A-2 | Minimum Lot Area | Minimum Lot Frontage | Minimum Street Yard | Minimum Side yard | Minimum Rear Yard | Maximum Height |
|---------------|------------------|----------------------|---------------------|-------------------|-------------------|----------------|
| Dwelling Unit | 1 acre | 120 ft. | 50 ft. | 20 ft. | 50 ft. | 35 ft. |



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]

F. PARKING REQUIREMENTS

| Use | Required Parking Spaces |
|-------------------------------|---------------------------------|
| Farm Homes | 2 spaces for each dwelling unit |
| Single Family Dwelling | 2 spaces for each dwelling unit |
| Summer Cottages | 2 spaces for each dwelling unit |
| Household or Home Occupations | 0 |
| Home Based Business | Max of 4 parking spots |

1-15.4 “R-1” RURAL RESIDENTIAL DISTRICT

The R-1 Rural Residential District is a low-density residential district intended for large lot detached single-family homes or small farmettes in the rural areas of the county, and also in subdivisions closer to the cities. This district shall permit residential development to be integrated with terrain and tree cover with a minimal disruption to natural systems existing in the area. The R-1 zoning district allows farm uses, single-family dwellings, public buildings, temporary mobile homes, home based businesses and household or home occupations. This district is designed to have the largest lots and setbacks and generally uses individual wells and septic systems. It is intended to be a mixture of agricultural and residential uses that can be used as a buffer between higher density commercial and residential subdivisions and undeveloped agricultural areas.

A. PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Single Family Dwellings
- (2) Agricultural except quarries, mining and extraction of minerals or raw materials.
- (3) Public Buildings except those whose chief function is an activity conducted for commercial purposes, and not including such uses as storage yards, warehouses, or garages.
- (4) Public, parks, recreation areas playgrounds and community centers, not including trailer or tent camping areas or mobile home parks.
- (5) 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.

- (6) Home Based Business and Household or Home Occupations

B. PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings may be built in a yard but shall not be larger than twenty (20) percent of the 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 “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.

- (1) Amusement Parks
- (2) Fairgrounds
- (3) Electric Power Substations
- (4) Airports
- (5) Correctional Institutions
- (6) Gas Pumping, Metering or Storage Facilities
- (7) Sewage Treatment Facilities and Lagoons
- (8) 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 if the property changes hands.
 - (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.

- (9) Bed and Breakfast Homes and Inns subject to the following requirements and conditions:
- (a) Requirements:
 - i)one (1) bathroom for each three (3) sleeping rooms
 - ii)one (1) parking space for each sleeping room and one (1) for each three (3) employees
 - iii)one (1) smoke detector in proper working order in each sleeping room.
 - iv)one (1) fire extinguisher in proper working order on each 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 sleeping room
 - vii)A copy of the floor plan with exits marked and prominently displayed in each sleeping 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 Chapter 137C and 137F shall be followed.
 - (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.
- (10) 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.

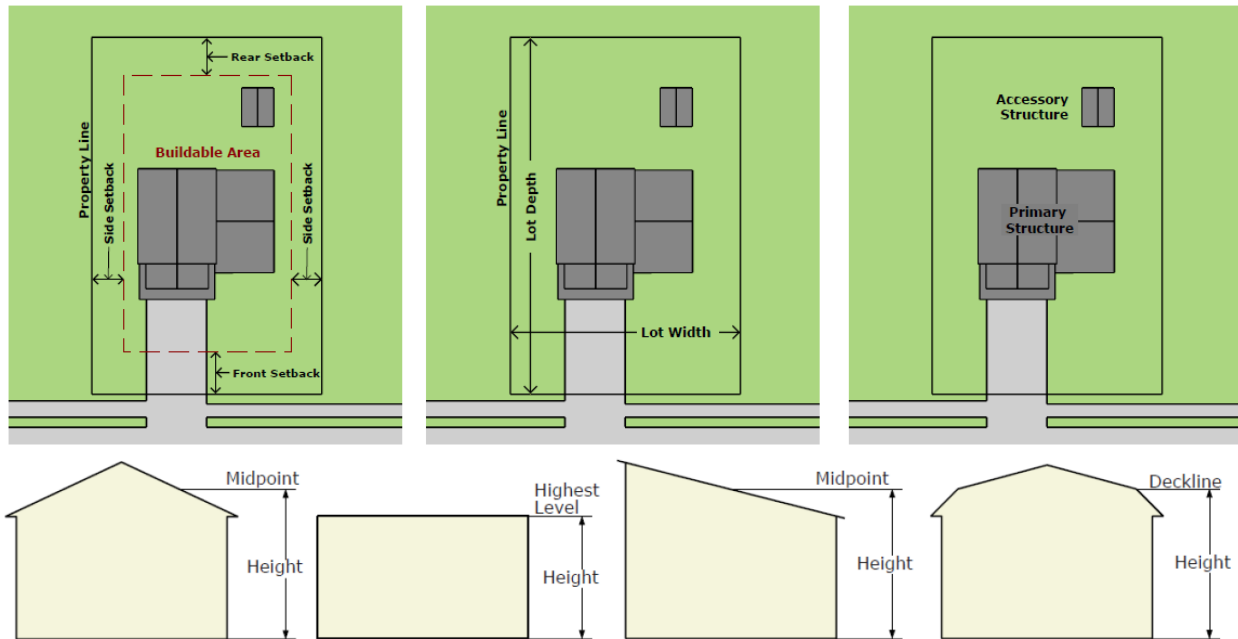
- (11) Water Storage Facility and related equipment, tanks, and towers, which are part of a public or private water supply system approved under applicable state and local laws and regulations.
- (12) Telecommunications Towers that satisfy the requirements of Part 8 of this Ordinance.
- (13) Wind Energy Conversion Systems and Wind Towers
- (14) Public or 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.
- (15) Schools
- (16) 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.
- (17) Stables provided that all buildings and exercise yards shall be at least two hundred (200) feet from all dwellings and adjacent properties.
- (18) Recreational Areas including community centers, parks, playgrounds, country clubs, swimming pools, golf courses, camping areas, miniature golf courses or practice driving tees.
- (19) Cemeteries, 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.
- (20) Hospitals, Clinics, Charitable Institutions for the treatment of diseases and Nursing or Convalescent Home; except correctional or penal institutions; provided no such use shall be established or permitted on a parcel of land of less than one (1) acre in area, nor shall its buildings occupy more than fifty (50) percent of the lot or

tact, or sell any part or portion such use, except for parking or open unobstructed uses, be permitted within thirty (30) feet of any property line.

- (21) Sanitary Landfills for the proper dumping of trash or garbage, provided that such use shall not be located nearer than on 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 landfills.

D. APPLICABLE STANDARDS

| R-1 | Minimum Lot Area | Minimum Lot Frontage | Minimum Street Yard | Minimum Side yard | Minimum Rear Yard | Maximum Height |
|-----|------------------|----------------------|---------------------|-------------------|-------------------|----------------|
| | 1 acre | 150 ft. | 80 ft. | 50 ft. | 50 ft. | 35 ft. |



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.

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) Zoning permits will not be issued unless proof of compliance with health regulations is provided.

G. PARKING REQUIREMENTS

| Use | Required Parking Spaces |
|-------------------------|---|
| Single Family Dwellings | 2 spaces for each dwelling |
| Public Buildings | Minimum required off-street parking (for each three hundred (300) feet of floor area) |
| Public Parks | 0 |

| | |
|------------------------------|---|
| Stables | 0 |
| Recreational Areas | 1 space for each 100 square feet of floor area OR for each three greens whichever is greater |
| Temporary Mobile Homes | 0 |
| Household or Home Occupation | 0 |
| Home Based Business | Max of 4 parking spots |

1-15.5 “R-2” SINGLE FAMILY RESIDENTIAL DISTRICT

The R-2 Single Family Residential District is a medium density residential district intended for one-acre residential lots in subdivisions that will be using shared wells and individual septic systems. This district allows single-family dwellings, roomers or boarders, public buildings, utility substations, temporary mobile homes, home based businesses and household or home occupations. The district allows for horses, small farm animals and pets. The R-2 zoning district is intended to allow 1-acre lot subdivisions that are close to cities and may be annexed at some future date or half-acre lot subdivisions that are connected to a central water and central sewer system and could be annexed in the near future.

A. PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Single Family Dwellings
- (2) Roomers or Boarders (2 Max)
- (3) Public Buildings, except those whose chief function is an activity conducted for commercial purposes and not including such uses as storage yards, warehouses, or garages.
- (4) 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.
- (5) Public, parks, recreation centers, playgrounds, and community centers, not including trailer or tent camping areas or mobile home parks.
- (6) 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.
- (7) Home Based Business and Household or Home Occupations

B. PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings may be built in a yard but shall not be larger than twenty (20) percent of the 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 “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.

- (1) Amusement Parks
- (2) Cemeteries or Mausoleums
- (3) Fairgrounds
- (4) Electric Power Substations
- (5) Airports
- (6) Correctional Institutions
- (7) Gas Pumping, Metering or Storage Facilities
- (8) Sewage Treatment Facilities and Lagoons
- (9) Bed and Breakfast Homes and Inns subject to the following requirements and conditions:
 - (a) Requirements:
 - i) one (1) bathroom for each three (3) sleeping rooms
 - ii) one (1) parking space for each sleeping room and one (1) for each three (3) employees.
 - iii) one (1) smoke detector in proper working order in each sleeping room
 - iv) one (1) fire extinguisher in proper working order on each floor
 - v) emergency lighting installed according to specifications in the uniform building code
 - vi) two (2) means of egress clearly marked and accessible in each sleeping room.
 - vii) a copy of the floor plan with exits marked and prominently displayed in each sleeping 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 Chapter 137C and Chapter 137F shall be followed.
 - (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 (150) watt floodlights.
- (10) 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.
- (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.
- (12) Telecommunications Towers that satisfy the requirements of Part 8 of this Ordinance.
- (13) Wind Energy Conversion Systems and Wind Towers
- (14) Public or 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.
- (15) 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.

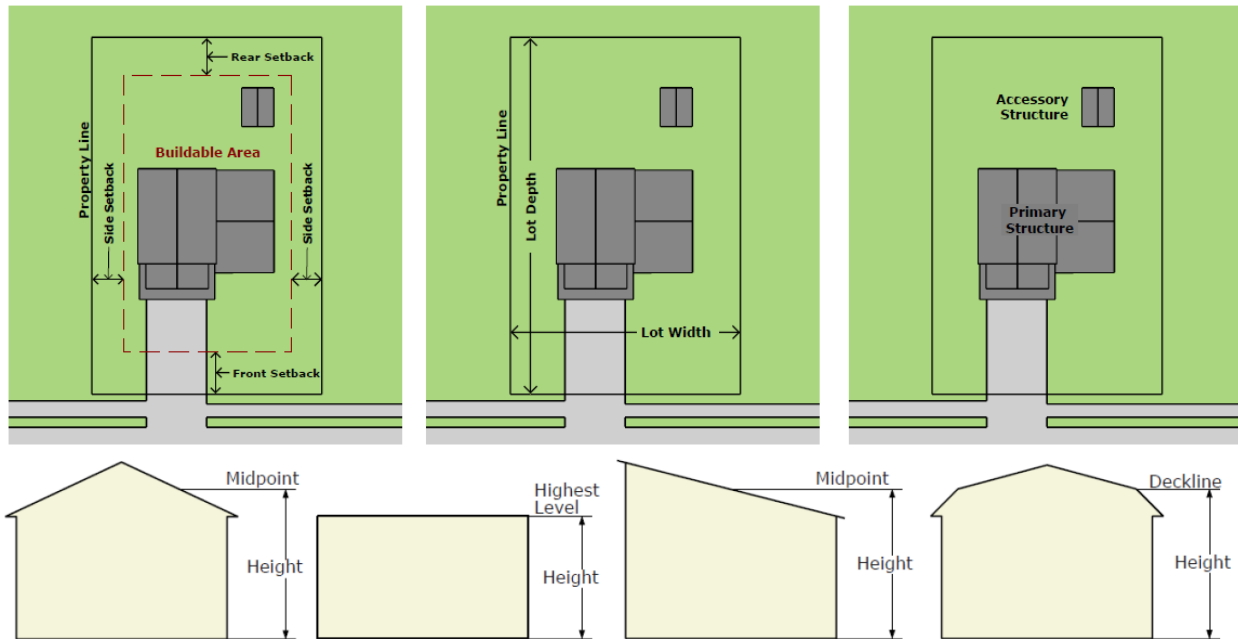
(16) Public and Private Schools provided the lot area is not less than two (2) acres and all structures and uses are not less than fifty (50) from any lot line.

(17) Stables provided that all buildings and exercise yards shall be at least five hundred (500) feet from all dwellings and adjacent properties.

(18) Recreational Areas including community centers, parks, playgrounds, country clubs, swimming pools and golf courses, camping areas, miniature golf courses or practice driving tees.

D. APPLICABLE STANDARDS

| R-2 | Minimum Lot Area | Minimum Lot Frontage | Minimum Street Yard | Minimum Side yard | Minimum Rear Yard | Maximum Height |
|----------------|------------------|----------------------|---------------------|-------------------|-------------------|----------------|
| School | 2 acres | 120 ft. | 20 ft. | 50 ft. | 50 ft. | 35 ft. |
| All other uses | 22,000 sq. ft. | 120 ft. | 50 ft. | 20 ft. | 50 ft. | 35 ft. |



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) Zoning permits will not be issued unless proof of compliance with health regulations is provided

G. PARKING REQUIREMENTS

| Use | Required Parking Spaces |
|--|--|
| Single Family Dwellings | 2 Spaces for each dwelling unit |
| Roomers or Boarders | 0 |
| Churches | 1 Space for each 5 seats |
| Public Buildings | 1 space for each 300 square feet of floor area |
| Utility Substations | 0 |
| Public and Private Schools | 1 space for each 2 employees |
| Public, parks, recreation centers, playgrounds, and community centers. | 0 |

| | |
|-------------------------------|--|
| Stables | 0 |
| Recreation Areas | 1 space for each 100 square feet of floor area OR 1 space for each three greens whichever is greater |
| Temporary Mobile Homes | 0 |
| Household or Home Occupations | 0 |
| Home Based Business | Max of 4 parking spots |

1-15.6 “R-3” SINGLE FAMILY RESIDENTIAL DISTRICT

The R-3 Single Family Residential District is a high-density residential district intended to be used in subdivisions that have small lots utilizing central water and central sewer or for cluster subdivisions that use a minimal amount of land for the single-family homes and preserves the balance of the land for open space, active or passive recreation, preservation of environmentally sensitive areas or agricultural uses. This district allows homes on the smallest lots and requires minimal setbacks. It allows single-family dwellings, roomers or boarders, public buildings, utility substations, temporary mobile homes and household or home occupations. Farm uses are not allowed in this district.

A. PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Single Family Dwellings
- (2) Roomers or Boarders (2 Max)
- (3) Public Buildings, except whose chief function is an activity conducted for commercial purposes and not including such uses as storage yards, warehouses, or garages.
- (4) Utilities Substations provided all structures and uses are not less than fifty (50) feet from any residential district or lot line, but not including open storage of materials and equipment.
- (5) Public, parks, recreation areas, playgrounds, and community centers, not including trailer or tent camping areas or mobile home parks.
- (6) 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.
- (7) Household or Home Occupations

B. PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings may be built in a yard but shall not be larger than thirty (30) percent of the 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 "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.

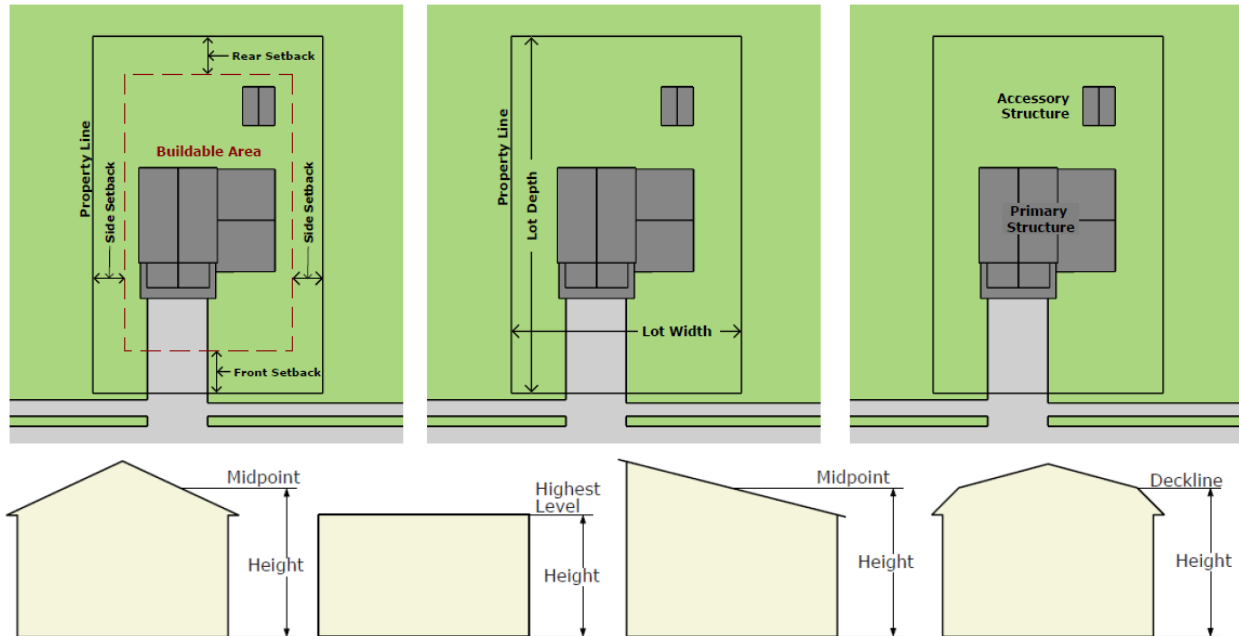
- (1) Cemeteries or Mausoleums
- (2) Electric Power Substations
- (3) Airports
- (4) Correctional Institutions
- (5) Gas Pumping, Metering or Storage Facilities
- (6) Sewage Treatment Facilities and Lagoons
- (7) Bed and Breakfast Homes and Inns subject to the following requirements and conditions:
 - (a) Requirements:
 - i) one (1) bathroom for each three (3) sleeping rooms
 - ii) one (1) parking space for each sleeping room and one (1) for each three (3) employees
 - iii) one (1) smoke detector in proper working order in each sleeping room
 - iv) one (1) fire extinguisher in proper working order on each 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 sleeping room
 - vii) a copy of the floor plan with exits marked and prominently displayed in each sleeping 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 Chapter 137C and Chapter 137F shall be followed.
 - (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 (150) watt floodlights.
- (8) 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.
- (9) 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.
- (10) Telecommunications Towers that satisfy the requirements of Part 8 of this Ordinance.
- (11) Wind Energy Conversion Systems and Wind Towers.
- (12) 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.
- (13) Public and Private Schools 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.
- (14) Recreational Areas including community centers, parks, playgrounds, country clubs, swimming pools and golf courses, camping areas, miniature golf courses or practice driving tees.

D. APPLICABLE STANDARDS

| R-3 | Minimum Lot Area | Minimum Lot Frontage | Minimum Street Yard | Minimum Side yard | Minimum Rear Yard | Maximum Height |
|----------------|------------------|----------------------|---------------------|-------------------|-------------------|----------------|
| School | 2 acres | 90 ft. | 30 ft. | 50 ft. | 50 ft. | 35 ft. |
| All other uses | 22,000 sq. ft. | 90 ft. | 30 ft. | 15 ft. | 40 ft. | 35 ft. |



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.

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) Zoning permits will not be issued unless proof of compliance with health regulations is provided.
- (3) 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.

G. PARKING REQUIREMENTS

| Use | Required Parking Spaces |
|---|--|
| Single Family Dwellings | 2 spaces for each dwelling unit |
| Roomers or Boarders | 0 |
| Churches | 1 space for each 5 seats |
| Public Buildings | 1 space for each 150 square feet of floor area |
| Utilities Substations | 0 |
| Public and Private Schools | 1 space for each 2 employees |
| Public, parks, recreation areas, playgrounds, and community centers | 0 |
| Recreation Areas | 1 space for each 100 square feet of floor area or 1 space each three greens whichever is greater |
| Temporary Mobile Homes | 0 |
| Household or Home Occupations | 0 |

1-15.7 “R-4” MULTI-FAMILY RESIDENTIAL DISTRICT

The R-4 Multi-Family Residential District is intended for two-family and multi-family dwellings as well as mobile home parks. This district also allows public buildings, utilities substations, mobile home parks, temporary mobile homes and household or home occupations. This higher

density residential district is generally used in the county in combination with single-family residential subdivisions, where higher densities are desired, or specifically used for mobile home parks. Mobile home parks will require central water and central sewer systems. Two-family and multi-family dwellings may use either central water and central sewer systems or shared wells and septic systems designed for the number of units in the dwelling.

A. PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Two-Family Dwellings
- (2) Multi-Family Dwellings
- (3) Public Buildings, except whose chief function is an activity conducted for commercial purposes and not including such uses as storage yards, warehouses, or garages
- (4) Utilities 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.
- (5) Mobile Home Parks as provided for in Part 6.
- (6) Public, parks, recreation areas, playgrounds, and community centers, not including trailer or tent camping areas.
- (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.
- (8) Household or Home Occupations

B. PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings may be built in a yard but shall not be larger than forty (40) percent of the 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 “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.

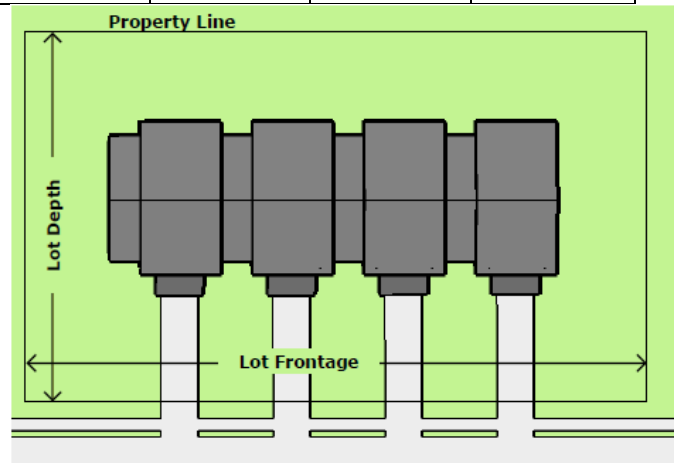
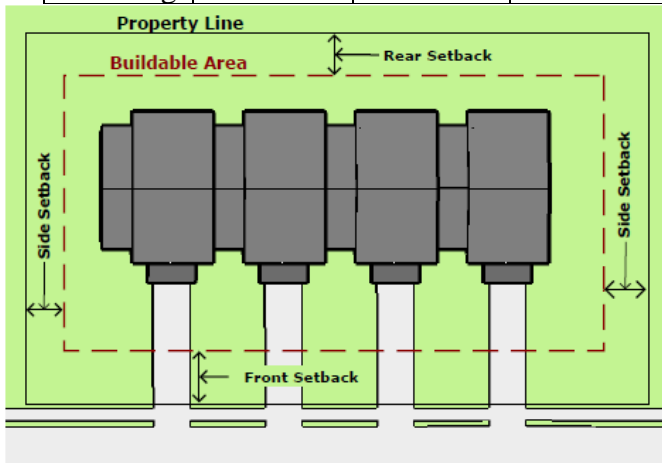
- (1) Cemeteries or Mausoleums
- (2) Electric Power Substations
- (3) Gas Pumping, Metering or Storage Facilities
- (4) Sewage Treatment Facilities and Lagoons
- (5) Bed and Breakfast Homes and Inns subject to the following requirements and conditions:
 - (a) Requirements:
 - i) one (1) bathroom for each three (3) sleeping rooms
 - ii) one (1) parking space for each sleeping room and one (1) for each three (3) employees
 - iii) one (1) smoke detector in proper working order in each sleeping room
 - iv) one (1) fire extinguisher in proper working order on each 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 sleeping room
 - vii) a copy of the floor plan with exits marked and prominently displayed in each sleeping 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 Chapter 137C and Chapter 137F shall be followed.
 - (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 (150) watt floodlights.
- (6) 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.
- (7) Telecommunications Towers that satisfy the requirements of Part 8 of this Ordinance
- (8) Wind Energy Conversion Systems and Wind Towers

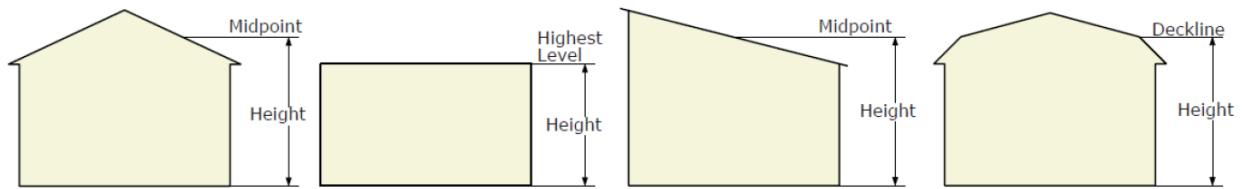
- (9) Churches provided the lot area is not less than two (2) acres and all structures and uses are not less than fifty (50) feet from any lot line.
- (10) Public and Private Schools provided the lot area is not less than two (2) acres and all structures and uses are not less than fifty (50) feet from any lot line.
- (11) Clubs and Lodges, except those of which the chief activity is carried on for financial profit.
- (12) Fraternity and Sorority Houses, except those of which the chief activity is carried on for financial profit.

TABLE ON NEXT PAGE

D. APPLICABLE STANDARDS

| R-4 | Minimum Lot Area | Minimum Building Area Per Family | Minimum Lot Frontage | Minimum Street Yard | Minimum Side yard | Minimum Rear Yard | Maximum Height |
|-----------------------|------------------|----------------------------------|----------------------|---------------------|-------------------|-------------------|----------------|
| School | 2 acres | | 90 ft. | 50 ft. | 50 ft. | 50 ft. | 35 ft. |
| Mobile Home Park | 3 acres | | | | | | |
| Two Family Dwelling | 15,000 sq. ft. | 500 sq. ft. | 100 ft. | 35 ft. | 20 ft. | 50 ft. | 35 ft. |
| Multi-Family Dwelling | 15,000 sq. ft. | 500 sq. ft. | 120 | 35 ft. | 20 ft. | 50 ft. | 35 ft. |





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.

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) Zoning permits will not be issued unless proof of compliance with health regulations is provided.
- (3) 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.

TABLE ON NEXT PAGE

G. PARKING REQUIREMENTS

| Use | Required Parking Spaces |
|---|--|
| Two-Family Dwellings | 1.5 spaces for each dwelling unit |
| Multi-Family Dwellings | 1.5 spaces for each dwelling unit |
| Churches | 1 space for each five seats |
| Public Buildings | 1 space for each 300 square feet of floor space |
| Utilities | 0 |
| Public or Private Schools | 1 space for every 2 employees |
| Mobile Home Parks | 2 spaces for each dwelling unit |
| Public, parks, recreation areas, playgrounds, and community centers | 0 |
| Clubs and Lodges | 1 space for each 2 beds and 1 space for each 3 employees |
| Fraternity and Sorority Houses | 1 space for each 2 beds and 1 space for each 3 employees |
| Temporary Mobile Homes | 0 |
| Household or Home Occupations | 0 |

1-15.8 “R-5” MULTI-FAMILY RESIDENTIAL DISTRICT

The R-5 Multi-Family Residential District is intended for two-family and multi-family dwellings. This district also allows public buildings, utilities, temporary mobile homes and household or home occupations. This higher density residential district is generally used in the county in combination with single-family residential subdivisions, where higher

densities are desired. Two-family and multi-family dwellings may use either central water and central sewer systems or shared wells and septic systems designed for the number of units in the dwelling. Mobile home parks are not allowed.

A. PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Two-Family Dwellings
- (2) Multi-Family Dwellings
- (3) Public Buildings, except whose chief function is an activity conducted for the commercial purposes and not including such uses as storage yards, warehouses, or garages.
- (4) Utilities provided all structures and uses are not less than fifty (50) from any residential district lot line, but not including open storage of materials and equipment.
- (5) Public, parks, recreation areas, playgrounds, and community centers, not including trailer or tent camping areas.
- (6) 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.
- (7) Household or Home Occupations

B. PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings may be built in a yard but shall not be larger than forty (40) percent of the 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 “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.

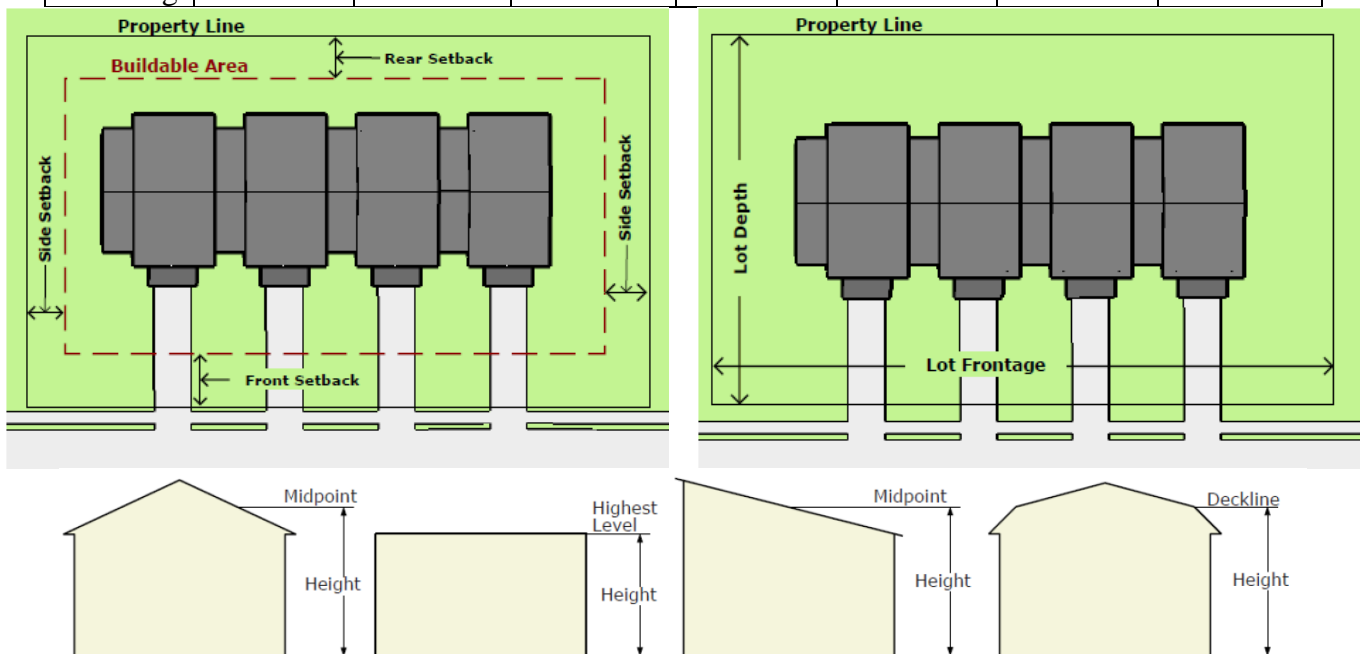
- (1) Cemeteries or Mausoleums
- (2) Electric Power Substations
- (3) Gas Pumping, Metering or Storage Facilities
- (4) Sewage Treatment Facilities and Lagoons.
- (5) Bed and Breakfast Homes and Inns subject to the following requirements and conditions:
 - (a) Requirements:
 - i) one (1) bathroom for each three (3) sleeping rooms
 - ii) one (1) parking space for each sleeping room and one (1) for each three (3) employees
 - iii) one (1) smoke detector in proper working order in each sleeping room
 - iv) one (1) fire extinguisher in proper working order on each 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 sleeping room
 - vii) a copy of the floor plan with exits marked and prominently displayed in each sleeping 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 Chapter 137C and Chapter 137F shall be followed.
 - (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 (150) watt floodlights.
- (6) 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.
- (7) Telecommunications Towers that satisfy the requirements of Part 8 of this Ordinance.
- (8) Wind Energy Conversion Systems and Wind Towers
- (9) 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.
- (10) Public and Private Schools 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.

- (11) Clubs and Lodges, except those of which the chief activity is carried on for financial profit.
- (12) Fraternity and Sorority Houses, except those of which the chief activity is carried on for financial profit.
- (13) Professional Offices provided no such building shall be located within thirty (30) feet of any property line.

TABLE ON NEXT PAGE
D. APPLICABLE STANDARDS

| R-5 | Minimum Lot Area | Minimum Building Area Per Family | Minimum Lot Frontage | Minimum Street Yard | Minimum Side yard | Minimum Rear Yard | Maximum Height |
|-----------------------|------------------|----------------------------------|----------------------|---------------------|-------------------|-------------------|----------------|
| School | 2 acres | | 90 ft. | 50 ft. | 50 ft. | 50 ft. | 35 ft. |
| Two Family Dwelling | 15,000 sq. ft. | 500 sq. ft. | 100 ft. | 35 ft. | 20 ft. | 50 ft. | 35 ft. |
| Multi-Family Dwelling | 15,000 sq. ft. | 500 sq. ft. | 120 ft. | 35 ft. | 20 ft. | 50 ft. | 35 ft. |



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.

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) Zoning permits will not be issued unless proof of compliance with health regulations is provided.
- (3) 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.

TABLE ON NEXT PAGE

G. PARKING REQUIREMENTS

| Use | Required Parking Spaces |
|---|--|
| Two-Family Dwellings | 1.5 spaces for each dwelling unit |
| Multi-Family Dwellings. | 1.5 spaces for each dwelling unit |
| Churches | 1 space for each five seats |
| Public Buildings | 1 space for each 300 square feet of floor space |
| Utilities | 0 |
| Public or Private Schools | 1 space for every 2 employees |
| Public, parks, recreation areas, playgrounds, and community centers | 0 |
| Clubs and Lodges | 1 space for each 2 beds and 1 space for each 3 employees |
| Fraternity and Sorority Houses | 1 space for each 2 beds and 1 space for each 3 employees |
| Professional Offices | 1 space for each 300 square feet of floor area. |
| Temporary Mobile Homes | 0 |
| Household or Home Occupations | 0 |

1-15.9 “B-1” BUSINESS DISTRICT

The B-1 Business District is intended to accommodate the daily or frequent shopping needs of the neighborhood consumer. Allowed uses include small retail shops, professional office developments and shopping centers. This district allows residential dwelling unit or units located in the principal building where the principal use is a business establishment. It also allows hospitals, hotels, motels, veterinary clinics, medical and dental clinics, department stores, public buildings, and recreational, religious, and

educational facilities. The B-1 district does not allow any outside storage, but parking lots for employee and customer parking are required. Special Permitted Uses in the Business district include kennels, pounds or animal shelters and custom cabinet, furniture and wood working shops not to exceed 6,000 square feet. On-premises and off-premises signs are allowed.

A. PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Dwelling Unit(s) in Business Building
- (2) Veterinary Clinics (Inside Only)
- (3) Public Buildings
- (4) Clubs and Lodges
- (5) Libraries
- (6) Medical Clinics
- (7) Post Offices
- (8) Restaurants
- (9) Storage Garages/Units
- (10) Taverns and Bars
- (11) Funeral Homes and Crematories
- (12) General Retail that would include but not limited to:
 - (a) Art and School Supply Store
 - (b) Bakeries and Retail Sales
 - (c) Book and Stationary Stores
 - (d) Camera and Photographic Supply Stores
 - (e) Candy and Ice Cream Stores
 - (f) Drug Stores
 - (g) Dry Cleaning and Laundry
 - (h) Electrical and Household Appliance Stores
 - (i) Equipment Sales (inside only)
 - (j) Flower Shops
 - (k) Furniture Stores (including upholstery shops)
 - (l) Garden Supply and Seed Stores
 - (m) Gift Shops
 - (n) Grocery Stores, meat markets & frozen food stores including locker plants
 - (o) Hardware Stores
 - (p) Hobby Shops
 - (q) Jewelry Stores
 - (r) Monument Sales
- (13) General Service that would include but not limited to:
 - (a) Contractors and Construction Offices
 - (b) Electrical and Telephone Office
 - (c) Interior Decorating Shops
 - (d) Personal Service Shops, such as Barber, Beauty, Tailor, and Dressmaking Shops
 - (e) Photography Studios

- (f) Vehicle/Trailer/Boat Service and Repair including body repair or painting with indoor storage only
- (14) General Office that would include but not limited to:
 - (a) Electrical Repair Shops
 - (b) Financial Institutions
 - (c) Fuel Sales, office only
 - (d) Planned Retail, Professional Office Developments, and Shopping Centers
 - (e) Radio, Television Stations, and Studios

B. PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings may be built in a yard but shall not occupy more than forty (40) percent of the 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.

- (1) Cemeteries or Mausoleums
- (2) Radio, Television and Towers
- (3) Electric Power Substations
- (4) Gas Pumping, Metering or Storage Facilities
- (5) Sewage Treatment Facilities and Lagoons
- (6) 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 if the property changes owners.
 - (c) All open kennels shall be kept a minimum of five hundred feet (500') from any residential use.

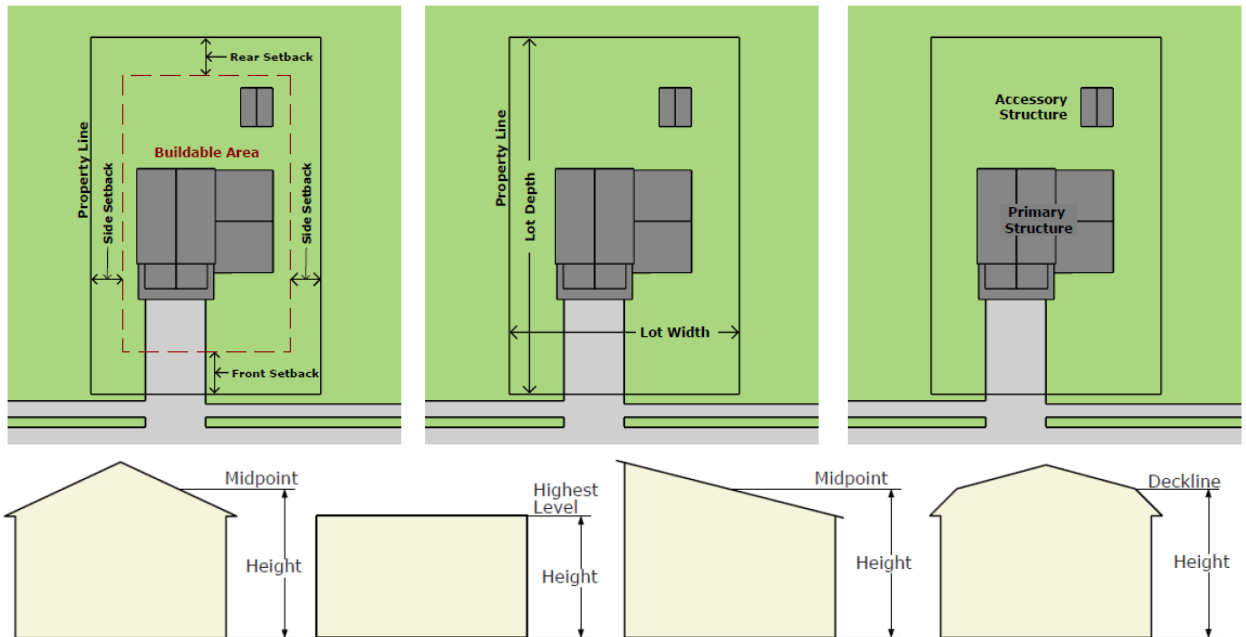
- (d) No kennel shall be allowed to harbor, breed, train, buy, sell, exchange, or offer for sale any animal to be used solely for attack purposes nor any animal not normally associated with domestic enjoyment. Such ban shall include but shall not be limited to jungle cats, venomous snakes, or other reptiles larger than four feet in length, 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.
- (7) 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.
- (8) Telecommunications Towers that satisfy the requirements of Part 8 of this Ordinance.
- (9) 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.
- (10) Wind Energy Conversion Systems and Wind Towers
- (11) 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.

TABLE ON NEXT PAGE

D. APPLICABLE STANDARDS

| B-1 | Minimum Lot Area | Minimum Lot Frontage | Minimum Street Yard | Minimum Side yard | Minimum Rear Yard | Maximum Height |
|-----|------------------|----------------------|---------------------|-------------------|-------------------|----------------|
| | None | None | 25 ft. | 15 ft. (b) | 40 ft. (a) | 35 ft. |

- (1) 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.
- (2) Shall be 25' minimum if lot adjoins a residential district.



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-premises 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 hundred (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-premises 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-premises signs are prohibited in an area at the corner of private property to maintain adequate sight distance for motorist safety.
- (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.
 - (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 anyone 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.

- (6) Placement. At the intersection of a primary highway and a city street, county road or other primary highway, off-premises 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.
- (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.

TABLE ON NEXT PAGE

G. PARKING REQUIREMENTS

| Use | Required Parking Spaces |
|--|--|
| Dwelling Unit (s) in Business Building | 1 space for each dwelling unit |
| Veterinary Clinics (Inside Only) | 1 space for each 150 square feet of floor area |
| Public Buildings | 1 space for each 100 square feet of floor area |
| Religious Assembly | 1 space for each 5 seats |
| Clubs and Lodges | 1 space for each 100 square feet of floor area |
| Libraries | 1 space for each 300 square feet of floor area |
| Medical Clinics | 3 for each Doctor |
| Post Offices | 1 space for each 300 square feet of floor area |
| Restaurants | 1 space for each 100 square feet of floor area |
| Storage Garages/Units | 1 space for each 150 square feet of floor area |
| General Retail | 1 space for each 150 square feet of floor area |
| General Services | 1 space for each 300 square feet of floor area |
| General Office | 1 space for each 300 square feet of floor area |

1-15.10 “B-2” HIGHWAY BUSINESS DISTRICT

The B-2 Highway Business District is intended to accommodate a broad range of retail and commercial service establishments that generate heavy pedestrian and vehicle traffic and have a high demand for parking spaces during business hours. Such uses include drive-in banks, restaurants, and theaters; big box stores; planned retail or professional office developments or shopping centers; and recreational uses such as bowling alleys, skating rinks, miniature golf courses and places of entertainment. These uses are normally placed along a highway or located in higher traffic areas. No residential use is allowed in this district. All the B-1 uses are allowed in the B-2 district except residential. Funeral homes, campgrounds and vehicle sales and service businesses would also be allowed. Outside storage includes larger vehicles as well as cars and trucks and would allow anything on wheels to be stored outside including RV's, boats, farm implements and construction vehicles. Special Permitted Uses in the Highway Business

district include custom cabinet, furniture and wood working shops not to exceed 6,000 square feet. No manufacturing or warehousing is allowed in this district. On-premises and off-premises signs are allowed.

A. PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Big Box Stores
- (2) Bus Depots/Public Transportation
- (3) College or Trade Schools
- (4) Commercial Greenhouse
- (5) Financial Institution Drive-In
- (6) Funeral Homes
- (7) Hospitals
- (8) Hotels and Motels
- (9) Professional Office Developments
- (10) Restaurants including Drive-Ins
- (11) Camping Facilities
- (12) Vehicle Sales/Service, including Auto Body Repair and Storage Garages/Units
- (13) General Retail that would include but not limited to:
 - (a) Confectionaries
 - (b) Drug Stores
 - (c) Gift Shops
 - (d) Shopping Centers
- (14) Commercial Recreational-Indoor/Outdoor that would include but not limited to:
 - (a) Bowling Alleys
 - (b) Drive-In Theaters
 - (c) Places of Entertainment
 - (d) Recreation Centers
 - (e) Skating Rinks
 - (f) Miniature Golf Courses/Driving Range
 - (g) Tourist Homes
- (14) Equipment Sales/Services that would include but not limited to:
 - (a) Sales/Service of Farm Implements
 - (b) Display/Sales of Manufactured Homes
 - (c) Display/Sales of Modular Homes
 - (d) Display/Sales/Service of Recreational Vehicles

B. PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings may be built in a required yard but shall not occupy more than forty (40) percent of the 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 “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.

- (1) Cemeteries, Mausoleums or Crematories
- (2) Electric Power Substations
- (3) Correctional Institutions
- (4) Natural Gas Pumping, Metering or Storage Facilities
- (5) Sewage Treatment Facilities and Lagoons
- (6) 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.
- (7) 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.
- (8) Telecommunications Towers that satisfy the requirements of Part 8 of this Ordinance.
- (9) 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.
- (10) Wind Energy Conversion Systems and Wind Towers
- (11) Motorized Racetracks 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 rights-of-way; 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.

TABLE ON NEXT PAGE

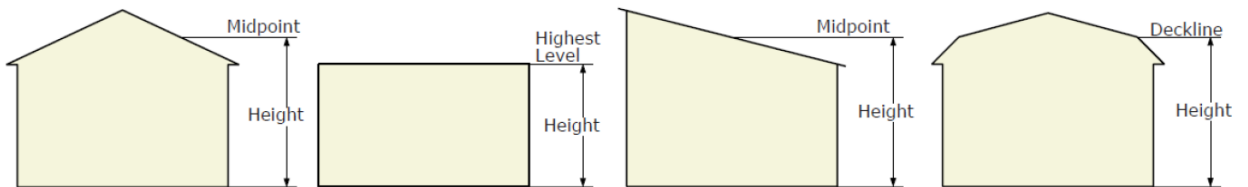
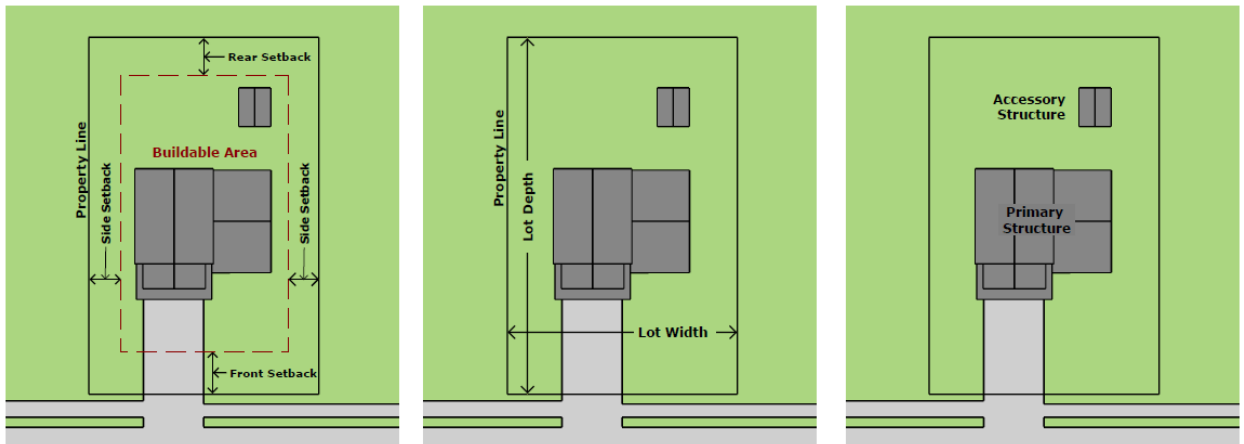
D. APPLICABLE STANDARDS

| B-2 | Minimum Lot Area | Minimum Lot Frontage | Minimum Street Yard | Minimum Side yard | Minimum Rear Yard | Maximum Height |
|-----|------------------|----------------------|---------------------|-------------------|-------------------|----------------|
| | 3 Acres (a) | None | 25 ft. | 15 ft. (b) | 40 ft. | 35 ft. |

(a) 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.

(b) Shall be 25’ minimum if lot adjoins a residential district.



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-premises 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 hundred (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-premises 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-premises signs are prohibited in an area at the corner of private property to maintain adequate sight distance for motorist safety.
- (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.
 - (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-premises 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.
- (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) 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.
- (3) Camping Facilities shall be governed by the requirements of Part 6 of this ordinance.

G. PARKING REQUIREMENTS

| Use | Required Parking Spaces |
|--|---|
| Big Box Stores | 1 space for each 300 square feet of floor area |
| Bus Depots/Public Transportation | 1 space for each 150 square feet of floor area |
| College or Trade Schools | 1 space for each 150 square feet of floor area |
| Commercial Greenhouse | 1 space for each 150 square feet of floor area |
| Financial Institutions Drive In | 1 space for each 150 square feet of floor area |
| Funeral Homes | 1 space 50 square feet devoted to Parlors |
| Hospitals | 1 space for each 2 beds |
| Hotels and Motels | 1 space for each guest room and 1 space for each 3 employees |
| Professional Office Developments | 1 space for each 150 square feet of floor area |
| Restaurants including Drive-Ins | 1 space for each 100 square feet of floor area |
| Camping Facilities | 1 space for each trailer |
| Vehicles Sales/Service, including Auto Body Repair and Storage Garages/Units | 1 space for each 150 square feet of floor area |
| General Retail | 1 space for each 150 square feet of floor area |
| Commercial Recreational-Indoor/Outdoor | |
| Bowling Alleys | 5 spaces for each alley |
| Drive-In Theatres | 10% of the Theatre Capacity |

| | |
|---|---|
| Places of Entertainment | 1 space for each 100 square feet of floor area |
| Recreation Centers, Skating Rinks, Miniature Golf Courses/Driving Ranges | 1 space for each 150 square feet of floor area |
| Tourist Homes | 1 space for each guest room and 1 space for each 3 employees |
| General Office | 1 space for each 150 square feet of floor area |

1-15.11 “M-1” LIGHT INDUSTRIAL DISTRICT

The M-1 Light Industrial District is intended to provide locations for a variety of land uses characterized by production, manufacturing, distribution, or fabrication activities. Allowed uses include automotive body repair, distributors, manufacturing and bottling of non-alcoholic beverages, warehousing and wholesaling and light manufacturing. This district is not intended for manufacturing uses that create excessive noise, smoke, dust, vibration, or obnoxious odors. All the B-1 and B-2 uses are allowed in the M-1 district except residential. Outside storage includes vehicles and equipment, raw materials, and finished product. Special Permitted Uses in the Light Industrial district includes a single-family residential unit for custodial purposes if occupied by the owner or a family member on 3-acres or more and custom cabinet, furniture and wood working shops not to exceed 6,000 square feet. On-premises and off-premises signs are allowed.

A. **PERMITTED PRINCIPAL USES AND STRUCTURES**

- (1) Distributors
- (2) Trade and Contractors Offices
- (3) Warehousing and Wholesaling
- (4) Manufacturing, Fabrication, Processing, Packaging, Packing and Assembly of Products
- (5) Utilities are permitted provided structures are not less than fifty (50) feet from any residential lot line.
- (6) Public Transportation Terminals are permitted provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.
- (7) Light Industrial that would include but not limited to:
 - (a) Cleaning, Pressing and Dyeing Establishments
 - (b) Commercial Bakeries
 - (c) Commercial Greenhouses
 - (d) Farm Machinery
 - (e) Food Locker Plants
 - (f) Laboratories
 - (g) Machine Shops
 - (h) Manufacture & Bottling of Non-Alcoholic Beverages
 - (i) Painting & Printing
 - (j) Publishing

- (k) Storage and Sale of Machinery & Equipment
- (l) Recycling Inside Only

B. PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings.
- (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 “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.

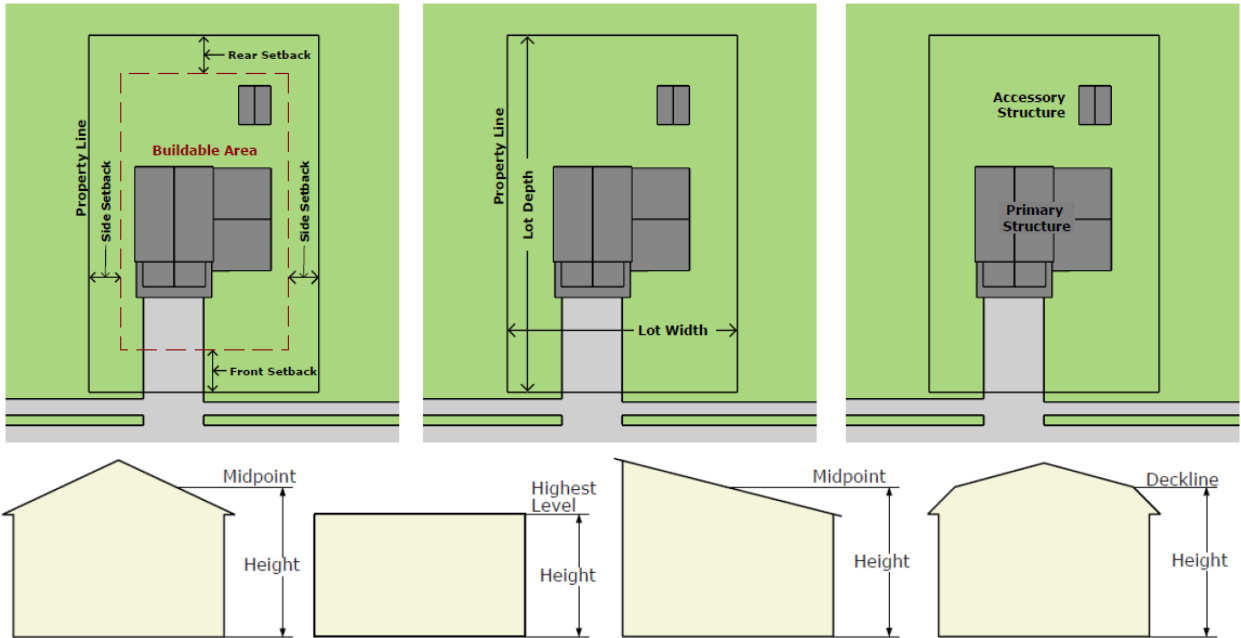
- (1) Sanitary Land Fills
- (2) Amusement Parks
- (3) Fair Grounds
- (4) Electric Power Substations
- (5) Airports
- (6) Correctional Institutions
- (7) Gas Pumping, Metering or Storage Facilities
- (8) Sewage Treatment Facilities and Lagoons
- (9) A Single-Family Residence for Custodial Purposes may be allowed as a special permitted use 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.
- (10) 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.
- (11) Telecommunications Towers that satisfy the requirements of Part 8 of this Ordinance.
- (12) Wind Energy Conversion Systems and Wind Towers

TABLE ON NEXT PAGE

D. APPLICABLE STANDARDS

| M-1 | Minimum Lot Area | Minimum Lot Frontage | Minimum Street Yard | Minimum Side yard | Minimum Rear Yard | Maximum Height |
|-----|------------------|----------------------|---------------------|-------------------|-------------------|----------------|
| | None | None | 30 ft. (a) | 30 ft. | 30 ft. | 35 ft. (b) |

- (1) When directly across the street from a dwelling or residential district, there shall be provided for such use, a front yard not less than 35' in depth along such street frontage.
- (2) Maximum height shall not apply when fire protection is provided by the owner but shall set back from minimum yard requirements at least one (1) foot for each foot of additional building height above the maximum height limit.



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-premises 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 hundred (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-premises 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-premises signs are prohibited in an area at the corner of private property to maintain adequate sight distance for motorist safety.
- (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.
 - (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.
- (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.

G. PARKING REQUIREMENTS

| Use | Required Parking Spaces |
|---|--|
| Distributors | 1 space for each 150 square feet of floor area |
| Trade and Contractors Office | 1 space for each 300 square feet of floor area |
| Warehousing and Wholesaling | 1 space for each 3 employees |
| Manufacturing, Fabrication, Processing, Packing, and Assembly of Products | 1 space for each 3 employees |
| Utilities | 0 |
| Public Transportation | 1 space for each 150 square feet of floor area |
| Light Industrial | |
| Cleaning, Pressing and Dyeing Establishments, Commercial Bakeries, Commercial Greenhouses, Farm Machinery, Food Locker Plants, Laboratories and Storage & Sale of Machinery and Equipment | 1 space for each 150 square feet of floor area |
| Machine Shops | 1 space for each 3 employees |
| Manufacture & Bottle of Non-Alcoholic Beverages | 1 space for each 3 employees |
| Painting & Printing | 1 space for each 3 employees |
| Publishing | 1 space for each 3 employees |
| Recycling Inside Only | 1 space for each 3 employees |

- (1) No lot or parcel of land shall be used for dwelling purposes except as custodian quarters with a permitted use.

1-15.12 “M-2” HEAVY INDUSTRIAL DISTRICT

The M-2 Heavy Industrial District is intended to provide locations for a variety of land uses that by their very nature generate higher levels of smoke, dust, noise, and odors that render them incompatible with virtually all other land uses. Allowed uses will generally require some separation from residential and commercial uses and include any nonresidential purpose whatsoever, except for those uses listed under Special Permit Uses and Structures in that district. Special Permit Uses include hospitals, sanatoriums, and correctional institutions; gas pumping, metering, and

storage facilities; manufacturing of acid, fertilizer, gas, or glue; dead animal or fat rendering; stock yards or slaughtering of animals; oil refineries; and junk yards or auto salvage. It also includes a single-family residential unit for custodial purposes if occupied by the owner or a family member on 3-acres or more. On-premises and off-premises signs are allowed.

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) Heavy Industrial that would include but not limited to:
 - (a) Hotels & Motels
 - (b) Hospitals, Clubs and Lodges
 - (c) Sanatoriums, Institutions, Rest and Nursing Homes
 - (d) Medical and Mental Clinics
 - (e) Churches, Theatres, Auditoriums, Community Centers, Vocational and Night Schools & Other Places of Public Assembly
 - (f) Colleges, Secondary & Elementary Schools
 - (g) Restaurants, Bars, Places of Entertainment, Repair Shops, Retail & Service Stores
 - (h) Manufacturing & Processing Plants, Laboratories and Warehouses
 - (i) Financial Institutions, Businesses, Governmental & Professional Offices
 - (j) Funeral Homes
 - (k) Bowling Alley
 - (l) Custom Cabinet, Furniture and Wood Working Shops

B. PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings
- (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 “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.

- (1) Sanitary Land Fills
- (2) Amusement Parks
- (3) Cemeteries, Mausoleums and Crematories
- (4) Fair Grounds
- (5) Electric Power Substations
- (6) Airports

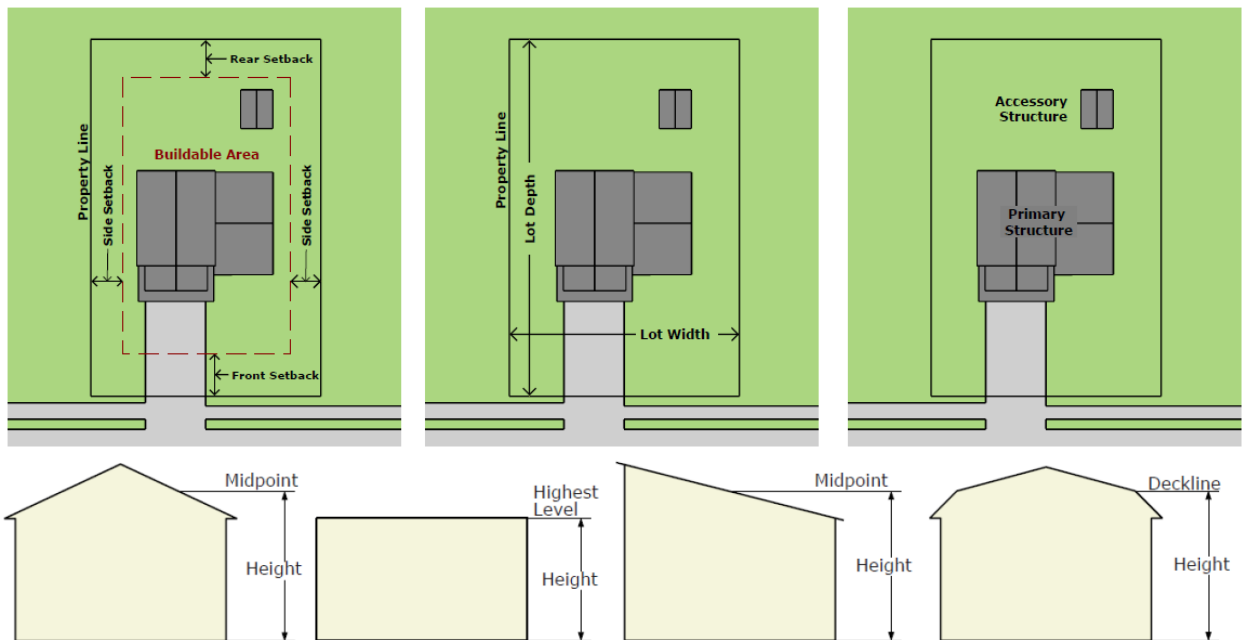
- (7) Correctional Institutions
- (8) Gas Pumping, Metering or Storage Facilities
- (9) Acid Manufacturing
- (10) Dead Animals, Reduction of
- (11) Distillation of Bone
- (12) Fat Rendering
- (13) Fertilizer, Manufacturing of
- (14) Gas, Manufacture of
- (15) Glue, Manufacture of
- (16) Junkyards and Auto Salvage (see “special requirements”)
- (17) Oil Refinery
- (18) Stock Yards or Slaughtering of Animals
- (19) Tanneries
- (20) Sewage Treatment Facilities and Lagoons
- (21) A Single-Family Residence for Custodial Purposes may be allowed as a special permitted use 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.
- (22) 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.
- (23) Telecommunications Towers that satisfy the requirements of Part 8 of this Ordinance.
- (24) Wind Energy Conversion Systems and Wind Towers
- (25) Any use that creates ongoing nuisances such as excessive dust, offensive noise, potential harmful emissions, or other health and/or safety concerns.

TABLE ON NEXT PAGE

D. APPLICABLE STANDARDS

| M-2 | Minimum Lot Area | Minimum Lot Frontage | Minimum Street Yard | Minimum Side yard | Minimum Rear Yard | Maximum Height |
|-----|------------------|----------------------|---------------------|-------------------|-------------------|----------------|
| | None | None | 30 ft. (a) | 20 ft. (a) | 20 ft. (a) | 50 ft. (b) (c) |

- (1) In any instances where an “M-2” Districts abuts and adjoins a residential district, only buildings in the “M-2” District shall be set back fifty (50) feet from the district line.
- (2) Maximum height shall not apply when fire protection is provided by the owner but shall set back from minimum yard requirements at least one (1) foot for each foot of additional building height above the maximum height limit.
- (3) 4 stores or 50’



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-premises 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 hundred (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-premises 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-premises signs are prohibited in an area at the corner of private property to maintain adequate sight distance for motorist safety.
- (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.
 - (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.
- (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 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.

G. PARKING REQUIREMENTS

| Use | Required Parking Spaces |
|--|---|
| Heavy Industrial | |
| Hotels and Motels | 1 space for each guest room and 1 space for each 3 employees |
| Hospitals, Clubs and Lodges | 1 space for each 2 beds |
| Sanatoriums, Institutions, Rest and Nursing Homes | 1 space for each 5 beds 1 space for each 3 employees |
| Medical and Mental Clinics | 3 spaces for each doctor |
| Churches, Theatres, Auditoriums, Community Centers, Vocational and Night Schools and Other Places of Public Assembly | 1 space for each 5 seats |
| Colleges, Secondary and Elementary Schools | 1 space for each 2 employees |
| Restaurants, Bars, Places of Entertainment, Repair Shops, Retail and Service Stores | 1 space for each 150 square feet of floor area |
| Manufacturing and Processing Plants, Laboratories and Warehouses | 1 space for each 3 employees |
| Financial Institutions, Businesses, Governmental and Professional Offices | 1 space for each 3 employees |
| Funeral Homes | 1 space 50 square feet devoted to Parlors |
| Bowling Alleys | 5 spaces for each alley |

Note: Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

1-15.13 “PC” PLANNED COMPLEX DISTRICT

The PC Planned Complex District is intended to encourage flexible and innovative design in the development of appropriate 10-acre or larger sites as one integrated project. It would allow residential, commercial, and industrial developments or combinations of those uses that are complementary and integrated, all in the same area. This district requires a site plan drawn to scale showing the location of all streets, lots, buildings with exterior dimensions and designated parking areas, sewer and water facilities and uses labeled. A written statement must accompany the site plan explaining how the development meets the purpose and intent of the

ordinance, is in accord with the future land use map, benefits the general public and meets the generally accepted principals of good planning. Any amendments to the plan will be required to follow all regulations and procedures of the original plan.

- 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 manmade 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 rights-of-way, 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

The AO Airport Operations District is a restricted district for land located on-airport and is established to protect airport operations from any encroachments or land use conflicts. Allowed uses include runways and taxiways, navigational aids, FAA approved operational aids, and underground utilities.

- 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 REGULATION**

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

The AC Airport Commercial District is intended to provide for on-airport land uses, which are not involved in direct flight operations, but are related to airport support activities. These uses include terminals, fixed base operations, and hangars, maintenance, or storage buildings. Also, light commercial and industrial uses would be allowed, which include hotels, retail or commercial office developments, restaurants, post-secondary schools, and light manufacturing uses that do not create a nuisance or safety hazard for normal airport operations.

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 Hangars, 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

The AA Airport Influence Area Agricultural District is intended to protect airport operations by limiting off-airport property from development and only allows agricultural uses, public utilities, public parks and recreation areas, cemeteries, riding stables and quarries.

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 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 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]

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 within 6 months of unincorporating. A fee is not required for the amendment change.
- 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 the A-2, R-1, R-2, R-3, R-4, and R-5 Zoning Districts non-operational or non-licensed boats, campers, trucks, boat trailers, or similar vehicles or similar accessories to vehicles shall not be parked in front yards, side yards or rear yards.

1-44 Reserved.

- 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.

1-46 **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 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.

1-52 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

MANUFACTURED HOUSING DEVELOPMENTS AND MOBILE HOME PARKS, MOBILE HOMES, AND RECREATIONAL VEHICLE PARKS

1-61 LOCATION. Manufactured Housing Developments and Mobile Home Parks shall be located in the “R-4” Zoning District and is intended and designed to provide for planned manufactured housing developments, including related recreational, commercial, and other service facilities. The standards are intended to encourage quality manufactured housing developments while promoting affordable housing and to integrate these developments into the surrounding area.

1-62 PURPOSE. Manufactured Housing Developments and Mobile Home Parks, in accordance with the provisions of this section, the regulations of the Dubuque

County Board of Health, and applicable State statutes, but not including manufactured housing sales and display areas. No part of any development shall be used for nonresidential purposes except such uses that are required for the direct servicing and well-being of its residents and for the management and maintenance of the development. This shall in no way prohibit the sale by the owner of a manufactured home located on a stand and connected to the pertinent utilities. For the purposes of this section, whenever the term “manufactured home” is used it includes “mobile home,” as defined.

1-63 PERMITTED ACCESSORY USE. The following are permitted accessory uses:

- A. Subordinate buildings or structures that are in addition to or supplement the facilities provided by a manufactured home, such as awnings, cabanas, storage structures, garages, carports, and porches.
- B. Common facility service buildings or community buildings intended exclusively for the use of the manufactured housing development’s residents, including recreational vehicle and boat storage area, laundry facilities, sanitary facilities, recreational facilities, storm shelter facilities, or non-automotive commercial uses supplying essential goods or services.
- C. Management buildings, maintenance buildings, one dwelling unit to be occupied by the owner or administrator of the development, and other uses similar in nature.

1-64 AREA AND YARD REQUIREMENTS.

1-64.1 MINIMUM AREA. The minimum area for a manufactured housing development shall be three (3) acres.

1-64.2 LOT AREA. Minimum requirements are:

- A. Single wide unit – 5,000 square feet.
- B. Double wide unit (exceeding 19 feet wide) – 6,000 square feet.

1-64.3 FRONT YARD.

- A. Each lot shall have a front yard setback of not less than 10 feet in depth measured from the front edge of the interior street to the closest point of the lower face of the manufactured home, excluding hitch or tongue.
- B. The minimum front setback for detached garages and accessory buildings shall be 24 feet measured from the front edge of the interior street.

1-64.4 REAR YARD.

- A. Each lot shall have a rear yard of not less than 10 feet in depth.
- B. An accessory building may be placed in the rear yard provided it has a

setback of not less than three feet in depth from the rear lot line.

1-64.5 SEPARATION STANDARDS.

- A. No part of any manufactured home or other structure shall be located within 30 feet of any public road right-of-way or within 15 feet of any exterior boundary of the development.
- B. A minimum separation of 20 feet between homes shall be required.
- C. A minimum separation of six feet between an accessory building and a home on an adjacent lot shall be required.

1-64.6 LOT COVERAGE. The minimum lot area to be covered by all structures shall not exceed 50 percent.

1-64.7 MAXIMUM HEIGHT. No manufactured home or accessory building shall exceed 18 feet in height.

1-65 OFF-STREET PARKING. Every lot will have a minimum of two (2) parking spaces. Parking spaces shall be provided with a smooth, hard, and dense surface, which shall be durable and well drained under normal use and weather conditions. No part of any parking stall shall be closer than five feet to any interior street line.

1-66 VISITOR PARKING. Visitor parking shall be provided in the amount of one space per four manufactured home lots and located so as to be easily accessible to all homes within the development.

1-67 MANUFACTURED HOUSING DEVELOPMENTS AND MOBILE HOME PARK STANDARDS. The following are the minimum requirements for Manufactured Housing Developments and Mobile Home Parks.

1-67.1 COMMON OPEN SPACE. A minimum of 300 square feet for each lot shall be provided for one or more common open space areas that shall be easily accessible to all residents. The required area shall be computed in addition to the minimum lot area specified herein. At least 50 percent of the common open space shall be of a character suitable for active recreation and shall provide recreational equipment and facilities. Recreational equipment and facilities may include playgrounds, ball fields, indoor recreation areas, swimming pools, hobby shops, and similar uses.

1-67.2 ON-SITE WASTEWATER TREATMENT AND WATER FACILITIES. On-site wastewater treatment and water facilities shall be provided for each home in accordance with all applicable State statutes and regulations. No manufactured home shall be occupied unless it is served by

common on-site wastewater treatment and water supply. Any waste treatment lagoon or other common treatment facility constructed in conjunction with the development shall be located not less than 75 feet from any public road, interior street, or lot line. In the case of a lagoon, this distance shall be measured from the outside toe of the levee slope and be at least 250 feet from the nearest unit, structure, or open space area.

- 1-67.3 HOME SITE AND INSTALLATIONS.** Each home shall be installed on a site in accordance with the support and anchoring systems as prescribed by State statutes.
- 1-67.4 SKIRTING.** Skirting of a permanent type material and construction shall be installed within 60 days of installation of the manufactured home to enclose the open space between the bottom of the home floor and the grade level. This skirting shall be maintained in an attractive manner consistent with the exterior of the home and to preserve the appearance of the development.
- 1-67.5 STREETS.**
- A. Pavement widths shall meet the following requirements:
 - 1. Two-way with no on-street parking: 20 feet minimum
 - 2. Two-way with on-street parking one side: 28 feet minimum
 - 3. Two-way with on-street parking both sides: 36 feet minimum
 - B. Street improvements. All streets shall be designed to the following standards:
 - 1. Portland Cement Concrete: six inches.
 - 2. Asphaltic Cement Concrete: four and one-half-inch base course with a one and one-half-inch surface course.
 - 3. All construction work and materials incorporated into an approved development shall meet all requirements of the current Standard Specifications for Highway and Bridge Construction, Iowa Department of Transportation, and supplements thereto.
- 1-67.6 LIGHTING.** Adequate lighting shall be provided for all streets, walkways, buildings, and other facilities subject to night-time use.
- 1-67.7 STORM SHELTER REQUIREMENTS.** Every manufactured/mobile home community of 10 or more mobile home spaces shall be provided with above – or below-grade storm shelters which shall:
- A. Have a minimum floor area of seven square feet for each manufactured/mobile home space or be in accordance with any state and or local laws and regulations for manufactured housing communities.
 - B. Be designed by a structural engineer or architect licensed in the State of Iowa.

- C. Be designed and constructed to meet all applicable requirements of the Americans with Disabilities Act (ADA).
- D. Be located no further than 1,320 linear feet from the furthest manufactured/mobile home space in the manufactured/mobile home community.

1-67.8 SITE DEVELOPMENT PLAN. Prior to the issuance of a permit for the construction or expansion of a manufactured housing development, a comprehensive site plan shall be submitted for review and approval of the Board of Adjustment. The Board of Adjustment may approve the plan or require such changes as are deemed necessary to carry out the spirit and intent of the Ordinance. The site plan shall be at a scale of not more than 100 feet to the inch, and shall show at a minimum the following:

- A. Name and address of the owner and developer and the title under which the proposed development is to be known. Also, north point, scale, date, name and address of the surveyor and engineer, as appropriate.
- B. The complete legal description, including area, of the property to be developed.
- C. A vicinity sketch at a scale of not more than 500 feet to the inch shall be shown on or accompany the site development plan. This sketch shall show how streets in the proposed development may connect with existing and proposed streets and roads in the surrounding area, and shall show the location of any nearby parks, schools, or other public facilities.
- D. The location of property lines and boundary dimensions of the tract of land and all such surface and subsurface features as may affect the development of the land.
- E. The number, location, and dimensions of all manufactured home lots, stands and parking areas.
- F. The location and width of streets and walkways and proposed names for all streets in the development.
- G. The location of recreation areas and facilities, including community buildings, playgrounds, ball fields, indoor recreation areas, swimming pools, hobby shops, and similar uses.
- H. The location of storm shelter facilities.
- I. The location and manner of lighting to be provided for all streets, walkways, buildings, and other facilities subject to common use.
- J. The location and size of existing and proposed water, sewer, gas, electric, cable TV, telephone and other utility lines, facilities, and easements.
- K. Approval by appropriate agencies of the plans for and specifications of the water supply and wastewater treatment facilities.
- L. Approval of a Storm Water Management Plan in accordance with the Dubuque County Soil and Water Conservation District.
- M. For areas to be phased in at a later date, the site development plan shall show

a conceptual layout illustrating general street and lot arrangements, location of open space areas, etc. All required plans, specifications and approvals must be received prior to development of each subsequent phase. The minimum size for any construction phase within an approved manufactured home development shall be as follows:

1. Phase 1 shall include a minimum of 25 percent of the number of manufactured home spaces indicated in the total plan approved, but in no event less than 10 spaces, and shall be completed within one calendar year from the date of commencement of construction.
 2. Each subsequent construction phase shall contain a minimum of 15 percent of the total number of mobile home spaces shown on the approved plan.
 3. Proportionate open space areas as required by the Ordinance shall be met for each construction phase.
- N. Other information as identified by the Zoning Administrator for a complete analysis of the proposed application.

1-67.9 VARIANCES. Whenever the tract proposed to be developed is of such unusual size, character, or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in the Ordinance would result in substantial hardships or injustices, the Board of Adjustment may waive requirements to the end that the developer is allowed to develop the property in a reasonable manner; provided, however, all such variances granted hereunder shall be in harmony with the intended spirit of the Ordinance and granted with the view toward protecting the public interest and welfare. Application for such variances to the requirements of the Ordinance shall be made in writing by the developer at the time of filing of the site development plan and shall specifically state the requirements and the sections of the Ordinance to be considered. In deciding whether to grant a variance, the Board of Adjustment shall consider all legal principles.

- A. In no case shall any variance be more than a minimum easing of the requirements. In no case shall it have the effect of reducing the traffic capacity of any street or be in conflict with any ordinance.
- B. Recommendation by the Board of Adjustment for approval of such variance must be the affirmative vote of the majority of the Board of Adjustment membership.
- C. In recommending variances, the Board of Adjustment may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived.

1-67.10 MODIFICATIONS. Minor modifications to the approved site development plan are permissible upon authorization by the Zoning Administrator.

- A. A modification is minor if it has no substantial impact on neighboring

properties, the general public or those intended to use or occupy the proposed development.

- B. All other requests for modifications to the approved site development plan will be processed as new applications. New conditions may be imposed by the Board of Adjustment, but the applicant retains the right to reject such new conditions by withdrawing the request for modifications and proceeding under the terms and conditions of the original permit.
- C. The permit holder requesting approval of modifications shall submit a written request (including plans as necessary) to the Zoning Administrator, and the request shall specifically identify the modifications. The Zoning Administrator shall determine whether the proposed modification is minor.
- D. Approval of all modifications must be given in writing.

1-67.11 RECREATIONAL VEHICLE PARKS shall be located in the “B-2” District subject to the following permit procedure:

- A. Recreational Vehicle Parks shall have permanent bathroom facilities in accordance with the Dubuque County Public Health Regulations.
- B. Recreational Vehicle Parks shall have a Dump Station that meets the Dubuque County Health Department requirements and any other State Department of Natural Resources Requirements.
- C. Buildings associated with Recreational Vehicle Parks shall not be permanently occupied.
- D. If incidental to the Recreational Vehicle Parks use, camp facilities may be used to provide meeting, recreational, or social facilities for a private association or group.
- E. The applicant shall provide a severe weather plan.
- F. Off- street parking shall be provided one (1) space per Recreational Vehicle.
- G. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to ensure that the garbage cans shall not overflow. Sufficient receptacles shall be provided to prevent littering the ground with rubbish and debris.
- H. The application shall comply with all of Dubuque County Public Health, and the Dubuque County Emergency Management requirements and all other applicable federal, state, and local regulations.

1-70 through 1-72 Reserved.

PART 7 NON-CONFORMING 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.

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. Any well and septic systems for the structure must meet

all County Board of Health regulations before replacing or adding onto the structure. When replacing or adding onto the structure in the C-1 Conservancy District all such changes must have approval from the Dubuque County Conservation Board. One accessory building of up to 600 square feet is also allowed in the C-1, Conservancy District. All setbacks and variances will be required. [Added March 25, 2002] [Amended December 6, 2021]

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 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] [Amended December 6, 2021]

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 RECREATIONAL 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:
- A. Name, address, phone number and title of primary contact person.
 - B. Address and legal description of the tower location.
 - C. Principal use of the tower.
 - D. Latitude, Longitude, Tower Height, and Ground elevation.
 - E. Date of the last inspection of the tower.
 - F. Date the tower was originally erected.
 - G. FCC Registration Number.
- 1-83 SPECIAL USE PERMIT.** 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. Any telecommunication tower within 500' of the incorporated limits of a city shall be less than 200' in height. [Amended December 6, 2021]
- 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.
 - D. Latitude, Longitude, Tower Height, and Ground elevation.
 - E. Date of the last inspection of the tower.
 - F. Date the tower was originally erected.
 - G. FCC Registration Number.
- 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 their 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. [Amended December 6, 2021]

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 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. [Amended December 6, 2021]

- 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 \$750.00 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] [Amended December 6, 2021]

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 Recreational Vehicle Park permits under Section 1-61. [Amended December 6, 2021]
- 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. Petitions to the Board of Adjustment for appeals, special exceptions, and variances.
- F. 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), and 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 Chairperson, who shall serve for one (1) year. Such Chairperson, or in his absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be held at the call of the Chairperson 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. [Amended December 6, 2021]

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. You may appear in person or virtually represented by an agent, attorney, or applicant. [Amended December 6, 2021]

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 Use 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. [Amended December 6, 2021]

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 exemptions 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 affect 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** 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]