# POTTAWATTAMIE COUNTY, IOWA
# ZONING ORDINANCE

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# CHAPTER 8.001
# GENERAL PROVISIONS

8.001.010 TITLE: This Ordinance shall be known and may be cited and referred to as the "Pottawattamie County, Iowa, Zoning Ordinance." *(Ordinance #81-6/10-01-81)*

8.001.020 PURPOSES AND OBJECTIVES: This Zoning Ordinance is adopted to preserve and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the citizens of Pottawattamie County, Iowa, all in accordance with and as permitted by the provisions of Chapter 335, Code of Iowa, as amended. More specifically, the Ordinance is adopted in order to achieve the following objectives: *(Ordinance #2004-14/07-01-04)*

.01 To provide a precise plan for the physical development of the *County* in such a manner as to achieve progressively the general arrangement of land uses depicted in the Land Use Plan. *(Ordinance #81-6/10-01-81)*

.02 To foster a harmonious, convenient, workable relationship among local uses and a wholesome, serviceable, and attractive living environment. *(Ordinance #81-6/10-01-81)*

.03 To promote the stability of existing land uses which conform with objectives and policies of the Land Use Plan to protect them from inharmonious influences and harmful intrusions. *(Ordinance #81-6/10-01-81)*

.04 To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the County. *(Ordinance #81-6/10-01-81)*

.05 To promote the beneficial development of those areas which exhibit conflicting patterns of use. *(Ordinance #81-6/10-01-81)*

.06 To prevent excessive population densities and overcrowding of the land with *structures*. *(Ordinance #81-6/10-01-81)*

.07 To promote a safe, effective traffic circulation system. *(Ordinance #81-6/10-01-81)*

.08 To foster the provisions of adequate off-street parking and truck loading facilities. *(Ordinance #81-6/10-01-81)*

.09 To facilitate the appropriate location of public facilities and institutions. *(Ordinance #81-6/10-01-81)*

.10 To protect and promote appropriately located agricultural, commercial, and industrial pursuits in order to preserve and strengthen the County's economic base. *(Ordinance #81-6/10-01-81)*

.11 To protect and enhance real property values. *(Ordinance #81-6/10-01-81)*

.12 To conserve the County's natural assets and to capitalize on the opportunities offered by its terrain, soils, vegetation and waterways. *(Ordinance #81-6/10-01-81)*

.13 To coordinate policies and regulations relating to the use of land with such policies and regulations of incorporated municipalities of the *County* in order to facilitate transition from county to municipal jurisdiction that land which is first developed in an unincorporated area and is subsequently annexed to a municipality; foster the protection of farming operations in areas of planned urban expansion, and ensure unimpeded development of such new urban expansion that is logical, desirable and in accordance with objectives and policies of the Land Use Plan. *(Ordinance #81-6/10-01-81)*

8.001.030 JURISDICTION: The provisions of this Ordinance shall apply to all of the unincorporated territory of Pottawattamie County, Iowa. *(Ordinance #81-6/10-01-81)*

8.001.040 APPLICATION OF REGULATIONS: The regulations set by this Ordinance with each *district* shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided: *(Ordinance #81-6/10-01-81)*

.01 No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the *district* in which it is located except agricultural uses as set forth in Section 8.001.050 are exempt. *(Ordinance #81-6/10-01-81)*

.02 No building or other structure shall hereafter be erected or altered to (a) change its use, (b) accommodate or house a greater number of families, (c) exceed the height, (d) occupy a greater percentage of lot area, (e) have a narrower or smaller rear yards, front yards, side yards or other *open space*s or (f) reduce the number of off-street parking and loading spaces then herein required, or in any other manner contrary to the provisions of this Ordinance. *(Ordinance #81-6/10-01-81)*

.03 No part of a yard or other *open space* or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of the yard, *open space* or off-street parking or loading space similarly required for any other building. *(Ordinance #81-6/10-01-81)*

.04 No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance, except as set forth herein. *(Ordinance #2004-14/07-01-04)*

8.001.050 AGRICUTURAL USES EXEMPT: In accordance with the provisions of Chapter 335, Code of Iowa, as amended, no regulations or restrictions adopted under the provisions of this Ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes. WHILE SO USED; provided, however, that such regulations or ordinances which relate to any structure, building, dam, obstruction, deposits or excavation in or on the flood plains of any river or stream shall apply thereto. *(Ordinance #2023-06/01-08-2024)*

.01 No Building Permit or Certificate of Occupancy shall be required for the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located.

.02 Land enrolled in a soil or water conservation program shall be considered land primarily adapted for use for agricultural purposes.

.03 It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.

.04 The factors which may be considered when determining whether land or structures are primarily used for agricultural purposes include, but are not limited to: the number of acres used for agricultural activities, the nature of those activities, the financial input by the owner or occupant, the role of the occupant in the agricultural activities, the time spent engaged in these activities, and the income derived from agricultural activities.

.05 No conditional use permit, special use permit, special exception, or variance shall be required for agricultural experiences on property of which the primary use is agricultural production.

8.001.060 INTERPRETATION OF STANDARDS: In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Whenever the requirements of this Ordinance are at variance with the requirements of any lawfully adopted rules, regulations, ordinances, deed restrictions, covenants, or other provisions of law, the most restrictive or that imposing the higher standards, shall govern. *(Ordinance #81-6/10-01-81)*

# CHAPTER 8.002
# DEFINITIONS

8.002.010 CONSTRUCTION OF TERMS: For the purpose of this Ordinance, certain terms and words are hereby defined. The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Ordinance. *(Ordinance #81-6/10-01-81)*

.01 TENSE: Words used in the present tense include the future tense. *(Ordinance #81-6/10-01-81)*

.02 NUMBER: Words used in the singular include the plural, and words used in the plural include the singular. *(Ordinance #81-6/10-01-81)*

.03 SHALL AND MAY: The word "shall" is mandatory; the word "may" is permissible. *(Ordinance #81-6/10-01-81)*

.04 GENDER: The masculine shall include the feminine and the neuter. *(Ordinance #81-6/10-01-81)*

.05 PERSON: The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. *(Ordinance #81-6/10-01-81)*

.06 USED OR OCCUPIED: The word "used" or "occupied" include the words intended, designed, or arranged to be used or occupied. *(Ordinance #81-6/10-01-81)*

.07 HEADINGS: In the event that there is a conflict or inconsistency between the heading of a chapter, section or subsection of this Ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context. *(Ordinance #81-6/10-01-81)*

.08 ILLUSTRATION: In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply. *(Ordinance #2015-05/12-18-2015)*

.09 REFERENCED AGENGIES: Unless otherwise indicated, all public officials, bodies and agencies referred to in this Ordinance are those of Pottawattamie County, Iowa. *(Ordinance #2015-05/12-18-2015)*

8.002.020 **A**

.010 ACCESSORY USE OR STRUCTURE: A subordinate structure or use, which customarily is incidental to that of the *principal or conditional use* of the premises. Customary residential *accessory uses* include but are not limited to, tennis courts, swimming pools, *detached garages*, air conditioners, garden houses, children's play houses, barbecue ovens, fire places, patios and residential storage sheds; but under no circumstances including incomplete or inoperable motor vehicles. *Garages* or other *accessory uses* attached to the principal *structure* shall be considered a part thereof and meet the requirements of the principal *structure*. *(Ordinance #2004-14/07-01-04)*

.020 ACCESSORY DWELLING UNIT (ADU): A secondary living unit, on a single-family lot. An ADU contains its own kitchen, sleeping area, and bathroom facilities. ADUs shall be detached from the primary residential unit. ADUs are subordinate in size, location, and appearance to the primary dwelling unit. ADUs are commonly referred to as mother-in-law apartments, Elder Cottage Housing Opportunities (ECHO homes), guest cottages, caretaker cottages or carriage houses. *(Ordinance #2015-05/12-18-2015)*

.025 *ADJUSTMENT BOARD*: The Board of Adjustment of Pottawattamie County, Iowa. *(Ordinance #2023-05/10/10/2023)*

.030 AGRICULTURE: The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, aquatic farming, and animal and poultry husbandry, and the necessary *accessory uses* for packing, treating, or storing the produce; provided, however, that the operation of such *accessory use* shall be secondary to that of normal agricultural activities. *(Ordinance #2023-06/01-08-2024)*

.035 AGRICULTURAL EXPERIENCES: Any agriculture-related activity, as a secondary use in conjunction with agricultural production, on a farm which activity is open to the public with the intended purpose or promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products. *(Ordinance #2023-06/01-08-2024)*.

.040 ANIMAL UNIT: A unit of measurement based upon the product of multiplying the number of animals in each category by a special equivalency factor, as follows: *(Ordinance #2015-05/12-18-2015)*

| | | |
|---|---|---|
| .01 | Slaughter and feeder cattle | 1.0000 |
| .02 | Immature dairy cattle | 1.0000 |
| .03 | Mature dairy cattle | 1.4000 |
| .04 | Butcher or breeding swine weighing more than 55 pounds | 0.4000 |
| .05 | Swine weighing 15 pounds or more but not more than 55 pounds | 0.1000 |
| .06 | Sheep, lambs or goats | 0.1000 |
| .07 | Horses | 2.0000 |
| .08 | Turkeys weighing 7 pounds or more | 0.0180 |
| .09 | Turkeys weighing less than 7 pounds | 0.0085 |
| .10 | Broiler or layer chicken weighing 3 pounds or more | 0.0100 |
| .11 | Broiler or layer chicken weighing less than 3 pounds | 0.0025 |

.050 ALLEY: A dedicated public *right-of-way*, other than a *street* which provides only a secondary means of access to abutting property. *(Ordinance #81-6/10-01-81)*

8.002.030 **B**

.010 BASEMENT: That portion of a *building* having more than one-half (1/2) of its height below the average *grade* surrounding the building. A basement is not counted as a *story* for the purpose of height requirements. *(Ordinance #2015-05/12-18-2015)*

.020 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 four (4) guest families are lodged at the same time and which, while it may advertise and accept reservations, 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. *(Ordinance #2015-05/12-18-2015)*

.040 BOARDING OR LODGING HOUSE: A *building* other than a *hotel* where, for compensation and by pre-arrangement for definite periods, lodging and/or meals, are

provided for three (3) or more persons, but not exceeding twenty (20) persons. Individual cooking facilities are not provided. *(Ordinance #81-6/10-01-81)*

.050 BUILDING, ATTACHED: A building which is joined to another building at one or more sides by a common wall, except that an accessory building, including a garage, shall be considered attached to the principal building if connected by a roof. *(Ordinance #2004-14/07-01-04)*

.060 BUILDING: Any *structure* designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including *signs* or *billboards*. *(Ordinance #81-6/10-01-81)*

.070 BUILDING HEIGHT: The vertical dimension measured from the *grade* to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the average height between the plate and ridge of a gable, hip or gambrel roof. *(Ordinance #81-6/10-01-81)*

8.002.040 **C**

.010 CAMPGROUND, COMMERCIAL AND RECREATIONAL VEHICLE PARK: Any premises where two (2) or more *camping units* are parked/placed for camping purposes, or any premises used or set apart for supplying to the public, camping space for two (2) or more *camping units* for camping purposes, which include any *buildings*, *structures,* vehicles, or enclosure used or intended wholly or in part for the accommodation of transient campers. *(Ordinance #84-4/04-05-84)*

.020 CAMPING UNIT: Any *recreational vehicle* or other vehicle, tent, or other movable shelter used for camping purposes. *(Ordinance #84-4/04-05-84)*

.030 CELLAR: That portion of a *building* having more than one-half (1/2) of its height below *grade*. A *cellar* is not counted as a *story* for the purpose of height requirements. *(Ordinance #81-6/10-01-81)*

.040 COMMISSION: The Planning and Zoning Commission of Pottawattamie County, Iowa. *(Ordinance #81-6/10-01-81)*

.050 COMMON LAND OR OPEN SPACE: An area of land or water or combination thereof planned for passive or active recreation, but does not include area utilized for *streets, alleys,* driveways or private roads, *off-street parking or loading areas*. *(Ordinance #81-6/10-01-81)*

However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common *open space*. *(Ordinance #81-6/10-01-81)*

.060 COMMON SEWER SYSTEM: A central sewer collecting system available to each platted lot and discharged into a treatment plant, the construction and location of which is approved by the appropriate *County* and/or State agency, and which does not include individual septic systems. *(Ordinance #81-6/10-01-81)*

.070 COMMON WATER SYSTEM: A central water system available to each platted from one single source approved by the appropriate *County* and/or State agency. *(Ordinance #81-6/10-01-81)*

.075 CONCENTRATED SOLAR ENERGY SYSTEMS: A solar energy system that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, unto a small area.*(Ordinance #2023-05/11-17-2023)*.080 CONDITIONAL USE: A conditional use is the main use of the premises that would not be appropriate generally or without restrictions throughout the zoning *district*, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning *district*s as conditional uses, if specific provisions for such conditional use is made in this Ordinance. *(Ordinance #81-6/10-01-81)*

.090 CONSTRUCTION AND DEMOLITION WASTE: Waste building materials including wood, metals and rubble which result from construction and demolition of structures. Such waste shall also include trees. *(Ordinance #85-5/11-07-85)*

.100 CONSTRUCTION AND DEMOLITION WASTE DISPOSAL SITE: A sanitary landfill which accepts only *construction and demolition wastes*. *(Ordinance #85-5/November 7, 1985)*

.110 CONVALESCENT, NURSING AND RETIREMENT HOMES: A *building* or *structure* having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane or other mental cases, inebriate, or contagious cases. *(Ordinance #81-6/10-01-81)*

.120 COUNTY: Pottawattamie County, Iowa. *(Ordinance #81-6/10-01-81)*

.130 COUNTY BOARD: The Board of Supervisors of Pottawattamie County, Iowa. *(Ordinance #81-6/10-01-81)*

.140 COUNTY INFRACTION: A civil offense punishable by a civil penalty and issued by means of a citation. *(Ordinance #88-1/02-08-88)*

.150 COUNTY ROAD: Any *street*, other than a *highway*. *(Ordinance #81-6/10-01-81)*

8.002.050 **D**

.010 DAY CARE NURSERY OR NURSERY SCHOOLS: Any public or private agency, institution, establishment or place which provides supplement parental care and/or educational work, other than lodging overnight, for six (6) or more unrelated children of pre-school age, for compensation. *(Ordinance #81-6/10-01-81)*

.020 DEMOLITION RUBBLE WASTE: Stone, brick or similar inorganic matter. *(Ordinance #88-15/12-08-88)*

.030 DEMOLITION RUBBLE WASTE DISPOSAL SITE: Any land, premises or property used for the storage of rubble for a period of fourteen (14) days or more. The Development Director may, at his/her discretion, allow materials other than

"*Demolition Rubble Waste*" to be placed in the "*Demolition Rubble Waste Disposal Site*"; however, these non-rubble materials may never exceed five (5) percent of the total volume of the individual loads of materials being placed in any "*Demolition Rubble Waste Disposal Site*".

.040 DEVELOPMENT DIRECTOR: The Director of Planning and Development of Pottawattamie County, Iowa. *(Ordinance #81-6/10-01-81)*

.050 DISTRICT: A section or sections of the *County* within which certain regulations and requirements of this Ordinance covering the use, height, area, size and intensity of the use of *buildings*, land, and *open space*s about *buildings* are uniform. *(Ordinance #81-6/10-01-81)*

The term Class "A" District shall mean any *agricultural* or conservation *district*; the term Class "R" District shall mean any residential *district*; the term Class "C" District shall mean any commercial *district*; and the term Class "I" District shall mean any industrial *district*. *(Ordinance #81-6/10-01-81)*

.060 DISTRICT, OVERLAY: A *district* which acts in conjunction with the underlying zoning *district* or *district*s. *(Ordinance #81-6/10-01-81)*

.070 DWELLING: Any *building* or portion thereof which is designed or used exclusively for residential purposes, but not including tent, *recreational vehicle*, both as defined in this Ordinance and in the Floodplain Management Ordinance, trailer or *mobile home*. Tents and/or *recreational vehicles* shall not be utilized as a permanent place of abode, dwelling or business. Continuous occupancy shall be presumed to be permanent occupancy. (*Ordinance #96-7/05-10-96)*

.01 CONDOMINIUM DWELLING: A *multi-family dwelling* as defined herein whereby the fee title to each *dwelling unit* is held independently of the other. *(Ordinance #81-6/10-01-81)*

.02 COOPERATE DWELLING: A *multi-family dwelling* as defined herein whereby the fee title to each *dwelling unit* is held jointly by owners of all the *dwelling units*. *(Ordinance #81-6/10-01-81)*

.03 MULTI-FAMILY DWELLING: A *dwelling* containing three (3) or more *dwelling units,* designed for and occupied by an equal number of *families*. *(Ordinance #81-6/10-01-81)*

.04 ROW DWELLING: A *multi-family dwelling* as defined herein whereby each *dwelling unit* is designed and erected as a unit on a separate *lot* and separated from other units by an approved wall or walls. *(Ordinance #81-6/10-01-81)*

.05 SINGLE-FAMILY DETACHED DWELLING: A detached *dwelling unit* designed for and occupied by not more than one (1) *family*. *(Ordinance #81-6/10-01-81)*

.06 TWO-FAMILY DWELLING: A *dwelling* containing two (2) *dwelling units*, designed for and occupied by not more than two (2) *families*. *(Ordinance #81-6/10-01-81)*

.080 DWELLING UNIT: One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same *structure*, and containing independent cooking and sleeping facilities. *(Ordinance #81-6/10-01-81)*

8.002.060 **E**

.010 EASEMENT: Is a grant by the property owner to the public, a corporation, or persons of the use of a tract of land for a specific purpose or purposes. *(Ordinance #81-6/10-01-81)*

.020 EXTRACTION PIT: Quarries, sandpits, mines, earth, including any rock or natural soil, dirt or another natural landforms used for the purpose of obtaining natural raw materials from the ground. *(Ordinance #2015-05/12-18-2015)*

8.002.070 **F**

.010 FAMILY: One (1) or more persons occupying a single *dwelling unit* and living as a single housekeeping unit, whether or not related to each other by blood, marriage or adoption. A family shall not under any circumstances be construed as a *board or lodging house*, special placement residence, fraternity or sorority house, club, *hotel* or *motel*. *(Ordinance #81-6/10-01-81)*

.020 FAMILY, MEMBER OF THE IMMEDIATE: Shall mean a person's parents, spouse, child, mother-in law, father-in-law, brother, sister, grandparents, or grandchild. *(Ordinance #81-6/10-01-81)*

.030 FAMILY HOME: A community-based residential home which is licensed as a residential care facility under Chapter 135C, Code of Iowa, or a child foster care facility under Chapter 237, Code of Iowa, to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) persons with a development disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster family home licensed under Chapter 237, Code of Iowa. This definition shall also include the terms "home for persons with physical disabilities", "elder family homes" and "elder group homes". *(Ordinance #2004-14/07-01-04)*

.040 FARM: A tract or area of land which is primarily used for *agricultural* purposes and the growing and production of all farm products thereon, and their storage on the area, or for the raising thereon of poultry or livestock. *(Ordinance #2004-14/07-01-04)*

.050 FARMSTEAD: The *buildings* and adjacent service areas of a *farm*. *(Ordinance #81-6/10-01-81)*

.060 FEED LOT: A feed lot shall mean the confined feeding of food fur or pleasure animals in *buildings*, lots, pens, pools, or ponds, which normally are not used for the raising of crops or for grazing animals. The term feed lot shall include dairies, livestock feed lots, livestock confinement facilities, poultry farms, and poultry confinement facilities. *(Ordinance #94-2/05-06-94)*

.070 FENCE, SIGHT-OBSCURING: A fence or planting arranged in such a way as to obstruct vision. *(Ordinance #81-6/10-01-81)*

8.002.080 **G**

.010 GRADE: The average level of the finished surface of the ground adjacent to the exterior walls of the *building*. *(Ordinance #81-6/10-01-81)*

.020 GRAIN ELEVATOR: A *structure* or group of *structures* whose purpose is limited to the receiving, processing, storage, drying and transporting of bulk grain. *(Ordinance #81-6/10-01-81)*

.030 GARAGE, PRIVATE: An *accessory building* designed or used for the storage of motor vehicles owned and used by the occupants of the *building* to which it is accessory. *(Ordinance #81-6/10-01-81)*

.040 GARAGE, COMMERCIAL: A *building* or portion thereof, other than a *private garage*, designed or used for equipping, repairing, hiring, servicing, selling or storing motor vehicles. *(Ordinance #81-6/10-01-81)*

8.002.090 **H**

.010 HIGHWAY: An officially designated federal or state numbered highway, or other major *street* or road designated by the County as a thoroughfare. *(Ordinance #81-6/10-01-81)*

.020 HOTEL: A *building* in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradiction to a *boarding house* or *lodging house*. *(Ordinance #81-6/10-01-81)*

8.002.100 **I**

.010 INOPERABLE MOTOR VEHICLE: Any motor vehicle or portion thereof which does not have a current license or has one of the following conditions: parts have been removed for re-use, salvage or sale or the vehicle has been incapable of operating or has not been operated under its own power for more than thirty (30) days or machinery which, because of its defective or obsolete condition, or rotted, rusted or loose parts, or which in any other way constitutes a threat to the health and safety of the citizens. The definition shall include implements of husbandry not a part of a farming operation. *(Ordinance #2004-14/07-01-04)*

8.002.110 **J**

.010 JUNK: Shall mean all old or scrap copper, brass, lead, or other nonferrous metal; old rope, rags, batteries, paper, trash, rubber debris, water; dismantled or *inoperable vehicles*, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old discarded glass, tinware, plastic, or old discarded household goods or hardware. *(Ordinance #81-6/10-01-81)*

.020 JUNK YARD: Shall mean any place not fully enclosed in a *building*, used in whole or in part for the storage, salvage or deposit of *junk*, unusable lumber or salvaged wood, whether in connection with a business or not, which encompasses an area of six hundred (600) cubic feet or more, or any place where more than two (2) *inoperable motor vehicles*, or used parts and materials thereof when taken together equal the bulk of two (2) motor vehicles, are stored and deposited. For the purposes of this Ordinance, junkyard shall include salvage yard, wrecking yard, used lumberyard and places for storage of salvaged wood. *(Ordinance #2004-14/07-01-04)*

8.002.120 **K**

.010 KENNEL, COMMERCIAL: The term ”Commercial Kennel” shall apply to any person who keeps or maintains more than four (4) dogs six months or older. The term shall also include any kennel for dogs and/or cats, which performs one or more of the following activities:

.01 Board of such animals not owned by the proprietors;

.02 Breeding of such animals for sale, whether or not such animals are raised, trained, groomed or boarded by proprietors;

.03 Grooming and training services of such animals. *(Ordinance #2004-03/02-13-04)*

.020 KENNEL, PRIVATE: A noncommercial kennel at, in or adjoining a private residence where dogs are kept for hobby of the householder, in using them for hunting or practice training or for exhibiting them in shows of field or obedience trials or for guarding or protecting the householder’s property. The keeper of a private kennel may keep or maintain no more than four (4) dogs, six (6) months or older. *(Ordinance #2004-03/02-13-04)*

8.002.130 **L**

.010 LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required *off-street parking spaces* are filled. Required off-street loading space is not to be used as *off-street parking* in computation of required *off-street parking spaces*. *(Ordinance #81-6/10-01-81)*

.020 LOT: For the purpose of this Ordinance, a lot is a parcel of land at least sufficient size to meet the minimum zoning requirements for use, coverage and area to provide such

*yards* and other *open space*s as are herein required. Such lot shall have frontage on an improved public *street* or on a private *street* approved prior to the effective date of this Ordinance and may consist of (a) a single lot of record; (b) a portion of a lot of record; (c) a combination of complete lots of record, of complete lots of record; and (d) a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance. In no case shall a parcel of land conveyed under a lease be construed as a lot, unless said lot has been platted as a lot in an approved subdivision. *(Ordinance #90-6/04-20-90)*

.030 LOT FRONTAGE: That portion of a *lot* or parcel of land which abuts a *street*. Each side of a *lot* so abutting a public *street* shall be considered as a separate lot frontage. The frontage of a lot or lots shall be measured along the street right-of-way line. *(Ordinance #9-4/02-09-96)*

.040 LOT LINES the property lines bounding a *lot*. *(Ordinance #81-6/10-01-81)*

.01 FRONT LOT LINE: The *lot line* separating the front of the *lot* from the *street*. However, for purposes of determining lot requirements in cases where the front *lot line* is located within a *street or highway right-of-way* or *easement*, the street right-of-way line shall be used. In the case of a corner lot, that part of the *lot* having the narrowest frontage on any street shall be considered the front lot line. *(Ordinance #96-4/02-09-96)*

.02 REAR LOT LINE: The *lot line* which is opposite and most distant from the *front lot line*. In the case of an irregular, triangular or odd shaped *lot*, it shall mean a straight line ten (10) feet in length which (a) is parallel to the *front lot line* or its chord and (b) intersects the two (2) other *lot lines* at points most distant from the *front lot line*. *(Ordinance #81-6/10-01-81)*

.03 SIDE LOT LINE: Any *lot line* other than a *front or rear lot line*. A side lot line separating a *lot* from a *front or rear lot line*. A side lot line separating a *lot* from another *lot or lots* is called an interior side lot line. *(Ordinance #81-6/10-01-81)*

.050 LOT MEASUREMENTS: For the purposes of this Ordinance the following lot measurements apply: *(Ordinance #81-6/10-01-81)*

.01 LOT AREA: The gross horizontal area within the *lot lines* of a *lot*, exclusive of any area contained within a *street* or *highway right-of-way* or *easement of access*. *(Ordinance #81-6/10-01-81)*

.02 LOT DEPTH: The mean horizontal distance between the *front* and *rear lot lines*. In the case of an irregular, triangular or odd shaped *lot*, the depth shall be the horizontal distance between the midpoints of the *front and rear lot lines*. *(Ordinance #81-6/10-01-81)*

.03 LOT WIDTH: The horizontal distance between the *side lot line* as measured perpendicular to the line comprising the *lot depth* at its point of intersection with the required minimum *front yard setback*. Where the lot width is decreasing from front to rear, the horizontal distance between the *side lot*

*lines* as described above shall be measured at its point of intersection with the required minimum *rear yard setback*. *(Ordinance #81-6/10-01-81)*

.060 LOT OF RECORD: A *lot* which is a part of a subdivision recorded in the office of the County Recorder, or a *lot* or parcel described by metes and bounds, the description of which has been so recorded. *(Ordinance #81-6/10-01-81)*

.070 LOT TYPES: For the purpose of this Ordinance the following types of lots are defined: *(Ordinance #81-6/10-01-81)*

.01 CORNER LOT: A *lot* located at the intersection of two (2) or more *streets*, having the *street right-of-way* abut the front and one (1) or more side lines of the *lot*. 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 one hundred thirty-five (135) degrees. *(Ordinance #81-6/10-01-81)*

.02 DOUBLE FRONTAGE LOT: A *lot*, other than a *corner lot*, having frontage on two (2) or more non-intersecting *streets*. *(Ordinance #81-6/10-01-81)*

.03 FLAG LOT: An *interior lot* which is generally located behind other *lots* and which would be a land-locked area of land if not for a narrow strip of land, used exclusively for access purposes, connecting the area with a *public street*. The minimum bulk requirements for a *flag lot*, excluding the strip, shall be the same as required for other *lots* within the zoning *district*. *(Ordinance #2004-14/07-01-04)*

.04 INTERIOR LOT: A *lot*, other than a *corner lot*, having frontage on only one (1) *street*. *(Ordinance #96-4/02-09-96)*

8.002.140 **M**

.010 MAJOR RECREATIONAL EQUIPMENT: Major recreational equipment is defined as including *recreational vehicles*, boats and boat trailers, and the like, and case or boxes used for transporting *recreational equipment*, whether or not occupied by such equipment. *(Ordinance #84-4/04/05/84)*

.020 MAJOR SUBDIVISION: See definition in the Pottawattamie County, Iowa, Subdivision Ordinance. *(Ordinance #2015-05/12-18-2015)*

.030 MANUFACTURED HOME: A factory-built structure built under authority of 42 U.S.C. § 5403, is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976. If a manufactured home is placed in a mobile home park, the home must be titled and is subject to the mobile home square foot tax. If a manufactured home is placed outside a mobile home park, the home must be assessed and taxed as real estate. *(Ordinance #2004-14/07-01-04)*

.040 MINI-WAREHOUSE: A *building* or group of *buildings* not more than one (1) *story* or twenty (20) feet in height and not having any dimension greater than one hundred fifty (150) feet per *building*, containing varying sizes of individualized, compartmentalized,

and controlled access stalls or lockers for the dead storage of customer's goods or wares, excluding *junk*, explosive, or flammable materials, and other noxious or dangerous materials, including, if any, caretaker or supervisors' quarters as an *accessory use*. No business activities other than rental of storage units shall be conducted on the premises. *(Ordinance #81-6/10-01-81)*

.050 MINOR SUBDIVISION: See definition in the Pottawattamie County, Iowa, Subdivision Ordinance. *(Ordinance #2015-05/12-18-2015)*

.060 MOBILE HOME: Any vehicle which at any time was used or maintained for use as a conveyance upon *highways* or public *streets*, or waterways, and duly licensed as such; and so designed and constructed as to permit occupancy thereof as a *dwelling unit* or sleeping place for one (1) or more persons. *(Ordinance #81-6/10-01-81)*

.01 This definition shall refer to and include portable and potentially portable contrivances used or intended to be used generally for living and sleeping quarters and which is capable of being moved by its own power, towed, or transported by another vehicle. *(Ordinance #81-6/10-01-81)*

.02 This definition shall also include and apply to such vehicles or *structures* that are located on a permanent or temporary foundation but shall not include *manufactured homes converted to real estate* as defined herein. *(Ordinance #81-6/10-01-81)*

.03 Nothing in this ordinance shall be construed as permitting a mobile home anywhere other than in an approved mobile home park. *(Ordinance #2004-14/07-01-04)*

.070 MANUFACTURED HOME CONVERTED TO REAL ESTATE: A *manufactured home* which is located outside a mobile home park shall be converted to real estate by being placed on a *permanent foundation* and shall be assessed for real estate taxes. Manufactured homes converted to real estate shall not be considered as portable or potentially portable structures, but rather shall be considered *single-family dwellings* for the purpose of this Ordinance. *(Ordinance #2004-14/07-01-04)*

.080 MOBILE HOME PARK OR TRAILER PARK: Any *lot* or portion of a *lot* which two (2) or more *mobile homes* or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations. *(Ordinance #81-6/10-01-81)*

.090 MODULAR HOME: (Does not include double-wide mobile homes); Any prefabricated *structure* of conventional construction used for dwelling purposes moved onto a site in essentially complete constructed condition, in one (1) or more parts and when completed is a single-family unit on a *permanent foundation*, attached to the foundation with permanent connections. Modular homes shall not be considered as portable or potentially portable structures, but rather shall be considered *single-family dwellings* for purposes of this Ordinance. *(Ordinance #81-6/10-01-81)*

.100 MOTEL OR MOTOR HOTEL: A *building* or group of attached or detached *buildings* containing individual sleeping or living units for overnight auto tourists, with parking

facilities conveniently located to each such unit, and may include such accessory facilities such as swimming pools, restaurant, meeting room, and etc. *(Ordinance #81-6/10-01-81)*

8.002.150 **N**

.010 NOISE DISTURBANCE: Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property. *(Ordinance #81-6/10-01-81)*

.020 NONCONFORMING STRUCTURE: Any *structure* or *building* lawfully constructed prior to the effective date of this Ordinance (or amendment thereto) which does not conform with the bulk regulations of the *district* in which it is located. *(Ordinance #81-6/10-01-81)*

.030 NONCONFORMING USE: The lawful use of any *structure* or land that was established prior to the effective date of this Ordinance (or amendment thereto) which does not conform with the regulations of the *district* in which it is located. *(Ordinance #81-6/10-01-81)*

.040 NON-PARTICIPATING LANDOWNER: Any landowner not under agreement with the owner or operator of a solar energy system or wind energy system. *(Ordinance #2023-05/11-17-2023)*

8.002.160 **O**

.010 OBJECTIONABLE ODOR: An odor that is of such frequency, duration, quality, and intensity as to be harmful or injurious to human health and welfare, or so as the unreasonably interfere with the comfortable use and enjoyment of life and property of individuals or the public. *(Ordinance #81-6/10-01-81)*

.020 OUTLOT: A parcel of land not to be used for building purposes, so designated on a subdivision plat or a plat of survey. *(Ordinance #2015-05/12-18-2015)*

8.002.170 **P**

.010 PARKING SPACE, OFF-STREET: An area which includes the parking plus the maneuvering space required for the parking of motor vehicles. Space for maneuvering incidental to parking or unparking, shall not encroach upon any public *right-of-way*. For purposes of rough computation, an off-street parking space and necessary access and maneuvering may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the *County*. *(Ordinance #81-6/10-01-81)*

.011 PARTICIPATING LANDOWNER: Any landowner under lease, easement or other property agreement(s) with the owner or operator of a solar energy system or wind energy system. *(Ordinance #2023-05/11-17-2023)*

.020 PERMANENT FOUNDATION: A site-built or site-assembled 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 slide conditions that may be imposed on the structure. The foundation shall be to a depth of not less than forty-two (42) inches below grade and constructed of materials approved by the currently adopted International Residential Code (IRC) in effect in the County. *(Ordinance #2015-05/12-18-2015)*

.030 PORCH, UNENCLOSED: A roofed projection which has no more than fifty (50) percent of each outside wall area enclosed by a building or siding material other than meshed screens. *(Ordinance #81-6/10-01-81)*

.040 PRINCIPAL USE: A principal use is the main use of the premises permitted outright in a particular zoning *district* as distinguished from a *conditional use*. *(Ordinance #81-6/10-01-81)*

.050 PRIVATE NONCOMMERCIAL CLUB: A non-profit association of persons who are bona fide members paying annual dues, which owns, hires or leases a *building* or premises, or portion thereof, the use of such *building* or premises being restricted to members and their guests. The affairs and management of such private clubs are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objectives by the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable Federal, State, County and Municipal laws. *(Ordinance #81-6/10-01-81)*

8.002.180 **Q**

.010 QUARTER-QUARTER SECTION: The northeast, northwest, southeast or southwest quarter of a quarter section delineated by the United States Government system of land survey and which is approximately forty (40) acres in size. For the purpose of this Ordinance, an undivided quarter-quarter section shall be construed as comprising at least thirty-five (35) acres. *(Ordinance #81-6/10-01-81)*

8.002.190 **R**

.010 RECREATIONAL VEHICLE: A vehicular type *camping unit* primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Temporary occupancy shall be considered no more than two (2) weeks when the recreational vehicle is not located in a *commercial campground and recreational vehicle park*. The

basic entities are: travel trailer, camping or tent trailer, truck camper, and motor home or coach.

.020 RECREATIONAL VEHICLE SITE: A plot of ground within a recreational vehicle park intended for the accommodation of either a *recreational vehicle,* tent, or other individual *camping unit* on a temporary basis. *(Ordinance #84-4/04-05-84)*

.030 REPEAT OFFENSE: A recurring violation of the same section of the Pottawattamie County, Iowa, Zoning Ordinance. *(Ordinance #88-1/02-08-88*)

.040 RIGHT-OF-WAY: The land area, the right to possession of which is secured or reserved for public purposes. *(Ordinance #81-6/10-01-81)*

.050 ROADSIDE STAND: A *structure,* no larger than three hundred (300) square foot, used seasonally for the sale of neighborhood *agricultural* products or other products grown or produced on the premises. *(Ordinance #2015-05/12-18-2015)*

.060 ROOFLINE: The juncture of the roof and the perimeter wall of the *structure*. *(Ordinance #81-6/10-01-81)*

8.002.200 **S**

.010 SERVICE STATION: Any *building* or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories and other items customarily associated with the sale of such products; for the rendering of serve and making of adjustments and replacements to motor vehicles, and the washing, waxing, and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires. A service station is not a *commercial garage* nor a body or fender shop. *(Ordinance #81-6/10-01-81)*

.020 SETBACK: The required minimum horizontal distance between the front, rear or side lines of the *lot* and the front, rear or side lines of the *building* respectively for a particular zoning *district*. Setback may also be referred to as required *yard*. *(Ordinance #81-6/10-01-81)*

.030 SIGNS: Any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation use as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization or business but shall not include any display of official notice. *(Ordinance #81-6/10-01-81)*

.01 FREE-STANDING SIGN: A sign which is supported by *structures* or supports in or upon the ground and independent of support from any *building* or wall. *(Ordinance #81-6/10-01-81)*

.02 FREE-STANDING BUSINESS IDENTIFICATION SIGN: A free-standing sign that identifies a business establishment located on the premise where the sign is located, typically located at the entrance into the establishment. *(Ordinance #2015-05/12-18-2015)*

.03 PORTABLE SIGN: A freestanding sign which is not permanently anchored secure to the ground. *(Ordinance #81-6/10-01-81)*

.04 PROJECTING SIGN: A sign, other than a *wall sign*, which is supported or attached to any *building* or wall and which extends more than one (1) foot out from the *building* or wall. *(Ordinance #81-6/10-01-81)*

.05 ROOF SIGN: A sign which is erected upon or above the roof or parapet of any *building. (Ordinance #81-6/10-01-81)*

.06 TEMPORARY SIGN: A sign which is intended only for a limited period of display. *(Ordinance #81-6/10-01-81)*

.07 WALL SIGN: A sign which is painted on or attached to and erected parallel to the face of the outside wall of any *building* and supported by such *building* or wall and which displays only one (1) advertising surface. *(Ordinance #81-6/10-01-81)*

.040 SIGN, AREA: The sign area shall be that area determined by the *Development Director* using actual dimensions where practicable, or approximate dimensions when irregularity of sign shape warrants. Such area shall include the extreme points or edges of the *sign*, excluding the supporting *structure* which does not form part of the *sign* proper or of the display. The area of a *sign* composed of characters or words attached directly to a *building* or wall surface shall be the smallest rectangle which encloses the whole group. Where a *sign* has two (2) or more faces, the area of all faces shall be included in determining the area of the *sign,* except that where two (2) such faces are placed back to back and are at no point more than twenty-four (24) inches from one another. In this instance the area of the *sign* shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area. *(Ordinance #81-6/10-01-81)*

.050 SIGN, ON-SITE: A *sign* relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include *signs* erected by the outdoor advertising industry in the conduct of the outdoor advertising business. *(Ordinance #81-6/10-01-81)*

.060 SIGN, OUTDOOR ADVERTISING AND BILLBOARDS: "Outdoor Advertising Sign" and "Billboard" as used in this Ordinance shall include all *structures*, regardless of the material used in the construction of the same, that are erected, maintained, or used for public display of posters, painted signs, *wall signs*, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located. *(Ordinance #81-6/10-01-81)*

.061 SOLAR ENERGY SYSTEM, COMMERCIAL (CSES): A solar energy system that generates electricity from solar energy primarily for sale to an electric utility or other third party commercial or industrial user. CSES shall include but are not limited to solar panels, support structures, inverters/transformers, operations and maintenance buildings, electrical collector systems, energy storage technologies, wiring, communications, roads, substations and other equipment necessary for the generation, storage and delivery of electricity. *(Ordinance #2023-05/11-17-2023)*

.062 SOLAR ENERGY SYSTEM, NON-COMMERCIAL (SES): A solar energy system that generates electricity from solar energy primarily for use on the same site or the same land use with which the system is associated. *(Ordinance #2023-05/11-17-2023)*

.070 SOUND: An oscillation in pressure, particle displacement, particle velocity, or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency. *(Ordinance #81-6/10-01-81)*

.01 A-WEIGHTED SOUND LEVEL: The sound pressure level in decibels as measured on a sound level meter using the A-weighing network. The level so read is designated dB(A) or dBA. *(Ordinance #81-6/10-01-81)*

.02 DECIBEL: A logarithmic and dimensionless unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the referenced pressure, which is twenty (20) micropascals (20 micronewtons per square meter). *(Ordinance #81-6/10-01-81)*

.03 EQUIVALENT A-WEIGHTED SOUND LEVEL: The constant sound level that in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. For the purpose of this Ordinance, a time period of one (1) hour shall be used, unless otherwise specified. *(Ordinance #81-6/10-01-81)*

.04 IMPULSIVE SOUND: Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. *(Ordinance #81-6/10-01-81)*

Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms. The C-weighting network shall be used for measurement purposes. *(Ordinance #81-6/10-01-81)*

.05 PURE TONE: Any sound which can be distinctly heard as a single pitch or set of single pitches. *(Ordinance #81-6/10-01-81)*

.06 SOUND LEVEL: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, C, flat, or linear as specified in American National Standards Institute specifications for sound level meters (ANSI 1.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply. *(Ordinance #81-6/10-01-81)*

.07 SOUND LEVEL METER: An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. *(Ordinance #81-6/10-01-81)*

.08 SOUND PRESSURE: The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy. *(Ordinance #81-6/10-01-81)*

.09 SOUND PRESSURE LEVEL: Twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micropascals (20 x 10-6 N/m). The sound pressure level is denoted L or SPL and is expressed in decibels. *(Ordinance #81-6/10-01-81)*

.080 SPECIAL PLACEMENT RESIDENCE: Any *building* or premises occupied by three (3) or more persons not related to the owner, lessee or operator by blood, marriage or adoption, who upon their release as patients from any recognized mental institution, treatment ward for alcoholism, treatment center for narcotic addicts or as an inmate of any correctional penal institution, uses such *building* or premises as living facilities in order to secure noninstitutionalized care in their attempt to re-enter society as healthy, happy and useful human beings. The operator must reside at such premises. *(Ordinance #81-6/10-01-81)*

.090 STABLE, COMMERCIAL AND RIDING ACADEMY: A *building* or *structure* used or intended to be used for the housing of horses which are let, hired, used or boarded on a commercial basis and for compensation. Riding instruction may be given in connection with a commercial stable or riding academy. *(Ordinance #81-6/10-01-81)*

.100 STABLE, PRIVATE: An *accessory building* or *structure* used or intended to be used for the housing of horses owned by the occupant of the property or temporary guests of the occupant on a noncommercial basis and not for compensation. *(Ordinance #81-6/10-01-81)*

.110 STABLE, RIDING CLUB: A *building* or *structure* used or intended to be used for the housing of horses owned by a group of persons a noncommercial basis. *(Ordinance #81-6/10-01-81)*

.120 STORY: That portion of a *building*, other than a *cellar*, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it. *(Ordinance #81-6/10-01-81)*

.130 STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. *(Ordinance #81-6/10-01-81)*

.140 STREET: The entire width between the boundary lines of every way intended for public use for the purpose of vehicular and pedestrian traffic and for the placement of utilities. The term “street” shall include avenue, circle, drive, highway, lane, place, thoroughfare, or any other similar designation. *(Ordinance #81-6/10-01-81)*

.150 STREET, HARD SURFACED: A *street* which has a full-depth surfacing consisting of concrete, or asphalt with a structural capacity equivalency of concrete, constructed in accordance with appropriate local, County or state regulations. *(Ordinance #2018-04/05-10-18)*

.155 STREET, OFFICIAL BITUMINOUS ROAD: A street that the surfacing has been prepared and treated with a bituminous coating and designated by the County Board in a Resolution as an Official Bituminous Road. *(Ordinance #2018-04/05-10-18)*

.160 STREET RIGHT-OF-WAY LINE: A dividing line between a *lot*, tract or parcel of land and the contiguous *street*. The boundary line of a *street*. *(Ordinance #96-4/02-09-96)*

.170 STRUCTURAL ALTERATIONS: Any replacement or changes in the type of construction or in the supporting members of a *building*, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance. *(Ordinance #81-6/10-01-81)*

.180 STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures including *buildings, mobile homes, billboards,* signs, towers, sheds, storage bins, and gas and liquid storage tanks, but excluding driveways, parking areas, patios, and public items such as utility poles, street light fixtures, street signs, sidewalks and paving on *streets*. *(Ordinance #81-6/10-01-81)*

.190 SUBTERRANEAN HOME: A dwelling which has all but one (1) wall completely covered and landscaped with earth including the roof. *(Ordinance #81-6/10-01-81)*

For the purposes of this Ordinance, a *cellar* or *basement* shall not be defined as a subterranean home. *(Ordinance #81-6/10-01-81)*

8.002.210 **T**

.010 TAVERN: An establishment in which the primary function is the public sale and serving of alcoholic beverages for consumption on the premises, including establishments commonly known as key clubs, which are open and in which alcoholic beverages are served only to members and their guests. *(Ordinance #81-6/10-01-81)*

.020 TOWER: Any guyed, monopole or self-supporting tower, constructed as a free-standing structure or in association with a *building* or other permanent structure, containing one or more antennas. *(Ordinance #2007-09/10-12-07)*

8.002.220 **U**

8.002.230 **V**

.010 VARIANCE: A variance is a relaxation of the terms of the Zoning Ordinance where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance a variance is authorized only for height, area, and size of

structures or size of *yards* and *open space*s; establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning *district* or uses in an adjoining zoning *district* or because of conditions created by the landowner. *(Ordinance #81-6/10-01-81)*

.020 VEHICLE AND EQUIPMENT SALES, NONCOMMERCIAL: Casual and occasional offering, display or sales of vehicles and/or equipment by the owner thereof to the public, if the seller, at the time of the sale, is not engaged for profit in the business of selling vehicles and/or equipment, so long as such offering, display or sales are not conducted in excess of one (1) vehicle and/or piece of equipment at a time and no more than six (6) times in a calendar year. Any other sales shall constitute a commercial use not permitted in an "A" or "R" zoning *district*. *(Ordinance #2015-05/12-18-2015)*

8.002.240 **W**

.010 WIND TURBINE GENERATOR, COMMERCIAL AND NON-COMMERCIAL(WTG): A system of components including, but not limited to, a foundation, tower, nacelle, generator and blades that together comprise a machine that generates electricity using wind energy and connects to the electrical transmission or local distribution grid. *(Ordinance #2023-05/10/10/2023)*

.01 Blade. An element of a WTG which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

.02 Tower. The support structure, above grade, that supports the nacelle and rotor assembly.

.03 Foundation. The Tower support structure, above and/or below grade that supports the entire weight of the Wind Turbine Generator.

.04 Total Height. The height from grade to the highest vertical point of the swept arc. In the case of a WTG with a vertical axis rotor, the height of the blades from grade to the highest vertical point of the WTG.

.05 Substation. An electrical construction designed to collect and modify electrical energy produced by the WTG.

.020 WIND ENERGY SYSTEM, COMMERCIAL (CWES): A wind energy system that generates electricity from wind energy primarily for sale to an electric utility or other third party commercial or industrial user. CWES shall include but are not limited to WTGs, support structures, inverters/transformers, operations and maintenance buildings, meteorological towers, electrical collector systems, energy storage technologies, wiring, communications, roads, substations and other equipment necessary for the generation, storage and delivery of electricity. *(Ordinance #2023-05/10/10/2023)*~~WIND FARM, COMMERCIAL: One or more Commercial Wind Turbine Generators which are connected to the electrical transmission or local distribution grid. Commercial Wind Farms shall include but are not limited to Commercial Wind Turbine~~

~~Generators, operations and maintenance *buildings*, meteorological towers, electrical collector systems, communications, roads and Substations.~~

.030 WIND ENERGY SYSTEM, NON-COMMERCIAL (WES): A wind energy system that generates electricity from wind energy primarily for use on the same site or the same land use with which the system is associated. *(Ordinance #2023-05/10/10/2023)* ~~WIND FARM, NON-COMMERCIAL: One or more Non-Commercial Wind Turbine Generators which are connected to the electrical transmission or local distribution grid for the sole purpose of serving no more than one (1) dwelling and the associated *accessory structures*.~~.040 WINERY: An agricultural processing facility that produces wine from fruit or fruit juices under the criteria established by the State of Iowa for Native Wines. (Ordinance #2011-01/6/17/11)

8.002.260 **Y**

.010 YARD: An *open space* unoccupied and unobstructed by any portion of a *structure* from two and one-half (2 1/2) feet above the general ground level of the graded lot upward; provided however, that fences, walls, yard recreational and laundry drying equipment, arbors and trellises, flagpoles, yard lights, statuary and similar decorative items, and other customary yard accessories may be permitted in any yard subject to height limitations and requirements limiting obstruction or visibility. In measuring a yard for the purpose of determining the depth of a *front yard* or the depth of a *rear yard*, the least distance between the *lot line* and *principal building* shall be used. In measuring a *yard* for the purpose of determining the width of a *side yard*, the least distance between the *lot line* and the nearest permitted *building* shall be used. *(Ordinance #81-6/10-01-81)*

.01 FRONT YARD: A *yard* extending between *side lot lines* and measured horizontally and at right angles from the *front lot line* to the nearest point of the principal *building* or *structure*. *(Ordinance #81-6/10-01-81)*

.02 REAR YARD: A *yard* extending between *side lot lines* and measured horizontally and at right angles from the *rear lot line* to the nearest point of the principal *building* or *structure*. *(Ordinance #81-6/10-01-81)*

.03 SIDE YARD: A *yard* extending between the *front* and *rear yard* and measured horizontally and at right angles from the *side lot line* to the nearest point of a permitted *building* or *structure*. *(Ordinance #81-6/10-01-81)*

.020 YARD SALE: Casual and occasional sale of used household goods by the owner thereof to the public, on a nonreceiving basis, if the seller, at the time of the sale, is not engaged for profit in the business of selling goods of that or a similar nature, so long as such sale is not conducted in excess of four (4) consecutive days and no more than three (3) times in a calendar year. Any other sales shall constitute a commercial use not permitted in an “A” or “R” zoning *district*. *(Ordinance #2015-05/12-18-2015)*

8.002.270 **Z**

# CHAPTER 8.003
# ESTABLISHMENT AND DESIGNATION OF ZONING DISTRICTS

8.003.010 DISTRICTS: In order to carry out the purpose and intent of this Ordinance, the following zoning district classifications are hereby established:

.01 AGRICULTURAL AND CONSERVATION DISTRICTS

| | | |
|---|---|---|
| A. | Open Space and Conservation | A-1 *(Ordinance #87-5/06-05-87)* |
| B. | Agricultural Production | A-2 *(Ordinance #2004-14/07-01-04)* |
| C. | River Front & Agricultural Production | A-3 *(Ordinance #2004-14/07-01-04)* |
| D. | Loess Hills Landform | A-4 *(Ordinance #2004-14/07-01-04)* |

.02 RESIDENTIAL DISTRICTS

| | | |
|---|---|---|
| A. | Agricultural-Urban Transitional | R-1 *(Ordinance #2004-14/07-01-04)* |
| B. | Urban Transitional | R-2 *(Ordinance #2004-14/07-01-04)* |
| C. | Urban Residential | R-3 *(Ordinance #81-6/10-01-81)* |
| D. | Planned Residential | R-5 *(Ordinance #81-6/10-01-81)* |
| E. | Mobile Home Park | R-6 *(Ordinance #81-6/10-01-81)* |

.03 COMMERCIAL DISTRICTS

| | | |
|---|---|---|
| A. | Highway Commercial | C-1 *(Ordinance #81-6/10-01-81)* |
| B. | General Commercial | C-2 *(Ordinance #81-6/10-01-81)* |
| C. | Commercial Recreational | C-3 *(Ordinance #87-5/06-05-87)* |

.04 INDUSTRIAL DISTRICTS

| | | |
|---|---|---|
| A. | Limited Industrial | I-1 *(Ordinance #81-6/10-01-81)* |
| B. | General Industrial | I-2 *(Ordinance #81-6/10-01-81)* |

.05 SPECIAL OVERLAY DISTRICTS

| | | |
|---|---|---|
| A. | SLOPE PROTECTION DISTRICT | SP*(Ordinance #2015-05/12-18-2015)* |

8.003.020 OFFICIAL ZONING MAP: The boundaries of zoning *district*s and overlay *district*s are hereby established as shown on the Official Zoning Map of the unincorporated area of Pottawattamie County, Iowa, which maps and notations and references and other matters shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance. *(Ordinance #2015-05/12-18-2015)*

.01 ELECTRONIC MAP: The Official Zoning Map may be in hard copy or electronic format or both as specified by a resolution of the County Board. *(Ordinance #2015-05/12-18-2015)*

8.003.030 RESERVED

8.003.040 INTERPRETATION OF DISTRICT BOUNDARIES: Where uncertainty exists as to the boundaries of *district*s as shown on the Official Zoning Map the following shall apply:

.01 Boundaries indicated as approximately following the centerline of roads, streets, highways, or *alley*s shall be construed to follow such centerline. *(Ordinance #81-6/10-01-81)*

.02 Boundaries indicated as approximately following platted lot lines or recorded property lines shall be construed to follow such lines. *(Ordinance #81-6/10-01-81)*

.03 Boundaries indicated as approximately following section, half-section, quarter-section, or other fractional section lines of U.S. Public Land surveys, as established by law, shall be construed to follow such lines. *(Ordinance #81-6/10-01-81)*

.04 Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits. *(Ordinance #81-6/10-01-81)*

.05 Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks. *(Ordinance #81-6/10-01-81)*

.06 Boundaries indicated as approximately following the centerlines of rivers, streams, creeks, or other waterways shall be construed to follow such centerlines. *(Ordinance #81-6/10-01-81)*

.07 Boundaries indicated as parallel to or extension of features indicated in Subsection .01 through .06 shall be so construed. *(Ordinance #81-6/10-01-81)*

.08 Where no other indication of the *district* boundary is made and no dimensions are shown; the location of the boundary shall be determined by the use of the scale appearing on the Official Zoning Map. *(Ordinance #81-6/10-01-81)*

.09 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsection .01 through .08 above, the *Adjustment Board* shall interpret the *district* boundaries, as provided in Chapter 8.096. *(Ordinance #81-6/10-01-81)*

8.003.050 ZONING DISTRICT DIVIDING PROPERTY: Where one (1) parcel of property is divided into two (2) or more portions by reason of different zoning *district* classifications, each portion shall be used independently of the other in its respective zoning classification, and for the purpose of applying the regulations of this Ordinance, each portion shall be considered as if in separate and different ownership. *(Ordinance #81-6/10-01-81)*

8.003.060 VACATED STREETS OR ROADS: Whenever any street, road, *alley* or other public way is vacated by official action as provided by law, the zoning *district* adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert to include right-of-way of the public way thus vacated which shall thenceforth be subject to all regulations of the extended *district* or *district*s. *(Ordinance #81-6/10-01-81)*

8.003.070 ZONING OF ADDITIONAL TERRITORY: Any addition to the unincorporated territory of the County resulting from disconnection by municipalities or otherwise shall automatically be designated as a Class A-2 District until otherwise classified by amendment. *(Ordinance #81-6/10-01-81)*

8.004.010 FARMSTEADS: Within any Class "A" District, a farmstead in existence at the time of adoption of this Ordinance may be severed from the farm. A minimum of two (2) acre per each dwelling unit of the farmstead is required with front yard, side yard, and rear yard requirements applicable to the zoning *district* in which it is located. The provisions of Section 8.004.030 relative to water supply, sewage disposal and setbacks shall be complied with in the creation of said parcel. It is not the intent of this provision to permit the circumvention of the requirements of the Pottawattamie County, Iowa, Subdivision Ordinance. *(Ordinance #2004-14/07-01-04)*

8.004.020 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT: 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 *building* on one (1) lot, provided that more than one (1) industrial, commercial, or institutional *building* may be erected upon a single lot or tract in a *district* permitting these uses, but the yards and *open space*s required around the boundaries of the lot or tract shall not be encroached upon by any *building*s nor shall there be any change in the intensity of use regulations. *(Ordinance #2015-05/12-18-2015)*

8.004.030 WATER SUPPLY, SEWAGE DISPOSAL AND SETBACKS: Every residence, business, trade, or industry hereafter established, which requires water supply and sewage disposal facilities, shall provide facilities which conform with the requirements and standards of the appropriate State, County or local agency.

For the purpose of providing adequate sewage disposal in areas serviced by onsite wastewater treatment and disposal systems, soil characteristics shall be highly instrumental in determining lot area. The minimum lot area in the various *district*s shall be determined by the following factors:

.01 The ability to situate a private water well on the lot in accordance with the Private Water Well Ordinance;

.02 The ability to situate two (2) onsite wastewater treatment and disposal systems on the lot;

.03 The ability to meet the appropriate setback requirements for the zoning *district*, and

.04 The ability to provide adequate off-street parking and off-street loading.

In the event the above-referenced features can be accommodated in the minimum lot area outlined in the various *district*s, said lot area shall be accepted as stated. However, in the event the above-referenced features cannot be accommodated in the specified minimum lot area for that zoning *district*, said lot area shall be increased to a size that can accommodate the above-referenced features. *(Ordinance #96-4/02-09-96)*

8.004.040 LOT FRONTAGE REQUIRED: No lot shall contain any *building* used in whole or in part for residence purposes unless such lot abuts for at least twenty-five (25) feet on at least one (1) street, or unless it has an exclusive unobstructed private easement of access or right-of-way at least twenty-five (25) feet wide to a street; and there shall be not more than one (1) single-

family dwelling for such frontage or easement, except that a common easement of access at least fifty (50) feet wide may be provided for no more than two (2) such single-family dwellings or for no more than one (1) two-family or multiple dwellings. The driveway surface shall be constructed within the boundaries of the frontage or easement. There shall be a minimum separation distance, along the street, of one hundred fifty (150) feet between such frontage or easement. *(Ordinance #96-15/11-25-96)*

8.004.050 CORNER LOT: After the effective date of this Ordinance, the front yard setback requirement for a particular *district* shall apply equally to each yard of a corner lot which abuts a street other than an *alley*. *(Ordinance #82-11/10-07-82)*

8.004.060 FRONT YARD: In any Class "R" District or platted residential subdivision there shall be a front yard setback as stated in the setback requirements for that particular *district*; provided however, where lots comprising thirty (30) percent or more the frontage within two hundred (200) feet of either side lot line, excluding frontage zoned other than residential, are developed with *building*s at a greater or lesser setback, the front yard setback requirement shall be the average of these *building* setbacks and the minimum front yard setback required for undeveloped lots. In computing the average setback, *building*s located on reverse frontage lots or entirely on the rear half of lots shall not be counted. In any case, the required yard setback as computed herein need not exceed twice the minimum front yard setback required for the particular *district*, but in no case shall the front yard setback be less than fifteen (15) feet. *(Ordinance #2004-14/07-01-04)*

8.004.070 VISIBILITY AT INTERSECTIONS: All corner lots shall have a visual clearance area in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet above the center line grades of the intersecting streets. A minimum visual clearance area is formed by the street right-of-way lines and a straight line joining said lines through fifty (50) feet from their intersection. This regulation shall not be interpreted as to prohibit the placement of an unobstructed chain link fence or fence of similar construction within the visual clearance area. *(Ordinance #81-6/10-01-81)*

8.004.080 VISIBILITY AT ACCESS DRIVES: All access drives and driveways shall have a visual clearance area in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet above the center line grade of the street. A minimum visual clearance area is formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through twenty (20) feet from their intersection. This regulation shall not be interpreted as to prohibit the placement of an unobstructed chain link fence or fence of similar construction within the visual clearance area. *(Ordinance #81-6/10-01-81)*

8.004.085 The following accessory uses shall be permitted in the Class "A" and "R-1, R-2 and R-3" Districts, unless otherwise denoted: *(Ordinance #2015-05/12-18-2015)*

.01 Accessory dwelling unit (ADU). *(Ordinance #2015-05/12-18-2015)*

.02 *Accessory uses and structures* normally incidental and subordinate to one of the permitted *principal* or *conditional use*s, unless otherwise excluded. *(Ordinance #2015-05/12-18-2015)*

.03 *Agricultural buildings and structures* including dams, equipment sheds, outbuildings and other *buildings*, *structures* or erections which are primarily adapted for use for *agricultural* purposes, except in the R-2 and R-3 Districts. *(Ordinance #2015-05/12-18-2015)*

.04 All-weather school bus shelters permitted in the *front yard* subject to the provisions of Section 8.004.070 and 8.004.080. *(Ordinance #2015-05/12-18-2015)*

.05 Bathhouses, tool or storage sheds, and non-habitable playhouses when located in the *rear yard*. *(Ordinance #2015-05/12-18-2015)*

.06 Display signs, subject to the provisions of Chapter 8.090. *(Ordinance #2015-05/12-18-2015)*

.07 Fences, walls and hedges, subject to the provisions of Section 8.004.070 and 8.004.080. *(Ordinance #2015-05/12-18-2015)*

.08 Gardening and private greenhouses, but not on a scale that would be obnoxious to adjacent lots because of noise, odor or dust. *(Ordinance #2015-05/12-18-2015)*

.09 Home occupations and home professional offices, subject to the provisions of Section 8.004.160. *(Ordinance #2015-05/12-18-2015)*

.10 *Noncommercial vehicle and equipment sales*. *(Ordinance #2015-05/12-18-2015)*

.11 Outdoor advertising signs and billboards, subject to the provisions of Chapter 8.090, except in the “”R” Districts. *(Ordinance #2015-05/12-18-2015)*

.12 *Private kennels*, provided that no such *structure* shall be located closer than fifty (50) feet to any property line, nor shall the animals be kept or pastured closer than twenty-five (25) feet to any *dwelling* on the site. The area devoted to such uses shall be kept in a clean and sanitary condition, and shall be maintained so as drainage will not affect the health and safety of adjacent property owners. *(Ordinance #2015-05/12-18-2015)*

.13 Private parking facilities including *garages*, carports and other parking spaces. *(Ordinance #2015-05/12-18-2015)*

.14 Private recreational facilities including swimming pools, tennis courts, and other recreational facilities commonly accessory to a *dwelling*. *(Ordinance #2015-05/12-18-2015)*

.15 *Private stables* and other *structures* for raising and keeping animals and fowl, provided that not more than one (1) *animal unit* per acre of pasture shall be permitted and further provided that no such *structure* (to include corrals and other similar structures) shall be located closer than fifty (50) feet to any property line, nor shall the animals be kept or pastured closer than twenty-five (25) feet to any *dwelling* on the site. The area devoted to such uses shall be kept in a clean and sanitary condition, and shall be maintained so as drainage will not affect the health and safety of adjacent property owners. Private stables shall not be permitted in the R-3 and R-5 Districts. Notwithstanding the provisions of this section, the keeping of domestic chickens (members of the subspecies of Gallus gallus domesticus) shall be permitted on

properties with a single-family dwelling that have less than one acre of pasture and/or are in the R-3 (Urban Residential) Zoning District, so long as such keeping is in strict compliance with this subsection and all other applicable County ordinances unless, despite compliance with the following, the presence of any particular chickens endangers the health, safety, peace, quiet, comfort, enjoyment of, or otherwise becomes a public nuisance to nearby residents or occupants or places of business. *(Ordinance #2022-05/)*

.16 Roadside stands for the sale of agricultural produce grown on the site, but only when adequate off-street parking is provided, except in the "R" District. *(Ordinance #2015-05/12-18-2015)*

.17 *Yard Sales*. *(Ordinance #2015-05/12-18-2015)*

.18 SOLAR ENERGY SYSTEMS, NON-COMMERCIAL (SES), subject to the provisions of Section 8.040.210. *(Ordinance #2023-05/11-17-2023)*

.19 WIND ENERGY SYSTEMS, NON-COMMERCIAL (WES), subject to the provisions of Section 8.040.240, except in the A-4, R-1, R-2 and R-3 Districts. *(Ordinance #2023-05/11-17-2023)*

8.004.090 ACCESSORY BUILDINGS AND STRUCTURES: The following regulations shall govern the placement and use of accessory *building*s and structures:

.01 Accessory *building*s may be erected as an integral part of the principal *building* or may be connected thereto by a breezeway or similar structure; or may be erected detached from the principal *building*. Any accessory *building* attached to the principal *building* shall be considered as part of the principal *building* and shall meet the requirements as specified for the principal *building* in said *district*. *(Ordinance #2004-14/07-01-04)*

.02 Detached accessory *building*s may be erected as provided below:

A. Detached accessory *building*s may be located in the side yards but shall not be located in the required side yards. *(Ordinance #86-7/09-26-86)*

B. Detached accessory building may be located in the rear yard and shall not occupy more than thirty (30) percent of the required rear yard; provided however, that this regulation shall not be interpreted as to prohibit the construction of a four hundred forty (440) square foot private garage on a minimum rear yard. Such buildings erected in a rear yard shall not be located closer than four (4) feet to any property line and on corner lots shall also comply with the setback requirements for side street yards as specified in Section 8.004.050. *(Ordinance #86-7/09-12-86)*

C. Unless otherwise specifically permitted, any detached accessory building requiring direct access from an *alley* shall be located a minimum of fifteen (15) feet from the said *alley* line. *(Ordinance #86-7/09-12-86*)

D. Regardless of its location, a detached accessory building shall maintain a distance of eight (8) feet (wall to wall) from any principal building or structure,

or other detached accessory building situated on the same lot. *(Ordinance #86-7/09-12-86)*

.03 No accessory building shall be used for dwelling purposes unless specifically permitted. *(Ordinance #81-6/10-01-81)*

.04 Mobile homes and manufactured homes, whether converted to real estate or not, shall not be utilized as an accessory building. *(Ordinance #2004-14/07-01-04)*

8.004.095 ACCESSORY DWELLING UNITS (ADU): *Accessory dwelling units (ADUs),* as defined in Section 8.002.020.020, shall be subject to the following conditions: *(Ordinance #2015-05/12-18-2015)*

.01 The size of the parcel or lot upon which an ADU will be situated shall be two times larger than the minimum lot size for the zoning *district* in which the parcel or lot is located. *(Ordinance #2015-05/12-18-2015)*

.02 The ADU must meet all requirements of the Pottawattamie County, Iowa, Onsite Wastewater Treatment and Disposal Code and the Private Water Well Code with respect to the provisions of individual potable water and sewage disposal system or shall be authorized to connect to a municipal or public water and sewer system. *(Ordinance #2015-05/12-18-2015)*

The issuance of a permit for the ADU shall not adversely impact adjoining properties from obtaining a permit septic, sewer or well if the adjoining parcel has not constructed their first residence on their adjoining lot. *(Ordinance #2015-05/12-18-2015)*

.03 The total maximum square footage of the ADU shall not exceed the lesser of six hundred (600) square feet or fifty (50) percent of the square footage of the primary structure, excluding garage and carports The minimum total square footage of the ADU shall be not less than two hundred sixty (260) square feet. *(Ordinance #2015-05/12-18-2015)*

.04 Location of entrances. Only one main entrance may be located on the street-facing facade of the house, unless the house contained additional entrances before the ADU was created. An exception to this regulation is an entrance that does not have access from the ground, such as an entrance from a balcony or deck. *(Ordinance #2015-05/12-18-2015)*

.05 All ADUs shall comply with the limitations of Section 8.004.040, Lot Frontage Requirement. *(Ordinance #2015-05/12-18-2015)*

.06 Exterior finish materials, roof pitch, trim, eaves, window orientation and dimension must be the same or visually match those of the house. *(Ordinance #2015-05/12-18-2015)*

.07 The ADU must be provided with at least one (1) off-street parking space, which shall be in addition to those required for any other structure(s) on the property. *(Ordinance #2015-05/12-18-2015)*

.08 The ingress/egress driveway to the ADU shall be shared with that of the primary dwelling. No separate entrance shall be permitted. *(Ordinance #2015-05/12-18-2015)*

.09 The ADU shall not be considered an accessory structure for the purpose of determining setbacks. *(Ordinance #2015-05/12-18-2015)*

.10 Only one ADU shall be allowed per parcel or lot. *(Ordinance #2015-05/12-18-2015)*

.11 The ADU shall not be used as a bed and breakfast. *(Ordinance #2015-05/12-18-2015)*

.12 ADUs are permitted only when one of the dwelling units, either the primary residence or the ADU, on the property is owner-occupied. Ownership cannot be fractional. Owner-occupied residence shall not be rented out at any time. *(Ordinance #2015-05/12-18-2015)*

.13 Weekly and Daily rentals of ADUs allowed by special permit.. *(Ordinance #2015-05/12-18-2015)*

.14 The ADU may be permitted to be divided off and to become a separate lot or parcel from that of the primary structure, provide however, that all zoning and subdivision regulations shall be adhered to. *(Ordinance #2015-05/12-18-2015)*

8.004.100 GENERAL EXCEPTIONS AND PERMITTED INTRUSIONS INTO REQUIRED YARDS: Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings as specified in Section 8.004.090 and except for the following intrusions which may project into any required yard to the extent indicated, provided that such projections are not closer than three (3) feet to any lot line. *(Ordinance #81-6/10-01-81)*

.01 Cornices, canopies, eaves, wing walls and other architectural features, may project a distance not exceeding three (3) feet. *(Ordinance #2015-05/12-18-2015)*

.02 Bay windows, balconies, unenclosed porches and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located. *(Ordinance #81-6/10-01-81)*

.03 An uncovered stair and necessary landings may project a distance not to exceed three (3) feet into a required interior side yard and not to exceed six (6) feet into any other required yard, provided such stair and land shall not extend above the entrance floor of the building except railing not exceeding three (3) feet in height. *(Ordinance #81-6/10-01-81)*

.04 Air conditioning units may project a distance not exceeding five (5) feet, provided such units are screened from the street or adjoining lot by a sight obscuring fence or planting. *(Ordinance #81-6/10-01-81)*

.05 Ramps constructed to make a residential structure accessible to persons with physical disabilities may project into the required yard(s) to the extent necessary for access, if, upon review by the Development Director, it is determined that the ramp has been

designed to minimize the intrusion into the required yard(s) and creates no hazard to the public. *(Ordinance #2015-05/12-18-2015)*

8.004.110 STRUCTURES PERMITTED ABOVE HEIGHT LIMITS: The *building height* limitations of the Ordinance shall be modified as follows:

.01 Antennas; barns, silos and other accessory agricultural structures; belfries, chimneys, church steeples; conveyors; cooling towers and ventilators; cupolas; derricks; domes; elevator bulkheads; fire and hose towers; flagpoles; grain elevators; monuments, ornamental towers and spires; observation towers; radio and television towers, mast and aerials; smokestacks; stage towers or scenery lofts; tanks; transmission towers; water towers; windmills; or necessary mechanical apparatus may be erected to any safe height not in conflict with existing or hereafter adopted regulations of Pottawattamie County, Iowa. *(Ordinance #81-6/10-01-81)*

.02 Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a *district*, may be erected to a height not exceeding sixty (60) feet and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building setback from side and rear yard lines heretofore established an additional foot for each two (2) feet of *building height* above the height limit otherwise imposed in the *district* in which the building is located. *(Ordinance #81-6/10-01-81)*

.03 Single-family and two-family dwellings may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the *district* in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height. *(Ordinance #81-6/10-01-81)*

8.004.120 TEMPORARY BUILDINGS: Temporary buildings and structures incidental to construction work are permitted in all *district*s but only for the period of such work; provided however, *basements* and *cellars* shall not be occupied for dwelling purposes until the building is completely enclosed. *(Ordinance #81-6/10-01-81)*

.01 No commercial business shall be carried on in a mobile home or trailer constructed as a mobile home except when used as a temporary office upon obtaining a permit from the *Development Director* for a period not to exceed one hundred eighty (180) days. *(Ordinance #81-6/10-01-81)*

8.004.130 CARETAKERS QUARTERS: Caretaker's quarters are permitted in all *district*s, if included in the principal structure, providing said use is incidental to the principal use. This provision shall not be construed to allow two (2) dwellings to be located on one (1) parcel. *(Ordinance #2004-14/07-01-04)*

8.004.140 PARKING AND STORAGE OF CERTAIN VEHICLES: Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any lot in a Class "R" *District* or platted residential subdivision except in completely enclosed building or within a side or rear yard enclosed on all sides with a sight obscuring fence. *(Ordinance #2004-14/07-01-04)*

8.004.145 PARKING OF RECREATIONAL VEHICLES AND VESSELS: Parking and storing of recreational vehicles and vessels in a Class "R" District or platted

subdivision are subject to the following additional regulations. Recreational vehicles or vessels may be parked or stored by its owner on a single lot in a Class "R" District or platted subdivision, subject to the following: *(Ordinance #2015-05/12-18-2015)*

.01 Parking of one (1) recreational vehicle or vessel is permitted outside within the required front yard setback on a hard surfaced driveway or a hard surfaced pad contiguous with the driveway, provided: *(Ordinance #2015-05/12-18-2015)*

A. Space is not available in the side yard, behind the required front yard or there is not reasonable access to either the side or rear yard. A lot shall be deemed to have reasonable access to the rear yard if terrain permits and access can be had without substantial damage to existing large trees or major landscaping. A fence shall not be deemed to prevent reasonable access;
B. Parking in an enclosed structure is not possible due to height limitations;
C. The vehicle is parked perpendicular to the curb;
D. The vehicle may not extend over the public sidewalk or public right-of-way.

.02 If a recreational vehicle or recreational vessel is equipped with liquefied petroleum gas containers, such containers shall meet all applicable fire safety codes. Any valves must be closed at all times when the vehicle is not being readied for immediate use. *(Ordinance #2015-05/12-18-2015)*

.03 A recreational vehicle shall not be used or occupied for living, sleeping or housekeeping purposes except that nonpaying guests at a residence may occupy one (1) vehicle, parked or stored consistent with the regulations of this chapter, for sleeping purposes only, for a period not exceeding seventy-two (72) consecutive hours and not more than fourteen (14) days in any calendar year. *(Ordinance #2015-05/12-18-2015)*

.04 Pavement Requirements. Four inches of Portland cement concrete or four inches rock base with two inches of asphalt cement concrete. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications. *(Ordinance #2015-05/12-18-2015)*

8.004.150 LIGHTING CONTROLS: Any lighting fixture used for the illumination of signs, parking areas, swimming pools, or for any other purpose shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorists and pedestrians. *(Ordinance #81-6/10-01-81)*

8.004.160 HOME OCCUPATIONS AND HOME PROFESSIONAL OFFICES: The establishment and continuance of a home occupation or home professional office shall be subject to the following requirements:

.01 Customary home occupations shall be deemed to include the following: millinery, dressmaking; tailoring; laundering; preserving and home cooking; handicraft; barber and beauty shops; and studios, such as painting, sculpture, instrumental or vocal music, dance and literature, including teaching and practice. *(Ordinance #81-6/10-01-81)*

.02 Occupations of a professional nature shall be deemed to include the following: accountancy, architecture, art, dentistry, engineering, industrial design, insurance brokerage, law, medicine, music, optometry, planning, real estate brokerage, science, teaching, theology, writing or other related professions. *(Ordinance #81-6/10-01-81)*

.03 No persons other than people residing on the premises, shall be engaged in such occupation or office; and no colleagues or associates shall use such office. *(Ordinance #2004-14/07-01-04)*

.04 The use shall be operated entirely within the resident's dwelling unit or permitted *accessory structure* on the property. On site sales, service and training is allowed by appointment only and shall be limited to twelve (12) customer visits to the premises daily. Since the applicant is limited to two (2) on-site parking spaces, only two (2) concurrent appointments may be allowed at any one time. *(Ordinance #2004-14/07-01-04)*

.05 The use shall be limited to no more than six hundred (600) square feet of area of either the dwelling or an *accessory structure*. However, if the home occupation or home professional office is located in the dwelling it shall consume no more than twenty-five (25) percent of the floor area of the living unit. Living area may include a finished *basement*. *(Ordinance #2004-14/07-01-04)*

.06 There shall be no change in the outside appearance of the building or premises, or other visible evidence of a home occupation or home professional office other than one (1) sign, as provided in Chapter 8.090. *(Ordinance #81-6/10-01-81)*

.07 A home occupation or home professional office shall be situated entirely within the principal dwelling or an *accessory structure*. *(Ordinance #2004-14/07-01-04)*

.08 No traffic shall be generated by such home occupation or home professional office in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such occupation or office shall be met off the street and other than in a required front yard. There shall be no more than two (2) on-site parking spaces provided for patrons. *(Ordinance #2004-14/07-01-04)*

.09 No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises. *(Ordinance #81-6/10-01-81)*

.10 No mechanical or electrical equipment shall be used other than that which is normally used for purely domestic or household purposes. *(Ordinance #81-6/10-01-81)*

.11 No outdoor storage of materials or equipment used in the occupation shall be permitted. *(Ordinance #81-6/10-01-81)*

.12 Occupations shall not include the use or storage of tractor-trailers, semi-trucks or heavy equipment such as construction equipment. *(Ordinance #2004-14/07-01-04)*

13. There shall be no advertising for the business that includes the address of the occupation. Post Office boxes, telephone numbers and city name may be identified. *(Ordinance #2004-14/07-01-04)*

14. More than one occupation is allowed per property; however, the sum of the total area, signage, parking and employee limitations of the property shall not exceed the limitations set by this Chapter for a single occupation. *(Ordinance #2004-14/07-01-04)*

15. The home occupation-building permit will automatically be discontinued if the property is sold, leased, rented or transferred to another party or entity. *(Ordinance #2015-05/12-18-2015)*

8.004.165 RURAL ENTERPRISE BUSINESS: Rural enterprise businesses are intended to be clearly incidental and secondary to the use of the premises as a single-family dwelling. The establishment and continuance of a rural enterprise business shall be subject to the following requirements: *(Ordinance #2004-14/07-01-04)*

.01 Any new rural enterprise business established after the effective date of this Section shall be situated on a property where there is a single-family dwelling occupied by the owner/operator of the rural enterprise business. *(Ordinance #2004-14/07-01-04)*

.02 Rural enterprise businesses may include the following: assembly, processing, fabrication, repair of cars, light trucks, agricultural equipment and household appliances, lawn service, contractor's equipment storage, auto body shops. *(Ordinance #2004-14/07-01-04)*

.03 There shall be no evidence that a rural enterprise business is being conducted on the premises due to outdoor displays or storage, excessive noise, obnoxious odors, electrical disturbances, or considerable increase in vehicular traffic. *(Ordinance #2004-14/07-01-04)*

.04 The establishment of a rural enterprise business shall not have a negative impact on the public road servicing the property by causing increased dust problems or damage to the roads. The County Engineer and the *Development Director* shall determine this impact after analyzing the proposed business. *(Ordinance #2004-14/07-01-04)*

.05 The total area devoted to the rural enterprise business shall not exceed one (1) acre, including the building, parking areas and any outside storage area. All work performed on the property must occur within the building situated on the property. *(Ordinance #2004-14/07-01-04)*

.06 The total square footage of the dwelling or accessory building dedicated to the business shall be limited as follows:

| | | |
|---|---|---|
| A. | Up to 1.99 acres | 600 square foot |
| B. | 2 to 2.99 acres | 1,000 square foot |
| C. | 3 to 4.99 acres | 1,200 square foot |
| D. | 5 to 9.99 acres | 1,500 square foot |
| E. | 10 acres plus | 2,000 square foot |

*(Ordinance #2004-14/07-01-04)*

.07 More than one occupation is allowed per property; however, the sum of the total area, signage, parking and employee limitations of the property shall not exceed the limitations set by this Chapter for a single occupation. That portion of the business located in the dwelling is limited to twenty-five percent (25%) of the living area of the dwelling. Living area may include a finished *basement*. *(Ordinance #2004-14/07-01-04)*

.08 The number of outside employees and patron parking spaces shall be limited a follows:

| | Acres | Employees | Patron Parking |
|---|---|---|---|
| A. | Up to 1.99 acres | 1 | 2 |
| B. | 2 to 2.99 acres | 2 | 2 |
| C. | 3 to 4.99 acres | 3 | 3 |
| D. | 5 to 9.99 acres | 4 | 4 |
| E. | 10 acres plus | 5 | 5 |

*(Ordinance #2004-14/07-01-04)*

.09 The rural enterprise business shall provide one (1) parking space for each employee. No on-street parking shall be permitted in connection with a rural enterprise business. Patrons and employees shall park in the designated parking area. *(Ordinance #2004-14/07-01-04)*

.10 Any items that are to be stored outside shall be stored in the rear yard of the rural enterprise business and the items shall be enclosed within a sight-obscuring fence and shall not be visible from an adjoining parcel or from the private or public road. This shall not be construed to prohibit parking spaces for employees and patron's operable vehicles. *(Ordinance #2004-14/07-01-04)*

.11 All hazardous wastes, by-products and emissions must be stored and/or disposed of in conformance with Federal, State and local regulations. *(Ordinance #2004-14/07-01-04)*

.12 One (1) on-site sign shall be allowed as provided in Chapter 8.090.030.06. *(Ordinance #2004-14/07-01-04)*

8.004.170 NUISANCES: No nuisance will be permitted to exist in any *district*. A nuisance is defined as any structure or use in violation of this Ordinance and in addition any use or structure which injures or endangers health, safety or welfare or constitutes or creates a fire hazard or obstructs or endangers the use of streets or public ways or is offensive to the senses. *(Ordinance #81-6/10-01-81)*

A nuisance created prior to and maintained after the effective date of this Ordinance shall not be considered a nonconforming use as specified in Chapter 8.095. The following structures and uses of property are declared to be a nuisance:

.01 Storage, accumulation, keeping, or allowing to remain of trash, garbage, junk, scrap and wrecked, worn out, broken or inoperative or partially destroyed or disassembled personal or real property of any kind, including motor vehicles, tractors, trailers, machinery and equipment. *(Ordinance #81-6/10-01-81)*

.02 Open privies, vaults or cesspools. *(Ordinance #81-6/10-01-81)*

.03 Accumulation of any matter which produces a foul or noxious odor, or serves as a haven for rats, or is so unsightly as to depreciate property values or create a fire hazard. *(Ordinance #81-6/10-01-81)*

.04 Owning, possessing or harboring any dog or other animal which frequently or for continued duration, howls, barks, meows, squawks, or makes other sounds which creates a noise disturbances across a boundary between the hours of 11:00 P.M. and 6:00 A.M. *(Ordinance #81-6/10-01-81)*

8.004.180 PERFORMANCE STANDARDS: No land or building in any *district* shall be used in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable conditions or hazards, or the potential thereof, including fire, explosion, noise, vibration; smoke, dust, odor, or other forms of air pollution; water pollution; heat, cold, dampness, wastes, illumination, contamination; electrical or other substance, condition or element in such a manner or in such amount as to adversely affect the surrounding area of adjoining premises. Subject to the foregoing, any use permitted by the Ordinance may be undertaken and maintained if it conforms to the following performance standards: *(Ordinance #81-6/10-01-81)*

.01 The standards and controls designated by the Iowa Air Pollution Control *Commission* concerning air emission shall be followed. *(Ordinance #81-6/10-01-81)*

.02 No electrical disturbance shall be tolerated which affects adversely the operation at any point of any equipment other than that of the creator of such disturbance. *(Ordinance #81-6/10-01-81)*

.03 All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard to the industry. All flammable substances involved in any activity established in the *district* shall be handled in conformance with the latest edition of the "Fire Protection Code published by American Insurance Association" and the relevant provisions of State and local laws and regulations shall also apply. *(Ordinance #81-6/10-01-81)*

.04 Every use shall be so operated that there is no emission of heat, glare or radiation visible or discernible beyond the boundary of the site. *(Ordinance #81-6/10-01-81)*

.05 No liquid or solid wastes shall be discharged at any point into any public sewer, private sewage disposal system, or stream, or into the ground, except in accordance with standards approved by the County Health Department or the Iowa State Health Department, as the case may be, or standards equivalent to those approved by said authorities for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with the orderly operation of public sewage collection and treatment systems, or otherwise cause the emission of dangerous or offensive elements. *(Ordinance #81-6/10-01-81)*

.06 No person shall operate or cause to be operated on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following schedule when measured at or

within the property boundary of the receiving land use; provided however, that no measurement of sound levels shall be made less than fifty (50) feet from such source of sound: *(Ordinance #81-6/10-01-81)*

SCHEDULE OF SOUND LEVEL LIMITS

| Receiving Land Use Category | Time | Sound Level Limits, in dBA Maximum Ten Minute Leq Level |
|---|---|---|
| Residential or Agricultural | 6:00 A.M to 11:00 P.M. | 65 |
| | 11:00 P.M. to 6:00 A.M. | 55 |
| Commercial | At all times | 70 |
| Industrial | At all times | 75 |

A. For any source of sound which emits a pure tone or impulsive sound, the maximum Leq sound level limits set forth in the Schedule above shall be reduced by five (5) dBA. *(Ordinance #81-6/10-01-81)*

B. The provisions of this Subsection shall not apply to the following: airport and aircraft operations conducted in accordance with, or pursuant to, applicable Federal Laws or regulations; emergency signaling devices; interstate railway locomotive and cars, and undeveloped land, farm land and non-stationary farming equipment and all normal agricultural activities. *(Ordinance #81-6/10-01-81)*

.07 Every use shall be so operated that the ground vibration inherently or recurrently generated is not perceptible, without instruments, at any point of any boundary line of the lot on which the use is located. *(Ordinance #81-6/10-01-81)*

8.004.190 COMMERCIAL CAMPGROUNDS AND RECREATIONAL VEHICLE PARK DEVELOPMENT STANDARDS: The following standards and requirements shall govern the design and development of a commercial campground or recreational vehicle park. *(Ordinance #84-4/04-05-84)*

.01 A tract of land considered for a commercial campground or recreational vehicle park shall comprise an area of not less than five (5) acres of gross development area. *(Ordinance #84-4/04-05-84)*

.02 The maximum density allowed for the gross development area shall be fifteen (15) recreational vehicles sites per gross acre. *(Ordinance #84-4/04-05-84)*

.03 Sites in a park shall be occupied only by camping units and tents suitable for temporary habitation and used for travel, vacation and recreation purposes. *(Ordinance #84-4/04-05-84)*

.04 No camping unit or tent shall be used as a permanent place of abode, dwelling or business, or for indefinite periods of time. Camping units or tents shall not be on the site, whether occupied or not, for no more than one hundred (180) days during any twelve (12) month period. *(Ordinance #2004-14/07-01-04)*

.05 No permanent external appurtenances such as carports, deck, cabanas, or patios may be attached to any recreational vehicle. *(Ordinance #84-4/04-05-84*)

.06 Any action towards removal of wheels of a recreational vehicle, except for temporary purposes of repair, or placement of the unit on a foundation is prohibited. *(Ordinance #84-4/04-05-84*)

.07 Each recreational vehicle site shall have a minimum area of fourteen hundred (1,400) square feet; provided that site devoted solely for tent camping shall have a minimum area of seven hundred fifty (750) square feet. Each site shall contain a stabilized vehicular parking pad of gravel, marl, paving or other suitable material. *(Ordinance #84-4/04-05-84)*

.08 A minimum of eight (8) percent of the gross development area for the recreational vehicle park shall be set aside and developed as common *open space* areas for open or enclosed recreation facilities. *(Ordinance #84-4/04-05-84)*

.09 Recreational vehicle sites and off-street parking spaces shall not be located within any required yard or setback. *(Ordinance #84-4/04-05-84)*

Where needed to enhance aesthetics or to insure public safety, the recreational vehicle park shall be enclosed by a fence, wall, landscape screening, earth mounds, or by other buffer designs required by the *Adjustment Board* which will complement the landscape and assure compatibility with the adjacent environment. *(Ordinance #84-4/04-05-84)*

.10 Display signs for recreational vehicle parks shall be permitted subject to the provisions of Chapter 8.090 for mobile home signage. *(Ordinance #84-4/04-05-84)*

.11 In connection with use of any recreational vehicle park, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way, or on any public grounds, or on any private grounds not part of the park, unless the owner has given written permission for such use. Each park shall provide off-street parking, loading and maneuvering space, located and scaled so that the prohibitions above may be observed, and park owners shall be held responsible for violations of these requirements. *(Ordinance #84-4/04-05-84)*

.12 At least one and one-half (1 1/2) parking spaces shall be provided in the park per recreational vehicle site. At least one (1) parking space shall be provided at each such site. *(Ordinance #84-4/04-05-84)*

.13 All recreational vehicle parks shall be provided with safe and convenient vehicular access from an improved public street. It shall be the responsibility of the developer to provide the necessary access in all cases where there is no existing improved street or road connecting the park site with an improved existing public street or road. *(Ordinance #84-4/04-05-84)*

.14 Streets in recreational vehicle parks shall be private, but shall be constructed with a stabilizing roadway of gravel, marl, paving, or other suitable material, and shall meet

the following minimum stabilized roadway width requirements: *(Ordinance #84-4/04-05-84)*

| | | |
|---|---|---|
| A. | One way, no parking | 11 feet |
| B. | One way, with parking on one side | 18 feet |
| C. | Two way, no parking | 24 feet |
| D. | Two way with parking on one side | 26 feet |
| E. | Two way with parking on both sides | 31 feet*(Ordinance #84-4/04-05-84)* |

.15 Entrances and exits to recreational vehicle parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrances or exits shall require a turn at an acute angle for vehicles moving in the direction intended and radii of curbs and pavements at intersections shall be such to facilitate easy turning movements for vehicles with trailers attached. No entrance or exit from a park shall discharge traffic into any Class "R" District or platted residential subdivision nor require movement of traffic from the park through a Class "R" District or platted residential subdivision. The location and design of all intersections of such entrances or exits with public streets shall be approved by the County Engineer. If turning lanes or other forms of traffic controls are deemed necessary by the *Adjustment Board*, the developer shall provide the necessary improvements, subject to approval of their location and design by the County Engineer. *(Ordinance #2004-14/07-01-04)*

.16 Conditions of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion of the park subject to flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards. *(Ordinance #84-4/04-05-84)*

.17 Exposed ground surface in all parts of the park shall be paved, covered with stone screening, or other solid material, or protected with a vegetative growth capable of preventing soil erosion and objectionable dust. All areas not used for access, parking circulation, buildings or service shall be completely and permanently landscaped and the entire site maintained in good condition. Planting of trees and shrubs is required to the extent needed to provide for (a) screening of objectionable views, (b) adequate shade, (c) a suitable setting for the park as well as neighboring uses. *(Ordinance #84-4/04-05-84)*

.18 Management headquarters, recreational facilities, toilets, dumping stations, showers, laundry facilities, and other uses and structures customarily incidental to operation of a *commercial campground and recreational vehicle park* are permitted as *accessory uses* to the park. In addition, stores, restaurants, beauty parlors, barber shops, recreational vehicle storage areas and other convenience establishments may be permitted as *accessory uses* in commercial campgrounds and recreational vehicle parks where such uses are specifically approved by the *Adjustment Board*, subject to the following restrictions: *(Ordinance #84-4/04-05-84)*

A. Such establishments and the parking areas primarily related to the operations shall not occupy more than ten (10) percent of the gross area of the park. *(Ordinance #84-4/04-05-84)*

B. All buildings shall be constructed in compliance with state and local codes and regulations. *(Ordinance #84-4/04-05-84)*

C. The structures housing such facilities shall not be directly accessible from any public street, but shall be accessible only from a street within the park. *(Ordinance #84-4/04-05-84)*

.19 Cooking shelters, barbecue pits, and fireplaces shall be located, constructed, maintained and used so as to minimize fire hazards and smoke nuisances both on the property on which it is used, and on neighboring property. No open fire shall be permitted except in facilities provided; no open fire shall be left unattended, and no fuel shall be used or material burned which emits dense smoke or objectionable odors. *(Ordinance #84-4/04-05-84)*

.20 In recreational vehicle parks where recreational vehicle sites are leased or otherwise assigned on a long term basis, the limits of each site shall be clearly marked on the ground by permanent steel or iron rods driven into the ground with the top of the of said rods being flush with the finish lot grade. Location of site limits on the ground shall be approximately the same as shown on the approved plans. The degree of accuracy obtainable by working with a scale on the plan and then a tape on the ground is acceptable. Precise engineering of site limits is not required either on the plans or on the ground. This is not to be construed as permitting sites of lesser size than the required minimum, or permitting lesser yard or separation dimensions then set forth elsewhere in this Section. *(Ordinance #84-4/04-05-84)*

.21 Recreational vehicle sites intended solely for tent camping units shall be located in separate areas designated for tent camping only. *(Ordinance #84-4/04-05-84)*

.22 The layout of a park shall be such the "destruction" of the natural vegetation and topography of the area is minimized. *(Ordinance #84-4/04-05-84)*

.23 In addition to the foregoing, other conditions, requirements or limitations concerning the design, development and operation of a recreational vehicle park may be imposed as may be deemed necessary for the protection of adjacent properties and the public interest. *(Ordinance #84-4/04-05-84)*

8.004.200 BED AND BREAKFAST HOME: The establishment and continuance of a *bed and breakfast home* shall be subject to the following requirements: *(Ordinance #86-12/10-23-86)*

.01 A water analysis of the source of water for human usage shall be prepared to determine that the bacteriological and chemical condition of the water is classified as "safe" for human consumption. The analysis shall be prepared by a licensed testing laboratory. A copy of the analysis shall be presented to the Office of Planning and Development for verification of the condition of the water prior to the occupancy by the public, as well as annually on the date of issuance of the *conditional use* permit.

.02 The onsite wastewater treatment and disposal system for the *bed and breakfast home* shall be brought into compliance with the current standards set forth by Chapter 5.50, Onsite Wastewater Treatment and Disposal Systems Ordinance, County Code. *(Ordinance #2015-05/12-18-2015)*

.03 Compliant with Iowa Administrative Code, 661-202.3(137C). *(Ordinance #2015-05/12-18-2015)*

.04 Smoke detectors shall be operable in every room occupied by the public, as well as in all corridors of the areas of the structure utilized by the public. A centralized fire alarm system may be substituted for the aforementioned smoke detectors. *(Ordinance #86-12/10-23-86)*

.05 In the event the bed and breakfast home provides facilities for the public on the second or higher level of the structure, one of the following shall be provided as an area of refuge or secondary egress on each level. There shall be a sign in each room occupied by the public denoting the emergency escape route and the area of refuge or secondary egress provided. *(Ordinance #86-12/10-23-86)*

A. One or more balcony areas. *(Ordinance #86-12/10-23-86)*

B. A fire ladder to the ground level. *(Ordinance #86-12/10-23-86)*

C. A fire escape to the ground level. *(Ordinance #86-12/10-23-86)*

An interior secondary stairway to the main floor of the structure. Said secondary stairway should be remote from the location of the primary stairway. *(Ordinance #86-12/10-23-86)*

8.004.210 SOLAR ENERGY SYSTEMS *(Ordinance #2023-05/11-17-2023)*

.01 PURPOSE: The purpose of this ordinance is to facilitate the construction, installation, and operation of solar energy systems in Pottawattamie County in a manner that promotes economic development, protects property values, and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, conservation lands, and other sensitive lands.

.02 CONSTRUCTION; CONFLICT: This ordinance does not repeal, abrogate, annul, impair or interfere with any existing ordinance. If this section 8.004.210 conflicts with any other provision of the Pottawattamie County, Iowa, Zoning Ordinance, this section 8.004.210 shall control.

.03 SOLAR ENERGY SYSTEMS, COMMERCIAL (CSES):

A. PURPOSE: This section provides uniform and comprehensive standards for the installation and use of CSES. CSES shall include but are not limited to solar panels, support structures, inverters/transformers, operations and maintenance buildings, electrical collector systems, energy storage technologies, wiring, communications, roads, substations and other equipment necessary for the generation, storage and delivery of electricity. The intent of this section is to protect the public health, safety, and community welfare while allowing

development of utility-scale solar energy resources for utility, commercial and industrial purposes.

B. CONDITIONAL USE: CSES shall require a conditional use permit within the A-2, A-3, R-1, C-1, C-2, C-3, I-1 and I-2 zoning districts. This use is prohibited in all other zoning districts in the County. Concentrated solar energy systems are prohibited in the County. Where CSES are part of a unified plan or aggregated project, the applicant may submit a single conditional use permit application and may sign the application in lieu of individual property owner(s). The applicant shall provide reasonable documentation evidencing the property owner(s) authorize the applicant to construct and operate a CSES on the property or to seek a conditional use permit for such purpose.

C. SPECIAL REQUIREMENTS: CSES are subject to the following requirements:

1. HEIGHT: A solar panel shall be no less than two (2) feet off the ground. A solar panel shall not exceed twenty (20) feet in height above grade at maximum tilt of the solar panel.

2. SETBACKS: CSES shall be setback from lot lines as set forth in underlying zoning district. Solar panels within a CSES shall not be located less than three hundred (300) feet from the closest exterior wall of any occupied non-participating dwelling. There shall be no setback to any participating dwelling. There shall be no side or rear yard setback for any lot line where the CSES is located on abutting participating parcels.

3. SUBMITTAL REQUIREMENTS: The applicant shall submit all materials contained in this section at the time of the application for a conditional use permit.

4. PERMITTING PROCESS: The applicant shall go through the following process for conditional use permit approval:
   a. Applicant shall meet with the Development Director and submit all required documents.

   b. Development Director will submit all documents to the Pottawattamie County Department Approval Committee. Said Committee shall consist of the County Board and the Development Director along with the department head or the designated employee from the following departments: Conservation, County Engineer/Secondary Roads, and Sheriff. All identified departments must approve with signature that all requirements pertaining to that department are met prior to submission to the *Adjustment Board*.

   c. The conditional use permit application shall be presented to the *Adjustment Board* for a public hearing and decision on the conditional use permit.

d. County Board shall consider a decommissioning plan, decommissioning agreement (including financial security), Public Roads Damage Avoidance and Mitigation Plan and related agreement. The CSES may not proceed to construction until the County Board has approved these plans and the Chairperson and the applicant have executed these agreements.

e. The use(s) outlined in the application shall be established in accordance with the draft plans considered by the approving authority within five (5) years of approval. "Commencing Construction" is determined by disturbance of soil at project site that is not part of a primary farming operation. Any portion of the development plan not completed within five (5) years of approval by the approving authority shall not be installed until the development has been reauthorized by the approving authority. Reauthorization shall be subject to the regulations in effect at the time reauthorization is requested.

5. SECURITY; FENCING: Absent contrary direction from the Iowa Utilities Board, the CSES shall be fenced with a minimum eight foot (8') tall security fence. "*Warning/No Trespassing*" signs, as well as contact information for emergency purposes, shall be posted within sight of all points of fence line or no greater than one hundred fifty feet (150') apart. At the discretion of the approving authority, critical electrical and communications equipment may be fenced with the chain-link fence topped with barbed wire when such measures are deemed necessary to ensure public safety.

6. AGRICULTURAL IMPACT MITIGATION PLAN: The applicant shall submit a plan with the conditional use permit application detailing the mitigation strategy to support agricultural use of the land. The plan will be reviewed by the Development Director and shall include, but is not limited to:

a. Results of a soil analysis conducted and assessed by a qualified professional to determine topsoil depths, as well as identify any limitations for construction and mitigation that may require special consideration.

b. General list of project components and construction timeline.

c. Describe best practices and methods to be used during each stage of construction for protecting and preserving topsoil. Practices and methods should address, at minimum, avoidance of removal of topsoil. However, if removal of topsoil is necessary, applicant should plan for segregation, stockpiling, replacement during backfill and respreading, grading minimization, compaction prevention and decompaction of otherwise undisturbed topsoil impact by heavy equipment or storage of materials and wet weather conditions.

d. Describe environmental monitoring that will be used during construction to ensure adherence to the best practices contained in the plan. The monitoring should be done by an environmental professional at the

expense of the developer. The monitoring results should be submitted to the County through the Planning Department every thirty (30) days during construction.

e. Describe the general procedures to be used for identification, avoidance and repair of any underground drainage tile lines located within the project site before, during and after construction.

7. SOIL EROSION AND SEDIMENT CONTROL: The applicant shall conduct all roadwork and other site development work in compliance with Chapter 10.15 of the Pottawattamie County, Iowa, Code (Grading and Excavation), and a national pollutant discharge elimination system (NPDES) permit as required by the Iowa Department of Natural Resources and comply with requirements as detailed by local jurisdictional authorities during the plan submittal. If subject to NPDES requirements, the applicant must submit the permit to the Development Director for review and comment along with an erosion and sediment control plan before the "Commencement of Construction", which is determined by disturbance of soil at project site, not considered for a primary farming operation. The plan must include both general "best management practices" for temporary erosion and sediment control (both during and after construction) and permanent drainage and erosion control measures to prevent both damage to local roads/adjacent areas and sediment laden run-off into waterways.

8. VEGETATION MITIGATION PLAN:

a. A Vegetation Mitigation Plan must be provided to the Planning and Development Department with the conditional use permit application. The Vegetation Mitigation Plan will be reviewed by the Development Director.

b. Ground under and around the CSES shall be planted with a perennial vegetative ground cover as identified in the Vegetation Mitigation Plan. The ground cover plan shall be developed in accordance with the following standards:

i. Avoid removal of topsoil to maximum extent possible during development and decommissioning unless part of a remediation effort.
ii. The vegetation shall be planted and maintained, per the Vegetation Mitigation Plan, for the full operational life of the CSES to prevent erosion, manage runoff and build soil. The Vegetation Mitigation Plan must include management methods and schedules for how the vegetation will be managed on an annual basis, with the particular attention given to the establishment period of approximately three (3) years. The Vegetation Mitigation Plan must include provisions for replacement of any required vegetation cover that fails to establish or dies during the life of the project.

iii. Plant materials for the ground cover area must not have been treated with systemic insecticides, particularly neonicotinoids.
iv. The application and Vegetation Mitigation Plan shall include the proposed seed mix specifications and growth guidelines to follow.
v. Seeding zones and their selected seed mixes should be clearly mapped on a site plan.
vi. Seed and/or planting mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals, such as those from a state department of natural resources, county soil and water conservation services, or natural resource conservation service.
vii. Reporting to the County through the Planning Department on ground cover management and maintenance activities shall be on an annual basis for a minimum of five (5) years after which point reduced frequency can be requested and approved at the discretion of the Development Director.
viii. At the discretion of the Development Director, other practices, such as small-scale farming, beekeeping operations or grazing, may be allowed in the ground cover area as part of the conditional use permit.

9. LANDSCAPING BUFFER: To mitigate potential negative effects and reduce the visual impact of the CSES, a landscaping buffer shall be installed and maintained during the life of the CSES. Determination of screening requirements will be made by the approving authority as part of the review of the conditional use permit and will be based on adjacent or nearby surrounding land uses and topography. Where the approving authority finds that a landscaping buffer is appropriate, landscaping shall be installed within a planting area around the portions of the site specified by the approving authority in accordance with the standards as of this subsection. All applications for which this subsection applies shall submit a plan for review and approval. The landscaping buffer shall use trees, shrubs, grasses and forbs that are native to Iowa or where appropriate may include naturalized and non-invasive species or a combination thereof to provide a vegetation screen in all required areas.

10. LIGHTING: If lighting is provided for the CSES, lighting shall be shielded and downcast such that the light does not project directly onto the adjacent parcels.

11. SOUND: Sound levels caused by the CSES measured at the closest exterior wall of any occupied non-participating residence shall not exceed fifty (50) decibels (A-weighted).

12. GLARE; AVIATION PROTECTION. The CSES shall be designed and located to minimize glare towards any occupied buildings on adjacent properties. Applicant must complete and provide with the application the results of a Solar Glare Hazard Analysis Tool or most recent version adopted by the Federal Aviation Administration (FAA). Applicant must provide evidence of notice and no response and/or non-objection from FAA and Offutt Air Force Base that the CSES will not affect commercial or military flights.

13. UTILITY CONNECTIONS: Applicant shall make reasonable efforts to place all collection lines within the CSES underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements. High-voltage lines between the CSES and substations may be above ground.

14. OUTDOOR STORAGE: Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the CSES shall be allowed.

15. ENDANGERED SPECIES AND WETLANDS: Applicant shall consult with the Iowa Department of Natural Resources.

16. WEED CONTROL: Applicant must present an acceptable weed/grass control plan for property outside of the fenced area for the entire CSES. The CSES operator must maintain the fence and adhere to a weed control plan. The plan must be approved by the Development Director and Conservation Department.

17. WASTE: All solid wastes, whether generated from supplies, equipment parts, packaging, operation, grazed animals, farming operation or maintenance of the CSES, shall be removed from the site and disposed of in an appropriate manner. All hazardous waste shall be removed from the site immediately and disposed of in a manner consistent with all local, state and federal requirements.

18. MAINTENANCE, REPAIR OR REPLACEMENT OF A FACILITY: Maintenance shall include, but not limited to, painting, structural repairs, and integrity of security measures. Any retrofit, replacement or refurbishment of equipment shall adhere to all applicable local, state and federal requirements.

19. CLEANING CHEMICALS AND SOLVENTS: During operation of the CSES, all chemicals or solvents used to clean photovoltaic panels shall be low in volatile organic compounds and the operator shall use recyclable or biodegradable products to the extent possible. Any on-site storage of chemicals or solvents shall be referenced on the site plan.

20. STORM WATER MANAGEMENT. Prior to receiving a building permit, for the purposes of pollutant removal, storm water and runoff management, flood reduction and associated impacts, the applicant shall provide a detailed storm water management plan in compliance with Chapter 10.15 of the Pottawattamie County, Iowa, Code (Grading and Excavation).

21. ADMINISTRATION AND ENFORCEMENT: Development Director and any necessary personnel may enter any property for which a conditional use permit or building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met as specified by statute, ordinance, and code. Failure to provide access shall be deemed a violation of this ordinance.

D. SAFETY: All CSES shall provide the following at all locked entrances:

1. A visible "High Voltage" warning sign.

2. Name(s) and phone number(s) for the electric utility provider(s).

3. Name(s) and phone number(s) for the site operator(s).

4. The facility's 911 address and GPS coordinates.

5. The site operator will coordinate with the local fire department and Emergency Management to provide training on an annual basis for the first five (5) years the CSES is complete and in operation. Said training will commence within six (6) months prior to the completion of the CSES. After that, offered on an annual basis for the life of the project. All emergency responding agencies will sign off that said training was completed or offered.

E. REPOWERING: At the discretion of the Development Director, proposals to replace more than twenty-five percent (25%) of the panels in a CSES within a twelve (12) month period may be required to submit a plan for review and approval with all associated costs assigned to the applicant and/or the property owner(s).

F. ROADS: The applicant, owners and their contractors shall avoid damaging public roads to the greatest practicable extent and shall be responsible for repair of damage to public roads. A Public Roads Damage Avoidance and Mitigation Plan shall be in accordance with the following standards and approved by the County Board before the applicant commences construction:

1. IDENTIFICATION OF POTENTIAL ROADS USAGE: The applicant shall identify, in consultation with the County Engineer, all state and local public roads to be used within the County to transport equipment, parts and material for construction, operation or maintenance of the CSES and related components.
2. DOCUMENTATION OF ROAD CONDITIONS: Prior to construction, decommissioning or implementation of a repowering plan, the County Engineer or a third-party consultant selected by the County Engineer shall document the current conditions of the roads identified for use with physical and video documentation. The County Engineer or a third-party consultant selected by the County Engineer shall document road conditions again thirty (30) days after the CSES construction, decommissioning or implementation of a repowering plan is complete, or as weather permits. The requirements of this Subsection shall be at the sole cost of the applicant or owner of the CSES.
3. ROAD PREPARATION AND DAMAGE: The applicant or owner of the CSES shall promptly cause the completion of any necessary road preparation, maintenance or repair associated with CSES construction, operation, maintenance, decommissioning or implantation of a repowering plan, as identified by the County Engineer or a third-party consultant selected by the

County Engineer. All road preparation, maintenance and repair shall be at the sole cost of the applicant or owner of the CSES and to reasonable satisfaction of the County Engineer based on the applicable standards and codes.

4. FINANCIAL SURETY: Applicant shall demonstrate appropriate financial assurance to ensure road preparation, maintenance and repair. At the direction of the County Board, the applicant or the owner of the CSES may also be required to provide a financial surety instrument or bond at the time of permitting consideration.

G. DECOMMISSIONING AND RECLAMATION PLAN: The applicant shall submit a decommissioning and reclamation plan to the Development Director with the conditional use permit application. The Development Director shall review the plan for completeness and refer it to the *Adjustment Board* for review in conjunction with the conditional use permit and the County Board for final consideration and approval prior to the applicant commencing construction. The plan shall include:

1. A description of the life of the CSES; the anticipated manner which the project will be decommissioned, including plans to recycle components; the anticipated site restoration actions; the estimated decommissioning costs in current dollars; and the method for ensuring that funds will be available for decommissioning and restoration.

2. Estimates for the total cost for decommissioning at the current value at site as determined by a licensed engineer. Decommissioning cost estimates shall take salvage and resale value into account.

3. A description of the means to remove the CSES and restore the land to its previous use upon the end of its life, as stated in the conditional use permit or this ordinance.

4. Provisions to remove structures, debris and associated equipment on the surface and to a level of not less than six (6) feet below the surface, and the timeline/sequence in which removal is expected to occur.

5. Provisions to restore the soil, vegetation, and disturbed earth, which shall be graded and reseeded and/or the property may be returned to agricultural use. Avoidance of topsoil is preferred. The plan shall include environmental monitoring at the cost of the developer to be used in returning the project area back to agricultural use. Environmental monitoring shall include best practices to address at minimum invasive species prevention, erosion, sediment control and debris removal.

6. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator of the CSES and any of their successors, assigns or heirs, and that the landowner has granted permission for access and easements of the property for decommissioning.

7. FINANCIAL SURETY: No later than the tenth (10th) year following the date the applicant or CSES owner completes construction, as evidenced by a

certificate of completion, the applicant of CSES owner shall provide a financial surety instrument to cover the cost of decommissioning in accordance with the following:

a. Decommissioning funds or financial surety shall be in an amount equal to the net cost for decommissioning the site, plus a ten percent (10%) contingency.

b. The financial surety shall be maintained in the form of cash, certificate of deposit, performance bond, escrow account, surety bond, letter of credit, corporate guarantee or other form of financial assurance acceptable to the County Board. Any document evidencing the maintenance of the financial surety shall include provisions for releasing the funds to the County in the event decommissioning is not completed in a timely manner.

c. Financial surety shall be maintained for the remaining life of the CSES.

d. Every five (5) years, the CSES owner or operator shall retain an independent licensed engineer to re-estimate the total cost of decommissioning and attest that the value of the financial surety instrument is appropriate. This report shall be filed with the Planning and Development department and the Auditor. The decommissioning surety shall match the re-estimated cost of decommissioning plus a ten percent (10%) contingency. Within ninety (90) days of filing the re-estimation report with the County through the Planning Department, the CSES owner or operator shall cause the fund balance of the financial surety instrument to be adjusted, if applicable.

e. RELEASE OF FINANCIAL SURETY: Financial surety shall only be released by the Development Director, after inspection that all conditions of the decommissioning plan have been met.

8. INDEMNIFICATION AND LIABILITY: The applicant, owner and/or operator of the CSES shall defend, indemnify, and hold harmless the County and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorneys' fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operations of the CSES.

9. CESSATION OF OPERATIONS: Any CSES that has not been in operation and producing electricity for at least one hundred and eighty (180) consecutive days, unless caused by a natural catastrophic event, shall be decommissioned. The Development Director shall notify the owner to decommission and remove the CSES. Within two hundred and seventy (270) days thereafter, the owner shall either submit evidence showing that the CSES has been operating and producing electricity or that is has been fully decommissioned in compliance with this Ordinance. If the owner fails to or refuses to remove the CSES, the violation shall be referred to the County Attorney. In the case of a natural catastrophic event, a detailed restoration

plan to return to operational status must be provided to the Development Director.

10. VIOLATIONS & PENALTIES: Violations and penalties of this section are set forth in Chapter 1.75 of the Pottawattamie County, Iowa, Code (Violations and Penalties).

11. RELATED RULES AND REGULATIONS: Each CSES shall comply with all applicable local, state and federal requirements.

12. SEVERABILITY: The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

13. CONDITIONAL USE PERMIT FEE(S) FOR CSES: The conditional use permit application fee(s) will be approved and adopted by resolution of the County Board and shall be set forth in Chapter 1.50 of the Pottawattamie County, Iowa, Code (Schedule of Fees).

.04 SOLAR ENERGY SYSTEMS, NON-COMMERCIAL (SES):

A. PURPOSE: This section provides uniform and comprehensive standards for the installation and the use of SES for on-site home, farm and small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of this section is to protect the public health, safety and community welfare without unduly restricting the development of SES.

B. ACCESSORY USE: SES shall be considered an accessory use to a permitted principal or conditional use in any zoning district.

C. SPECIAL REQUIREMENTS: SES shall be subject to the requirements included in this section:

1. GROUND MOUNTED SES HEIGHT: Shall not be greater that fifteen (15) feet at maximum tilt of the solar panel(s).

2. STRUCTURE MOUNTED SES HEIGHT: Shall not be greater than the allowable height of any structure within the zoning district in which the SES is to be installed.

3. SETBACKS: The ground mounted SES shall maintain perimeter setbacks including side and rear yard setbacks of ten (10) feet measured at full horizontal tilt and ten (10) feet from any other building or structure on the same lot. No solar panels within the SES may be located in the required front yard setback unless at least fifty (50) feet back from the edge of the county road right-of-way or at least eighty (80) feet back from the edge of state or federal road right-of-way.

4. BUILDING CODES: All county, state and federal construction codes shall be followed.

5. USE: SES shall provide electricity for on-site use by the owner. This does not prohibit an owner from making excess power available for net metering.

D. BUILDING PERMIT: Before a building permit is issued, the following shall be submitted to the Development Director for review:

1. Site Plan Showing:

   a. Address, email address, and phone number of the property owner;
   b. Parcel lines;
   c. All existing structures with heights clearly marked;
   d. Sanitary infrastructure (i.e., septic field);
   e. Setback measurements;
   f. Easements present on the property, including those for utilities;
   g. Septic field tile location;
   h. Floodplain location, if applicable;
   i. Topography lines (2-foot contours);
   j. Location of all solar panels and associated equipment; and
   k. Location of the electrical disconnect for the SES.

2. Evidence that the local electric utility has been informed of the customer's intent to install a customer-owned SES.
3. Evidence that the site plan has been submitted to the local fire protection district.
4. Evidence that all contact information for site has been provided to Emergency Management.
5. After a review and acceptance of site plan and required information, a building permit authorizing construction shall be issued.

8.004.220 PLACEMENT OF TOWERS AND ANTENNAS: The applicant for construction of a tower or placement of a commercial telecommunications antenna on an existing structure other than a tower previously permitted shall when submitting an application for a *conditional use* permit and/or a building permit file an application which includes the following documents. Antenna placement on existing towers previously permitted shall only require a building permit. Towers and the associated equipment for emergency communications or other County systems are exempt from the development standards of this Section and from *conditional use* permits recited in the various zoning *district*s. *(Ordinance #2007-09/10-12-07)*

.01 A site plan, drawn to scale, identifying the site boundary; tower location, tower height; guy wires and anchors; existing and proposed structures, including *accessory structures*; photographs or elevation drawings depicting design of proposed structures, parking, fences, and landscape plan; as well as existing uses on abutting parcels. A site plan is not required if the applicant's antenna is to be mounted on an approved existing structure. *(Ordinance #2007-09/10-12-07)*

.02 A current map showing locations of applicant's antennas, facilities, existing towers and proposed towers which are reflected in public records, serving any property within the county; *(Ordinance #2007-09/10-12-07)*

.03 A report from a structural engineer containing the following:

a. A description of the tower, including a description of the design characteristics and materials;

b. Documentation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location and meets the minimum safety requirements in Electronics Industries Association (EIA) Standard 222;

c. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate. *(Ordinance #2007-09/10-12-07)*

.04 If the applicant is other than the site owner, written authorization from the site owner for the application. *(Ordinance #2007-09/10-12-07)*

.05 Identification of the owners of all antennas and equipment to be located at the site; *(Ordinance #2007-09/10-12-07)*

.06 *Written evidence by the applicant in regards to the reasoning for choosing the proposed location and the reason the applicant did not choose collocation. The evidence shall include a sworn statement from an individual who has responsibility over placement of the tower attesting that collocation within the area determined by the applicant to meet the applicant's radio frequency engineering requirements for the placement of a site would not result in the same mobile service functionality, coverage, and capacity, is technically infeasible, or is economically burdensome to the applicant. (Ordinance #2015-05/12-18-2015)*

.07 Evidence that a valid FCC license for the proposed activity has been issued; *(Ordinance #2007-09/10-12-07)*

.08 A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential *district*s; *(Ordinance #2007-09/10-12-07)*

.09 A written agreement to remove the tower and/or antenna within one hundred eighty (180) days after cessation of use; *(Ordinance #2007-09/10-12-07)*

.10 Documentation that the proposed tower site and height have been approved by the appropriate Airport authority. *(Ordinance #2007-09/10-12-07)*

.11 All towers and telecommunication facilities shall be of camouflage design standards. Examples of camouflage facility include, but are not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, telecommunication 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 required by FAA, painting or markings shall have an exterior finish which is galvanized or painted dull blue, gray or black. *(Ordinance #2007-09/10-12-07)*

.12 All towers up to fifty (50) feet in height shall be set back a distance equal to the underlying setback requirements in the applicable zoning *district*. Towers in excess of fifty (50) feet in height shall be set back a distance equal to the manufacturer's designed fall distance. Documentation to said fall distance shall be submitted with the application. Setback requirements shall be measured from the base of the tower to the nearest boundary line of the tract of land on which it is located. *(Ordinance #2007-09/10-12-07)*

.13 All towers shall be located a minimum distance of equal to or greater than the height of the tower from adjacent dwellings or structures other than those associated with the tower facility. *(Ordinance #2007-09/10-12-07)*

.14 To limit climbing access to the tower, a fence six (6) feet in height with a locking portal or an anti-climbing device is required around the tower base. *(Ordinance #2007-09/10-12-07)*

.15 No tower shall be constructed in a manner which will interfere with emergency communication transmissions of the County. The applicant shall request documentation from the County Sheriff to verify that said tower will not create such interference. Said documentation shall be submitted with the application. Any cost incurred in the process of certifying that the tower, transmitter, receiver or any other communications equipment will not interfere with emergency communication transmissions shall be a the applicant's expense. *(Ordinance #2007-09/10-12-07)*

.16 *RECORDS. All records, documents, and electronic data in the possession or custody of the County are subject to Iowa Code Chapter 22. Disclosure of such records shall be consistent with applicable state law. (Ordinance #2015-05/12-18-2015)*

.17 INSPECTIONS. At least every twenty-four (24) months, every tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of 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."

.18 ABANDONMENT. In the event the use of any 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 *Development Director*. Upon such abandonment, the tower owner shall have an additional 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. *(Ordinance #2007-09/10-12-07)*

8.004.230 WIND ENERGY SYSTEMS, COMMERCIAL (CWES) *(Ordinance #2023-05/11-17-2023)*

.01 PURPOSE: This ordinance provides uniform and comprehensive standards for the installation and use of CWES. CWES shall include but are not limited to WTGs, support structures, inverters/transformers, operations and maintenance buildings, meteorological towers, electrical collector systems, energy storage technologies, wiring, communications, roads, substations and other equipment necessary for the generation, storage and delivery of electricity. The intent of these regulations is to protect the public health, safety, and community welfare while allowing development of utility-scale wind energy resources for utility, commercial and industrial purposes.

.02 CONSTRUCTION; CONFLICT: This section does not repeal, abrogate, annul, impair or interfere with any existing ordinance. If this section 8.004.230 conflicts with any other

provision of the Pottawattamie County, Iowa, Zoning Ordinance, this section 8.004.230 shall control.

.03 CONDITIONAL USE: CWES shall require a conditional use permit within the A-2 and A-3 zoning districts. This use is prohibited in all other zoning districts in the County. Where CWES are part of a unified plan or aggregated project, the applicant may submit a single conditional use permit application and may sign the application in lieu of individual property owner(s). The applicant shall provide reasonable documentation evidencing the property owner(s) authorize the applicant to construct and operate a CWES on the property or to seek a conditional use permit for such purpose.

.04 SETBACKS: WTGs in a CWES shall not be located closer than fifteen hundred (1,500) feet to the closest exterior wall of any non-participating dwelling as measured from the center of a WTG base. CWES may be setback less than fifteen hundred (1,500) feet from any participating dwelling or any dwelling for which the property owner signs a waiver agreeing to reduce the setback distance; provided, however, in no event shall a CWES be located less than one and one-tenth (1.1) times the total height to any dwelling. In no event shall a CWES be located less than one and one-tenth (1.1) times the total height to any lot line or public right-of-way; provided, however, there shall be no side or rear yard setback for any lot line where the CWES is located on abutting participating parcels.

.05 SPECIAL REQUIREMENTS: CWES are subject to the following requirements:

A. SUBMITTAL REQUIREMENTS: The applicant shall submit all materials contained in this section at the time of the application for a conditional use permit.

B. PERMITTING PROCESS: The applicant shall go through the following process for conditional use permit approval:

1. Applicant shall meet with the Development Director and submit all required documents.

2. Development Director will submit all documents to the Pottawattamie County Department Approval Committee. Said Committee shall consist of the County Board and the Development Director along with the department head or the designated employee from the following departments: Conservation, County Engineer/Secondary Roads, and Sheriff's Department. All identified departments must approve with signature that all requirements pertaining to that department are met prior to submission to the *Adjustment Board*.

3. The conditional use permit application will be presented to the *Adjustment Board* for a public hearing and decision on the conditional use permit.

4. County Board shall consider a decommissioning plan, decommissioning agreement (including financial security), Public Roads Damage Avoidance and Mitigation Plan and related agreement. The CWES may not proceed to construction until the County Board has approved these plans and the Chairperson and the applicant have executed these agreements.

5. The use(s) outlined in the application shall be established in accordance with the draft plans considered by the approving authority within five (5) years of approval. “Commencing Construction” is determined by disturbance of soil at project site that is not part of a primary farming operation. Any portion of the development plan not completed within five (5) years of approval by the approving authority shall not be installed until the development has been

reauthorized by the approving authority. Reauthorization shall be subject to the regulations in effect at the time reauthorization is requested.

C. SECURITY; FENCING: CWES shall be equipped with anti-climbing devices or be of a mono-tower type with locking doors. Tower climbing apparatus shall be at least ten (10) feet above ground level. At the discretion of the approving authority, critical electrical and communications equipment may be fenced with the chain-link fence topped with barbed wire when such measures are deemed necessary to ensure public safety.

D. AGRICULTURAL IMPACT MITIGATION PLAN: The applicant shall submit a plan with the conditional use permit application detailing the mitigation strategy to support agricultural use of the land. The plan will be reviewed by the Development Director and shall include, but is not limited to:

1. Results of a soil analysis conducted and assessed by a qualified professional to determine topsoil depths, as well as identify any limitations for construction and mitigation that may require special consideration.

2. General list of project components and construction timeline.

3. Describe best practices and methods to be used during each stage of construction for protecting and preserving topsoil. Practices and methods should address, at minimum, avoidance of removal of topsoil. However, if removal of topsoil is necessary, applicant should plan for segregation, stockpiling, replacement during backfill and respreading, grading minimization, compaction prevention and decompaction of otherwise undisturbed topsoil impact by heavy equipment or storage of materials and wet weather conditions.

4. Describe environmental monitoring that will be used during construction to ensure adherence to the best practices contained in the plan. The monitoring should be done by an environmental professional at the expense of the developer. The monitoring results should be submitted to the County through the Planning Department every thirty (30) days during construction.

5. Describe the general procedures to be used for identification, avoidance and repair of any underground drainage tile lines located within the project site before, during and after construction.

E. SOIL EROSION AND SEDIMENT CONTROL: The applicant shall conduct all roadwork and other site development work in compliance with Chapter 10.15 of the Pottawattamie County, Iowa, Code (Grading and Excavation), and a national pollutant discharge elimination system (NPDES) permit as required by the Iowa Department of Natural Resources and comply with requirements as detailed by local jurisdictional authorities during the plan submittal. If subject to NPDES requirements, the applicant must submit the permit to the Development Director for review and comment along with an erosion and sediment control plan before the “Commencement of Construction”, which is determined by disturbance of soil at project site, not considered for a primary farming operation. The plan must include both general “best management practices” for temporary erosion and sediment control (both during and after construction) and permanent drainage and erosion control measures to prevent both damage to local roads/adjacent areas and sediment laden run-off into waterways.

F. LIGHTING: Lighting shall be shielded such that the light does not project directly onto the adjacent parcels to the extent the FAA allows. If permitted by the FAA, all CWES shall utilize an aircraft detection lighting system (ADLS).

G. DESIGN: CWES color and finish shall be white, gray or another non-obtrusive, non-reflective finish. There shall be no advertising, logo, or other symbols painted on the WTG other than those required by the FAA or other governing body. Each WTG shall have a name plate which is clearly legible from the public right-of-way and contains contact information of the operator of the CWES.

H. SOUND: Sound levels caused by the CWES measured at least 25 feet from the closest exterior wall of any non-participating dwelling shall not exceed fifty (50) decibels (A-weighted, Leq, one hour). Each application shall include a professional third-party pre-construction sound study which includes all property within at least one (1) mile of each WTG and must be able to demonstrate compliance with the noise standards in this section.

I. SHADOW FLICKER: For any WTG which is within half mile of any non-participating dwelling, applicant shall provide shadow flicker modeling data showing the expected effect of shadow flicker on non-participating properties. Shadow flicker shall not fall upon any non-participating dwelling, or other building which is occupied by humans, for more than a total of 30 hours per any calendar year.

J. UTILITY CONNECTIONS: Applicant shall make reasonable efforts to place all collection lines within the CWES underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements. High-voltage lines between the CWES and substations may be above ground.

K. OUTDOOR STORAGE: Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the CWES shall be allowed.

L. ENDANGERED SPECIES AND WETLANDS: Applicant shall consult with the Iowa Department of Natural Resources.

M. WEED CONTROL: Applicant must present an acceptable weed/grass control plan for property outside of the fenced area for the entire CWES. The CWES operator must maintain the fence and adhere to a weed control plan. The plan must be approved by the Development Director and Conservation Department.

N. WASTE: All solid wastes, whether generated from supplies, equipment parts, packaging, operation, grazed animals, farming operation or maintenance of the CWES, shall be removed from the site and disposed of in an appropriate manner. All hazardous waste shall be removed from the site immediately and disposed of in a manner consistent with all local, state and federal requirements.

O. MAINTENANCE, REPAIR OR REPLACEMENT OF A FACILITY: Maintenance shall include, but not limited to, painting, structural repairs, and integrity of security measures. Any retrofit,

replacement or refurbishment of equipment shall adhere to all applicable local, state and federal requirements.

P. STORM WATER MANAGEMENT. Prior to receiving a building permit, for the purposes of pollutant removal, storm water and runoff management, flood reduction and associated impacts, the applicant shall provide a detailed storm water management plan in compliance with Chapter 10.15 of the Pottawattamie County, Iowa, Code (Grading and Excavation).

Q. AVIATION PROTECTION. Wind turbine generators shall meet all FAA requirements, including but not limited to, lighting and radar interference issues. Applicant must provide evidence of notice and no response and/or non-objection from FAA and Offutt Air Force Base that the CWES will not affect commercial or military flights.

R. ADMINISTRATION AND ENFORCEMENT: Development Director and any necessary personnel may enter any property for which a conditional use permit or building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met as specified by statute, ordinance, and code. Failure to provide access shall be deemed a violation of this ordinance.

.06 SAFETY: All CWES shall provide the following at all locked entrances:

A. A visible “High Voltage” warning sign.

B. Name(s) and phone number(s) for the electric utility provider(s).

C. Name(s) and phone number(s) for the site operator(s).

D. The facility’s 911 address and GPS coordinates.

E. The site operator will coordinate with the local fire department and Emergency Management to provide training on an annual basis for the first five (5) years the CWES is complete and in operation. Said training will commence within six (6) months prior to the completion of the CWES. After that, offered on an annual basis for the life of the project. All emergency responding agencies will sign off that said training was completed or offered.

.07 REPOWERING: At the discretion of the Development Director, proposals to replace more than twenty-five percent (25%) of the WTGs in a CWES within a twelve (12) month period may be required to submit a plan for review and approval with all associated costs assigned to the applicant and/or the property owner(s). Replacement for this purpose shall mean installing new blades of the same size, generator and nacelle. Any one of those items individually shall not constitute replacement in this context.

.08 ROADS: The applicant, owners and their contractors shall avoid damaging public roads to the greatest practicable extent and shall be responsible for repair of damage to public roads. A Public Roads Damage Avoidance and Mitigation Plan shall be in accordance with the following standards and approved by the County Board before the applicant commences construction:

A. IDENTIFICATION OF POTENTIAL ROADS USAGE: The applicant shall identify, in consultation with the County Engineer, all state and local public roads to be used within the County to transport

equipment, parts and material for construction, operation or maintenance of the CWES and related components.

B. DOCUMENTATION OF ROAD CONDITIONS: Prior to construction, decommissioning or implementation of a repowering plan, the County Engineer or a third-party consultant selected by the County Engineer shall document the current conditions of the roads identified for use with physical and video documentation. The County Engineer or a third-party consultant selected by the County Engineer shall document road conditions again thirty (30) days after the CWES construction, decommissioning or implementation of a repowering plan is complete, or as weather permits. The requirements of this Subsection shall be at the sole cost of the applicant or owner of the CWES.

C. ROAD PREPARATION AND DAMAGE: The applicant or owner of the CSES shall promptly cause the completion of any necessary road preparation, maintenance or repair associated with CWES construction, operation, maintenance, decommissioning or implantation of a repowering plan, as identified by the County Engineer or a third-party consultant selected by the County Engineer. All road preparation, maintenance and repair shall be at the sole cost of the applicant or owner of the CWES and to reasonable satisfaction of the County Engineer based on the applicable standards and codes.

D. FINANCIAL SURETY: Applicant shall demonstrate appropriate financial assurance to ensure road preparation, maintenance and repair. At the direction of the County Board, the applicant or the owner of the CWES may also be required to provide a financial surety instrument or bond at the time of permitting consideration.

.09 DECOMMISSIONING AND RECLAMATION PLAN: The applicant shall submit a decommissioning and reclamation plan to the Development Director with the conditional use permit application. The Development Director shall review the plan for completeness and refer it to the *Adjustment Board* for review in conjunction with the conditional use permit and the County Board for final consideration and approval prior to the applicant commencing construction. The plan shall include:

A. A description of the life of the CWES; the anticipated manner which the project will be decommissioned, including plans to recycle components; the anticipated site restoration actions; the estimated decommissioning costs in current dollars; and the method for ensuring that funds will be available for decommissioning and restoration.

B. Estimates for the total cost for decommissioning at the current value at site as determined by a licensed engineer. Decommissioning cost estimates shall take salvage and resale value into account.

C. A description of the means to remove the CWES and restore the land to its previous use upon the end of its life, as stated in the conditional use permit or this ordinance.

D. Provisions to remove structures, debris and associated equipment on the surface and to a level of not less than six (6) feet below the surface, and the timeline/sequence in which removal is expected to occur.

E. Provisions to restore the soil, vegetation, and disturbed earth, which shall be graded and reseeded and/or the property may be returned to agricultural use. Avoidance of topsoil is preferred. The plan shall include environmental monitoring at the cost of the developer to be used in returning the

project area back to agricultural use. Environmental monitoring shall include best practices to address at minimum invasive species prevention, erosion, sediment control and debris removal.

F. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator of the CWES and any of their successors, assigns or heirs, and that the landowner has granted permission for access and easements of the property for decommissioning.

G. FINANCIAL SURETY: No later than the tenth (10th) year following the date the applicant or CSES owner completes construction, as evidenced by a certificate of completion, the applicant of CSES owner shall provide a financial surety instrument to cover the cost of decommissioning in accordance with the following:

1. Decommissioning funds or financial surety shall be in an amount equal to the net cost for decommissioning the site, plus a ten percent (10%) contingency.

2. The financial surety shall be maintained in the form of cash, certificate of deposit, performance bond, escrow account, surety bond, letter of credit, corporate guarantee or other form of financial assurance acceptable to the County Board. Any document evidencing the maintenance of the financial surety shall include provisions for releasing the funds to the County in the event decommissioning is not completed in a timely manner.

3. Financial surety shall be maintained for the remaining life of the CWES.

4. Every five (5) years, the CWES owner or operator shall retain an independent licensed engineer to re-estimate the total cost of decommissioning and attest that the value of the financial surety instrument is appropriate. This report shall be filed with the Planning and Development department and the Auditor. The decommissioning surety shall match the re-estimated cost of decommissioning plus a ten percent (10%) contingency. Within ninety (90) days of filing the re-estimation report with the County through the Planning Department, the CWES owner or operator shall cause the fund balance of the financial surety instrument to be adjusted, if applicable.

5. RELEASE OF FINANCIAL SURETY: Financial surety shall only be released by the County Board by the recommendation from the Development Director, after inspection that all conditions of the decommissioning plan have been met.

.10 INDEMNIFICATION AND LIABILITY: The applicant, owner and/or operator of the CWES shall defend, indemnify, and hold harmless the County and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorneys' fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operations of the CWES.

.11 CESSATION OF OPERATIONS: Any CWES that has not been in operation and producing electricity for at least one hundred and eighty (180) consecutive days, unless caused by a natural catastrophic event, shall be decommissioned. The Development Director shall notify the owner to decommission and remove the CWES. Within two hundred and seventy (270) days thereafter, the owner shall either submit evidence showing that the CWES has been operating and producing electricity or that it has been fully decommissioned in compliance with this Ordinance. If the owner fails to or refuses to remove the CWES, the violation shall be referred to the County Attorney. In

the case of a natural catastrophic event, a detailed restoration plan to return to operational status must be provided to the Development Director.

.12 VIOLATIONS & PENALTIES: Violations and penalties of this Section are set forth in Chapter 1.75 of the Pottawattamie County, Iowa, Code (Violations and Penalties).

.13 RELATED RULES AND REGULATIONS: Each CWES shall comply with all applicable local, state and federal requirements.

.14 SEVERABILITY: The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

.15 CONDITIONAL USE PERMIT FEE(S) FOR CWES: The conditional use permit application fee(s) will be approved and adopted by resolution of the County Board and shall be set forth in Chapter 1.50 of the Pottawattamie County, Iowa, Code (Schedule of Fees).

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~~PLACEMENT OF COMMERCIAL WIND TURBINE GENERATORS: The placement of all Commercial Wind Turbine Generators shall comply with the following: (Ordinance #2008-07/06-06-08)~~

~~.01 The application shall provide reasonable documentation evidencing that the property owner has provided the applicant with the right to construct and operate a Commercial Wind Farm on the subject property. (Ordinance #2008-07/06-06-08)~~

~~.02 The Commercial Wind Farm shall not cause interference to the radio and television reception on adjoining property and in the event of any such interference, the owner of the Commercial Wind Farm shall remedy such interference. (Ordinance #2008-07/06-06-08)~~

~~.03 Notwithstanding any other consideration including calculated sound levels, no Commercial Wind Turbine Generator shall be located at a distance less than one thousand (1,000) feet from the nearest occupied dwelling. Commercial Wind Turbine Generator may be setback less than one thousand (1,000) feet from an occupied dwelling if the property owner signs a waiver agreeing to the reduced setback distance; provided however, the Commercial Wind Turbine Generator shall not be located closer than the distance equal to the Total Height.~~

~~.04 Setback distances with respect to property lines shall not apply to Commercial Wind Turbine Generators located within a Commercial Wind Farm where the property lines nearest to any given Commercial Wind Turbine Generator define and separate properties that are within the Commercial Wind Farm site. (Ordinance #2008-07/06-06-08)~~

~~.05 With respect to a Commercial Wind Turbine Generator all setback and separation distances shall be defined relative to the nearest surface of the Commercial Wind Turbine Generator as measured at grade.~~

~~.06 Any Commercial Wind Turbine Generator within a Commercial Wind Farm shall be located not less than the rotor radius from the nearest non-dwelling, principal or secondary structure. (Ordinance #2008-07/06-06-08)~~

~~.07 Any Commercial Wind Turbine Generator within a Commercial Wind Farm shall be located not less than the Total Height from a public road right-of-way line. (Ordinance #2008-07/06-06-08)~~

~~.08 Any Commercial Wind Turbine Generator within a Commercial Wind Farm shall be located not less than the rotor radius from property that is not within the Commercial Wind Farm. (Ordinance #2008-07/06-06-08)~~

~~.09 No Commercial Wind Turbine Generator shall be constructed in a manner which will interfere with emergency communication transmissions of the County. The applicant shall request documentation from the County Sheriff to verify that said wind turbine will not create such interference. Said documentation shall be submitted with the application. Any cost incurred in the process of certifying that the Commercial Wind Turbine Generator and associated equipment will not interfere with emergency communication transmissions shall be at the applicant's expense. (Ordinance #2008-07/06-06-08)~~

8.004.240 WIND ENERGY SYSTEMS, NON-COMMERCIAL (WES) *(Ordinance #2023-05/11-17-2023)*

.01 PURPOSE: This section provides uniform and comprehensive standards for the installation and the use of WES for on-site home, farm and small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of this section is to protect the public health, safety and community welfare without unduly restricting the development of WES.

.02 CONSTRUCTION; CONFLICT: This section does not repeal, abrogate, annul, impair or interfere with any existing ordinance. If this section 8.004.240 conflicts with any other provision of the Pottawattamie County, Iowa, Zoning Ordinance, this section 8.004.240 shall control.

.03 ACCESSORY USE: WES shall be considered an accessory use to a permitted principal or conditional use in any zoning district.

.04 SETBACKS: WES shall not be located closer than a distance equal to one and one-tenth (1.1) times the total height to a dwelling, a property line, or a utility easement. Such distance shall be defined relative to the nearest surface of the WES as measured at grade.

.05 SPECIAL REQUIREMENTS: WES shall be subject to the requirements included in this section:

E. MINIMUM LOT SIZE: WES shall not be placed on a parcel of land or lot which is less than one (1) acre in size.

F. NO INTERFERENCE:

1. WES shall not cause interference to the radio and television reception on adjoining property and in the event of any such interference the WES owner shall remedy such interference.

2. WES shall not cause interference with emergency communication transmissions of the County. Applicant shall request documentation from the County Sheriff to verify the same and submit said documentation with any building permit application. Any cost associated therewith shall be at the applicant's expense.

.06 BUILDING CODES: All county, state and federal construction codes shall be followed.

.07 USE: WES shall provide electricity for on-site use by the owner. This does not prohibit an owner from making excess power available for net metering.

.08 BUILDING PERMIT: Before a building permit is issued, the following shall be submitted to the Development Director for review Reference.

A. Site Plan Showing:

2. Address, email address, and phone number of the property owner;
3. Parcel lines;
4. All existing structures with heights clearly marked;
5. Sanitary infrastructure (i.e., septic field);
6. Setback measurements;
7. Easements present on the property, including those for utilities;
8. Septic field tile location;
9. Floodplain location, if applicable;
10. Topography lines (2-foot contours);
11. Location of all WTGs and associated equipment; and
12. Location of the electrical disconnect for the WES.

B. Evidence that the local electric utility has been informed of the customer's intent to install a customer-owned WES.

C. Evidence that the site plan has been submitted to the local fire protection district.

D. Evidence that all contact information for site has been provided to Emergency Management.

E. After a review and acceptance of site plan and required information, a building permit authorizing construction shall be issued.

8.004.250 WINERY: The following provisions shall apply to vineyards and wineries, along with the various associated structures and uses: (Ordinance #2011-01/6-17-11)

.01 Purposes: The purpose of the vineyard shall be to grow fruits to be processed into wine. The primary purpose of the winery shall be to process fruit grown on the property owned by the owner of the winery, who shall be allowed to process imported fruits and to ferment imported juices, in accordance with Iowa Native Wine license. (Ordinance #2011-01/6-17-11)

.02 General Provisions: The following general provisions shall apply to vineyards and wineries: (Ordinance #2011-01/6-17-11)

A. Wineries shall include those areas of a structure where grapes are crushed, fermented or pressed, where bulk wine is stored in tanks or barrels, or where winery operations such as racking, filtering, blending, or bottling of wines are carried out, and on-site case goods storage. (Ordinance #2011-01/6-17-11)

B. Picnic areas and playgrounds shall be allowed provided they are subordinate to the winery and tasting room. (Ordinance #2011-01/6-17-11)

C. Retail sales of merchandise, art, and pre-packaged food items shall be allowed within the tasting facility or retail sales area of the wine and shall not be under any circumstances located in a separate structure from that of the tasting room or retail sales area of the wine. Sale of non-wine merchandise shall be subordinate to wine sales. (Ordinance #2011-01/6-17-11)

.02 Tasting Facilities (Ordinance #2011-01/6-17-11)

A. Subordinate to Winery: Tasting facilities shall be clearly related and subordinate to the primary operation of the winery. The primary focus of the tasting facility shall be the marketing and sale of the wine and grape or fruit products processed, vintaged, or bottled at the winery. Snack foods that are consumed during wine tasting are allowed. (Ordinance #2011-01/6-17-11)

B. Wine Sales: Retail and wholesale sales of wine shall include those processed, vintaged, or bottled by the winery operator and other Iowa Native Wines, subject to the provisions of the Iowa Native Wine license. (Ordinance #2011-01/6-17-11)

C. Marketing: Tasting facilities include any marketing activities sponsored by a winery facility intended for the promotion and sale of the facility's products. Activities at a marketing event may include, but are not limited to: (Ordinance #2011-01/6-17-11)

1. Live music events; provided however that concerts, an event which includes more than one facility, or facility rental events, shall be considered Special Events as described in Subsection .03. (Ordinance #2011-01/6-17-11)

2. Grape growing and wine making promotional activities. (Ordinance #2011-01/6-17-11)

3. Meetings of groups of individuals and businesses formally organized, for example Western Iowa Grape Growers Association, to support and promote wineries. (Ordinance #2011-01/6-17-11)

4. Food may be served at marketing events. (Ordinance #2011-01/6-17-11)

.03 Special Events: Special events are activities that are not the tasting and marketing events described in Subsection .02.C above. Special Event are typically activities where the property owner is compensated for the use of the site or facilities, or by an admission fee, for activities such as but not limited to weddings, parties, company picnics, birthdays, reunions, or concerts. (Ordinance #2011-01/6-17-11)

A. Number Permitted: Special events are limited to a total of 30 days per calendar year. (Ordinance #2011-01/6-17-11)

B. Capacity Limitation: (Ordinance #2011-01/6-17-11)

Events that have less than 25 persons in attendance shall not be considered Special Events and shall not count against the total number of events allowed. (Ordinance #2011-01/6-17-11)

All Special Events are limited to 300 persons. In the case where a Special Event may be held on multiple consecutive days, capacity limitations shall be counted on a per day basis. (Ordinance #2011-01/6-17-11)

In zoning *district*s where allowed, events held with an attendance of greater than 300 persons shall be processed as a separate per event approval for "Temporary establishments or enterprises involving large assemblages of people or automobiles including, but not limited to, carnivals, circuses, rodeo grounds, show rings, livestock auction barns and yards, music festivals, sports festivals and similar uses". (Ordinance #2011-01/6-17-11)

C. Existing Special Events: Any special events scheduled prior to the effective date of this section (8.004.250) shall be allowed to be held during the ensuing calendar year provided it is documented with the *Development Director* that said special event was contractually arranged in writing or publicly advertised prior to said effective date. Said documentation shall be presented to the *Development Director* within thirty (30) days of the effective date of this section. (Ordinance #2011-01/6-17-11)

D. Special Events to be held on an ongoing basis from year to year with a capacity of 26 to 300 persons shall be processed as single *conditional use* permit, addressing the general concept of the events and shall not be limited to a specific number of Special Events per year other than the limitation of the number of events and capacity stipulated in this Section (8.004.250.03). Annual renewal of *conditional use* permits shall not generally be required for Special Events unless circumstances exist that in the opinion of the *Adjustment Board* warrants a periodic review. (Ordinance #2011-01/6-17-11)

.04 Dining Facilities: Dining facilities are an establishment where food is prepared and served to the public in an established indoor seating area. The dining facility must be subordinate to the winery. (Ordinance #2011-01/6-17-11)

.05 All areas constructed to accommodate the public shall be subject to the Pottawattamie County Building Codes. Areas of the facility utilized for the production and storage of wine shall be considered agricultural exempt from the County Building Codes. Said agricultural exempt facilities are required to obtain State Electrical Permits. (Ordinance #2011-01/6-17-11)

.06 Orchards and Cider Mills: The same standards and limitation established for wineries shall apply to cider mill facilities, except for those that deal with specifications on the production and licensing required for wine. In all other cases, wine and cider shall be interchangeable. (Ordinance #2011-01/6-17-11)

# CHAPTER 8.005
# OPEN SPACE AND CONSERVATION DISTRICT

8.005.010 INTENT: The Class A-1 District is intended to provide for the retention of unique, scenic or other natural environments; to conserve certain areas of historical value, bluffs, virgin prairie, natural ground cover, forests and agricultural lands; to protect natural spawning grounds, feeding grounds and wildlife habitats; to protect natural watercourses, drainage basins and watershed areas; to reserve or protect appropriately located public recreation facilities within or proximate to the county's scenic natural recreation areas. *(Ordinance #86-6/09-11-86)*

8.005.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class A-1 District:

.01 Any customary *agricultural* use. *(Ordinance #2004-14/07-01-04)*

.02 *Single-family dwellings* at a maximum density of one (1) dwelling per quarter-quarter section. *(Ordinance #2004-14/07-01-04)*

.03 Public and private noncommercial recreational areas and facilities including parks, playgrounds, golf courses, hunting and fishing preserves, boat docks, piers, landings, camps, campgrounds, summer camps, and similar uses. *(Ordinance #2004-14/07-01-04)*

.04 Water conservation works including water supply works, flood control and watershed protection works, fish and game hatcheries and preserves, etc. *(Ordinance #86-6/09-11-86)*

8.005.030 *CONDITIONAL USE*S: The following *conditional uses* shall be permitted in a Class A-1 District, when authorized in accordance with the requirements of Chapter 8.096: *(Ordinance #86-6/09-11-86)*

.01 Forests and production of woodland products including portable sawmills for cutting timber grown on the site. *(Ordinance #2015-05/12-18-2015)*

.02 Governmental structures and uses other than sanitary landfills, or uses similar in their scope or effects, when operating requirements necessitate locating in the *district*; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances.03 Transformer stations, booster stations, and utility stations, when operating requirements necessitate locating in the *district*; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and front yard setback may be waived by the *Adjustment Board* only on finding that the waiver will not create a detrimental effect on adjacent properties. *(Ordinance #2007-09/10-12-07)*

8.005.040 ACCESSORY USES: *Accessory uses* shall be permitted in a Class A-1 District as specified in Section 8.004.085. *(Ordinance #2015-05/12-18-2015)*

8.005.050 OFF-STREET PARKING AND LOADING: *Off-street parking and loading spaces* shall be provided in accordance with Chapter 8.080 for permitted *principal and conditional uses* in a Class A-1 District. *(Ordinance #86-6/09-11-86)*

8.005.060 HEIGHT REQUIREMENTS: No maximum height is established for *buildings* and *structures* in a Class A-1 District, however, attention shall be directed to the equipment limits of the various fire protection jurisdictions in respect to stream heights and evacuation assistance, and the obligation of any designer to accommodate these limitations in the design of any *building*. *(Ordinance #86-6/09-11-86)*

8.005.070 SETBACK REQUIREMENTS: The *setback* requirements for *buildings* and *structures* in a Class A-1 District shall be as follows: *(Ordinance #86-6/09-11-86)*

.01 The *front yard setback* shall be a minimum of fifty (50) feet. *(Ordinance #86-6/09-11-86)*

.02 The *side yard setback* shall be a minimum of twenty-five (25) feet. *(Ordinance #86-6/09-11-86)*

.03 The *rear yard setback* shall be a minimum of fifty (50) feet. *(Ordinance #86-6/09-11-86)*

.04 The minimum *setback* for any *yard* which abuts a *highway or county road* shall be seventy-five (75) feet. *(Ordinance #86-/09-11-86)*

8.005.080 LOT SIZE AND COVERAGE REQUIREMENTS: The minimum *lot* size and maximum *lot* coverage for uses in a Class A-1 District shall be as follows:

| | | MINIMUM LOT | | | MAXIMUM LOT |
|---|---|---|---|---|---|
| | USE | AREA | WIDTH | DEPTH | COVERAGE |
| .01 | Single-family Dwelling | 2.0 Acres | 600’ | 600’ | 1% |
| .02 | Public Recreational Facilities | 5.0 acres | 300’ | 300’ | 5% |
| .03 | Other permitted structures and uses | 2.0 acres | 175’ | 300’ | 20% |

*(Ordinance #2004-14/07-01-04)*

# CHAPTER 8.010
# AGRICULTURAL PRODUCTION DISTRICT

8.010.010 INTENT: The Class A-2 District is intended to preserve the land best suited for *agricultural* production by protecting prime *agricultural* lands in farmable tracts from the encroachment of scattered residential, commercial and industrial development; to promote efficiency and economy in the delivery of public services by restricting non-farm development in unincorporated areas of the *County*, which are without existing or planned services, and to encourage development in areas where services are provided or can efficiently be provided. *(Ordinance #2007-01/03-09-07)*

8.010.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class A-2 District:

.01 Any customary *agricultural* use. *(Ordinance #2004-14/07-01-04)*

.02 *Construction and demolition waste disposal sites*, subject to approval of the Iowa Department of Natural Resources and the *County Board*. *(Ordinance #2015-05/12-18-2015)*

.03 *Demolition rubble waste disposal sites*, provided that no such disposal site shall be located closer than two (2) miles to the corporate limits of any municipality having a population of greater than 25,000, according to the latest federal census. *(Ordinance #2004-14/07-01-04)*

.04 Sanitary landfills, such to approval by the Iowa Department of Natural Resources and the *County Board*, provided that no such use or structure shall be located closer than one thousand three hundred twenty (1,320) feet to any Class "R" District or platted residential subdivision or *dwelling* other than that of the lessee or owner of the site. *(Ordinance #2004-14/07-01-04)*

.05 *Single-family dwellings*, at a maximum density of two (2) *dwelling*s per quarter-quarter section. *(Ordinance #2015-05/12-18-2015)*

.06 Tower with a height not exceeding five hundred (500) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

.07 Vineyard, winery and tasting facilities, subject to the provisions of Section 8.004.250. (Ordinance #2011-01/6-17-11)

8.010.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class A-2 District, when authorized in accordance with the requirements of Chapter 8.096:

.01 *Bed and breakfast homes*, subject to the provisions of Section 8.004.200. *(Ordinance #2004-14/07-01-04)*

.02 Cemeteries, including mausoleums and crematories, provided that no such mausoleum and crematory shall be located closer than two hundred (200) feet from any property line, and further provided that any new cemetery shall contain an area of five (5) acres or more. *(Ordinance #2004-14/07-01-04)*

.03 Churches and other places of worship, including parish houses and Sunday school buildings. *(Ordinance #2004-14/07-01-04)*

.04 Commercial composting facilities, subject to approval of the Iowa Department of Natural Resources standards and administrative rules. *(Ordinance #2004-14/07-01-04)*

.05 *Commercial kennels* and veterinary hospitals or clinics, provided that no such *structure* or exercising runway shall be located closer than two hundred (200) feet from any Class "R" District or platted residential subdivision or *dwelling* other than that of the lessee or owner of the site. *(Ordinance #2004-14/07-01-04)*

.06 *Commercial stables, riding academies and clubs. (Ordinance #2015-05/12-18-2015)*

.07 *Day care nurseries and nursery schools*, provided that for each child there shall be a minimum of thirty-five (35) square feet of usable floor space, exclusive of wash rooms, toilets, kitchens and hallways; and further provided that for each child there shall be a minimum of one hundred (100) square feet of usable outdoor play space, which space shall be confined to the *rear yard* of the property and be completely enclosed by a fence. *(Ordinance #2004-14/07-01-04)*

.08 *Demolition rubble waste disposal sites*, which such disposal site may be located closer than two (2) miles to the corporate limits of any municipality having a population of greater than 25,000, according to the latest federal census. *(Ordinance #2004-14/07-01-04)*

.09 Extraction pits, subject to the provisions of Chapter 8.065. Further provided that no such use shall be located closer than five hundred (500) feet from any Class "R" District or platted residential subdivision, or *dwelling* other than that of the lessee or owner of the site. Any such use existing at any time prior to the adoption of the Ordinance may be reopened, expanded or extended, and continue to operate provided that where any part of the operation is closer than the distance specified above, the operation may be extended parallel to such other uses, but such extension shall not become closer than such other uses. *(Ordinance #2015-05/12-18-2015)*

.10 Fertilizer and/or agricultural chemical blending and storage facilities. *(Ordinance #2006-06/06-02-06)*

.11 Governmental *structures* and uses, when operating requirements necessitate locating in the *district*; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. *(Ordinance #2004-14/07-01-04)*

.12 Portable sawmills and related facilities required for obtaining, processing, storing and transporting timber at their point of origin; provided the no such use shall be located closer than five hundred (500) feet from any Class "R" District or platted residential subdivision, or *dwelling* other than that of the lessee or owner of the site. Any such use existing at any time prior to the adoption of the Ordinance may be reopened, expanded or extended, and continue to operate provided that where any part of the operation is closer than the distance specified above, the operation may be extended

parallel to such other uses, but such extension shall not become closer than such other uses. *(Ordinance #2015-05/12-18-2015)*

.13 Private light plane landing strips and helipads, including crop dusting strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Agency and when situated on a site containing not less than thirty (30) acres. *(Ordinance #2015-05/12-18-2015)*

.14 Public schools and colleges, and private schools and colleges having equivalent curriculum. *(Ordinance #2004-14/07-01-04)*

.15 Rural enterprise businesses, subject to the provisions of 8.004.165. *(Ordinance #2004-14/07-01-04)*

.16 Sewage disposal facilities, subject to approval by the Iowa Department of Natural Resources, provided that no such structure shall be located closer than seven hundred fifty (750) feet to any Class "R" District or platted residential subdivision or *dwelling* other than that of the lessee or owner of the site. *(Ordinance #2004-14/07-01-04)*

.17 Special events and dining facilities at vineyards/wineries, subject to the provisions of Section 8.004.250. (Ordinance #2011-01/6-17-11)

.18 Temporary establishments or enterprises involving large assemblages of people or automobiles including, but not limited to, carnivals, circuses, rodeo grounds, show rings, livestock auction barns and yards, music festivals, sports festivals and similar uses. *(Ordinance #2004-14/07-01-04)*

.19 Transformer stations, booster stations, and utility stations, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and setback may be waived by the *Adjustment Board* only on finding that the waiver will not create a detrimental effect on adjacent properties. *(Ordinance #2007-09/10-12-07)*

.20 Towers with a height exceeding five hundred (500) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

.21 Wind Energy Systems, Commercial, subject to the requirements of 8.004.230.(Ordinance #2023-05-10/10/2023)

.22 Solar Energy Systems, Commercial, subject to the requirements of 8.004.210.*(Ordinance #2023-05/11-17-2023)*

8.010.040 ACCESSORY USES: *Accessory uses* shall be permitted in a Class A-2 District as specified in Section 8.004.085: *(Ordinance #2015-05/12-18-2015)*

8.010.050 OFF-STREET PARKING AND LOADING: *Off-street parking and loading spaces* shall be provided in accordance with Chapter 8.080 for permitted *principal and conditional uses* in a Class A-2 District. *(Ordinance #2004-14/07-01-04)*

8.010.060 HEIGHT REQUIREMENT: No maximum height is established for *buildings* and *structures* in a Class A-2 District, however, attention shall be directed to the equipment limits of the various fire protection jurisdictions in respect to stream heights and elevation assistance, and the obligation of any designer to accommodate these limitations in the design of any *building*. *(Ordinance #2004-14/07-01-04)*

8.010.070 SETBACK REQUIREMENTS: The *setback* requirement for *buildings* and *structures* in a Class A-2 District shall be as follows: *(Ordinance #2004-14/07-01-04)*

.01 The *front yard setback* shall be a minimum of fifty (50) feet. *(Ordinance #2004-14/07-01-04)*

.02 The *side yard setback* shall be a minimum of twenty-five (25) feet. *(Ordinance #2004-14/07-01-04)*

.03 The *rear yard setback* shall be a minimum of fifty (50) feet. *(Ordinance #2004-14/07-01-04)*

.04 The minimum *setback* for any *yard* which abuts a *highway or county road* shall be seventy-five (75) feet. *(Ordinance #2004-14/07-01-04)*

8.010.080 LOT SIZE AND COVERAGE REQUIREMENTS: The minimum *lot* size and maximum *lot* coverage for uses in a Class A-2 District shall be as follows, except as provided in Section 8.004.030:

| | | MINIMUM LOT | | | MAXIMUM LOT |
|---|---|---|---|---|---|
| | USE | AREA | WIDTH | DEPTH | COVERAGE |
| .01 | Single-Family Dwelling | 2.0 Acres | 175’ | 300’ | 10% |
| .02 | Churches | 2.0 Acres | 200’ | 200’ | 30% |
| .03 | *Commercial kennels* and veterinary hospitals | 3.0 acres | 300’ | 300’ | 15% |
| .04 | *Commercial Stables* | 5.0 acres | 300’ | 300’ | 5% |
| .05 | Mineral Extraction and Sanitary Landfill | 10.0 acres | 500’ | 500’ | 1% |
| .06 | Other permitted structures and uses | 2.0 acres | 175’ | 300’ | 20% |

*(Ordinance #2004-14/07-01-04)*

# CHAPTER 8.012
# RIVER FRONT AND AGRICULTURAL PRODUCTION DISTRICT

8.012.010 INTENT: The A-3 District is intended to limit development within the Missouri River bottomlands. Areas within this district are almost entirely encompassed by the 100-year flood plain of the Missouri River and its associated tributaries and drainage basins. Few *dwelling*s exist in this region and those that are extant are located on isolated high grounds above the base flood elevation, or are older *dwelling*s constructed prior to the adoption of modern flood plain maps and regulations. Primary uses of these lands has historically been cultivated croplands, as the topography of the region is predominantly level. Flooding, wetness and high shrink-swell potential of area soils severely limit development and it is the intent of this District to limit additional development to isolated areas, either natural or man-made, that are elevated above the base flood elevation. *(Ordinance #2004-14/07-01-04)*

8.012.020 PRINCIPAL USES: The following principal uses shall be permitted in a Class A-3 District. *(Ordinance #2004-14/07-01-04)*

.01 Any customary agricultural use. *(Ordinance #2004-14/07-01-04)*

.02 Single-family dwellings, at a maximum density of one (1) *dwelling* per each quarter-quarter section. *(Ordinance #2004-14/07-01-04)*

.03 Towers with a height not exceeding five hundred (500) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

.04 Vineyard, winery and tasting facilities, subject to the provisions of Section 8.004.250. (Ordinance #2011-01/6-17-11)

.05 Water conservation works including water supply works, flood control and watershed protection works, fish and game hatcheries and preserves, etc. *(Ordinance #2004-14/07-01-04)*

8.012.030 *CONDITIONAL USE*S: The following *conditional uses* shall be permitted in a Class A-3 District, when authorized in accordance with the requirements of Chapter 8.096: *(Ordinance #2004-14/07-01-04)*

.01 Extraction pits, subject to the provisions of Chapter 8.065. Further provided that no such use shall be located closer than five hundred (500) feet from any Class "R" District or platted residential subdivision, or *dwelling* other than that of the lessee or owner of the site. Any such use existing at any time prior to the adoption of the Ordinance may be reopened, expanded or extended, and continue to operate provided that where any part of the operation is closer than the distance specified above, the operation may be extended parallel to such other uses, but such extension shall not become closer than such other uses. *(Ordinance #2015-05/12-18-2015)*

.02 Governmental structures and uses other than sanitary landfills, or uses similar in their scope or effects, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general

appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. *(Ordinance #2004-14/07-01-04)*

.03 Race tracks, strips or trails used for racing of horses and motorized vehicles. *(Ordinance #2015-05/12-18-2015)*

.04 Sewage disposal facilities, subject to approval by the Iowa Department of Natural Resources, provided that no such structure shall be located closer than seven hundred fifty (750) feet to any Class "R" District or platted residential subdivision or *dwelling* other than that of the lessee or owner of the site. *(Ordinance #2004-14/07-01-04)*

.05 Special events and dining facilities at vineyards/wineries, subject to the provisions of Section 8.004.250. (Ordinance #2011-01/6-17-11)

.06 Temporary establishments or enterprises involving large assemblages of people or automobiles including, but not limited to, carnivals, circuses, rodeo grounds, show rings, livestock auction barns and yards, music festivals, sports festivals and similar uses. (Ordinance #2011-01/6-17-11)

.07 Towers with a height exceeding five hundred (500) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

.08 Transformer stations, booster stations, and utility stations, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and front yard setback may be waived by the *Adjustment Board* only on finding that the waiver will not create a detrimental effect on adjacent properties. *(Ordinance #2007-09/10-12-07)*

.09 Rural enterprise businesses. *(Ordinance #2004-14/07-01-04)*

.10 Commercial kennels and veterinary hospitals or clinics, provided that no such structure or exercising runway shall be located closer than two hundred (200) feet from any Class "R" District or platted residential subdivision or dwelling other than that of the lessee or owner of the site. *(Ordinance #2020-01)*

.11 Wind Energy Systems, Commercial, subject to the requirements of 8.004.230.(Ordinance #2023-05/11-17-2023)

.12 .Solar Energy Systems, Commercial, subject to the requirements of 8.004.210.*(Ordinance #2023-05/11-17-2023)*

8.012.040 ACCESSORY USES: Accessory uses shall be permitted in a Class A-3 District as specified in Section 8.004.085. *(Ordinance #2015-05/12-18-2015)*

8.012.050 OFF-STREET PARKING AND LOADING: Off-street parking and loading spaces shall be provided in accordance with Chapter 8.080 for permitted principal and *conditional uses* in a Class A-3 District. *(Ordinance #2004-14/07-01-04)*

8.012.060 HEIGHT REQUIREMENTS: No maximum height is established for buildings and structures in a Class A-3 District, however, attention shall be directed to the equipment limits of the various fire protection jurisdictions in respect to stream heights and evacuation assistance, and the obligation of any designer to accommodate these limitations in the design of any building. *(Ordinance #2004-14/07-01-04)*

8.012.070 SETBACK REQUIREMENTS: The setback requirements for buildings and structures in a Class A-3 District shall be as follows: *(Ordinance #2004-14/07-01-04)*

.01 The front yard setback shall be a minimum of fifty (50) feet. *(Ordinance #2004-14/07-01-04)*

.02 The side yard setback shall be a minimum of twenty-five (25) feet. *(Ordinance #2004-14/07-01-04)*

.03 The rear yard setback shall be a minimum of fifty (50) feet. *(Ordinance #2004-14/07-01-04)*

.04 The minimum setback for any yard which abuts a highway or *county road* shall be seventy-five (75) feet. *(Ordinance #2004-14/07-01-04)*

8.012.080 LOT SIZE AND COVERAGE REQUIREMENTS: The minimum lot size and maximum lot coverage for uses in a Class A-3 District shall be as follows:

| | | MINIMUM LOT | | | MAXIMUM LOT |
|---|---|---|---|---|---|
| | USE | AREA | WIDTH | DEPTH | COVERAGE |
| .01 | Single-Family Dwellings | 2.0 Acres** | 175’ | 300’ | 10% |

*(Ordinance #2004-14/07-01-04)*

# CHAPTER 8.014
# LOESS HILLS DISTRICT

8.014.010 INTENT: The Class A-4 District is intended to preserve the unique natural and environment characteristics of the Loess Hills' rare soils and topographic region of western Pottawattamie County, Iowa and at the same time allow for appropriate types and scales of development. Primary uses of these lands has historically been grasslands with significant regions cultivated for farming, as well as many farm *dwelling*s and non-farm households adjacent or having access to hard surfaced street. *(Ordinance #2015-05/12-18-2015)*

8.014.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class A-4 District: *(Ordinance #2004-14/07-01-04)*

.01 Any customary *agricultural* use. *(Ordinance #2004-14/07-01-04)*

.02 Single-family dwellings, at a density of two (2) per quarter-quarter section, when not a part of a minor, major or cluster subdivision. *(Ordinance #2004-14/07-01-04)*

.03 Platted major subdivisions and cluster subdivisions for single-family dwellings, when located on a hard surfaced street. *(Ordinance #2017-03/07/06/2017)*

.04 Platted minor subdivisions for single-family dwellings, when located on a hard surfaced street or an official bituminous road. *(Ordinance #2018-04/05-10-18)*

.05 Vineyard, winery and tasting facilities, subject to the provisions of Section 8.004.250. (Ordinance #2011-01/6-17-11)

8.014.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class A-4 District, when authorized in accordance with the requirements of Chapter 8.096: *(Ordinance #2004-14/07-01-04)*

.01 *Bed and breakfast homes,* subject to the provisions of Section 8.004.200. *(Ordinance #2004-14/07-01-04)*

.02 Cemeteries, including mausoleums and crematories, provided that no such mausoleum and crematory shall be located closer than two hundred (200) feet from any property line, and further provided that any new cemetery shall contain an area of five *(5)* acres or more. *(Ordinance #2004-14/07-01-04)*

.03 Churches and other places of worship, including parish houses and Sunday school buildings. *(Ordinance #2004-14/07-01-04)*

.04 Commercial activities, similar in scope to the following, provided the property shall be located along and have direct access to hard surfaced streets or official bituminous roads. *(Ordinance #2018-04/05-10-18)*

A. Antique/Used Furniture Shops.

B. Art shops and galleries.

C. Bakery.

D. Bicycle Stores, sales, rental and repair.

E. Indoor recreational activities.

F. Book, flower and gift shops.

G. Health Clubs, Gymnasiums.

H. Miniature golf and small recreational establishments.

I. Museums.

J. Offices, business and professional.

K. Restaurants, with a bar, lounge or tavern attached thereto provided that the tavern shall occupy no more than 25% of the total floor area of the total building dedicated to both uses.

L. Outdoor recreational complexes, excluding off-highway vehicle parks.

.05 Commercial kennels and veterinary hospitals or clinics, provided that no such *structure* or exercising runway shall be located closer than two hundred (200) feet from any Class "R" District or platted residential subdivision or *dwelling* other than that of the lessee or owner of the site. *(Ordinance #2004-14/07-01-04)*

.06 *Commercial stables, riding academies and clubs. (Ordinance #2015-05/12-18-2015)*

.07 *Day care nurseries and nursery schools,* provided that for each child there shall be a minimum of thirty-five (35) square feet of usable floor space, exclusive of wash rooms, toilets, kitchens and hallways; and further provided that for each child there shall be a minimum of one hundred (100) square feet of usable outdoor play space, which space shall be confined to the *rear yard* of the property and be completely enclosed by a fence. *(Ordinance #2004-14/07-01-04)*

.08 *Demolition rubble waste disposal sites*, provided that such disposal site shall be limited to areas where the demolition rubble waste is placed for the bona fide purpose of erosion stabilization. *(Ordinance #2015-05/12-18-2015)*

.09 Governmental *structures* and uses, when operating requirements necessitate locating in the *district;* provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. *(Ordinance #2004-14/07-01-04)*

.10 Public schools and colleges, and private schools and colleges having equivalent curriculum. *(Ordinance #2004-14/07-01-04)*

.11 Rural enterprise businesses, subject to the provisions of Chapter 8.004.165. *(Ordinance #2004-14/07-01-04)*

.12 Sewage disposal facilities, subject to approval by the Iowa Department of Natural Resources, provided that no such structure shall be located closer than seven hundred fifty (750) feet to any Class "R" District or platted residential subdivision or *dwelling* other than that of the lessee or owner of the site. *(Ordinance #2004-14/07-01-04)*

.13 Special events and dining facilities at vineyards/wineries, subject to the provisions of Section 8.004.250. (Ordinance #2011-01/6-17-11)

.14 Temporary establishments or enterprises involving large assemblages of people or automobiles including, but not limited to, carnivals, circuses, rodeo grounds, show rings, livestock auction barns and yards, music festivals, sports festivals and similar uses. (Ordinance#2011-01/6-17-11)

.15 Towers, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

.16 Transformer stations, booster stations and utility stations, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and setback may be waived by the *Adjustment Board* only on finding that the waiver will not create a detrimental effect on adjacent properties. *(Ordinance #2007-09/10-12-07)*

.17 Wind Energy Systems, Non-Commercial (WES*)*, subject to the requirements of 8.004.240. *(Ordinance #2023-05-10-10-2023)*

.18 Private light plane landing strips and helipads, including crop dusting strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Agency, and when situated on a site containing not less than thirty (30) acres.(Ordinance#2016-02/05-20-2016)

8.014.040 ACCESSORY USES: Accessory uses shall be permitted in a Class A-4 District as specified in Section 8.004.085.

8.014.050 OFF-STREET PARKING AND LOADING: *Off-street parking and loading spaces* shall be provided in accordance with Chapter 8.080 for permitted *principal and conditional uses* in a Class A-4 District. *(Ordinance #2004-14/07-01-04)*

8.014.060 HEIGHT REQUIREMENT: No maximum height is established for *buildings* and *structures* in a Class A-4 District, however, attention shall be directed to the equipment limits of the various fire protection jurisdictions in respect to stream heights and elevation assistance, and the obligation of any designer to accommodate these limitations in the design of any *building. (Ordinance #2004-14/07-01-04)*

8.014.070 SETBACK REQUIREMENTS: The *setback* requirement for *buildings* and *structures* in a Class A-4 District shall be as follows: *(Ordinance #2004-14/07-01-04)*

.01 The *front yard setback* shall be a minimum of fifty *(50)* feet. *(Ordinance #2004-14/07-01-04)*

.02 The *side yard setback* shall be a minimum of twenty-five *(25)* feet. *(Ordinance #2004-14/07-01-04)*

.03 The *rear yard setback* shall be a minimum of fifty *(50)* feet. *(Ordinance #2004-14/07-01-04)*

.04 Except for subdivisions wherein the final plat was approved between January 1, 2004 and October 31, 2007, the minimum setback for any yard which abuts a highway or *county road* shall be seventy-five (75) feet, except that the minimum street side yard setback for lots in platted subdivisions for single-family dwellings served by municipal water shall be fifty (50) feet. For subdivisions platted between January 1, 2004 and October 31, 2007, the minimum setback for any yard which abuts a highway or *county road* shall be one-hundred (100) feet. *(Ordinance #2007-10/12-7-07)*

*.05* *Clustered Subdivisions* shall have the following setbacks:

A. The front yard setback shall be a minimum of twenty-five (25) feet.
B. The side yard setback shall be a minimum of ten (10) feet.
C. The rear yard setback shall be a minimum of twenty-five(25) feet.
D. The mimimum setback for any yard which abuts a highway or county road shall be one hundred (100) feet.

8.014.080 LOT SIZE AND COVERAGE REQUIREMENTS: The minimum lot size and maximum lot coverage for uses in a Class A-4 District shall be as follows:

| | USE | MINIMUM LOT | | | MAXIMUM LOT |
|---|---|---|---|---|---|
| | | AREA | WIDTH | DEPTH | COVERAGE |
| .01 | Single-family dwellings | | | | |
| | A. Lots with individual septic systems & wells | 2.0 Acres | 175’ | 300’ | 10% |
| | B. Lots with municipal/common sewer or water system | 1.0 Acre | 125’ | 200’ | 25% |
| | C. Lots with municipal/common sewer and water system | 25,000 sq. ft. | 100’ | 150’ | 35% |
| .02 | Other Permitted Uses | 2.0 Acres | 175’ | 300’ | 10% |

*(Ordinance #2004-14/07-01-04)*

# CHAPTER 8.015
# AGRICULTURAL-URBAN TRANSITIONAL DISTRICT

8.015.010 INTENT: The R-1 District is intended to provide the opportunity for the continued development of non-farm *dwelling*s and rural subdivisions in the rural unincorporated areas. *(Ordinance #2007-01/03-09-07)*

8.015.020 PRINCIPAL USES: The following *principal uses* shall be permitted in the Class R-1 District:

.01 Any customary a*gricultural* uses. *(Ordinance #2004-14/07-01-04)*

.02 Churches and other places of worship, including parish houses and Sunday school buildings. *(Ordinance #2004-14/07-01-04)*

.03 *Family homes. (Ordinance #2004-14/07-01-04)*

.04 Platted major subdivisions for single-family dwellings, when located on a hard surfaced street.

.05 Platted minor subdivisions for *single-family dwellings,* when located on a *hard surfaced street or an official bituminous road*. . *(Ordinance #2018-04/05-10-18)*

.06 Public recreational areas and facilities including parks, playgrounds, golf courses, community centers and similar uses. *(Ordinance #2004-14/07-01-04)*

.07 Public schools and private schools having equivalent curriculum. *(Ordinance #2004-14/07-01-04)*

.08 *Single-family dwellings*, at a maximum density of three (3) *dwelling*s per quarter-quarter section, when not a part of a minor or major subdivision. *(Ordinance #2004-14/07-01-04)*

.09 *Towers* with a height not exceeding one hundred (100) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

.10 Vineyard, winery and tasting facilities, subject to the provisions of Section 8.004.250. (Ordinance #2011-01/6-17-11)

8.015.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class R-1 District, when authorized in accordance with the requirements of Chapter 8.096: *(Ordinance #2004-14/07-01-04)*

.01 *Bed and breakfast homes*, subject to the provisions of Section 8.004.200. *(Ordinance #2015-05/12-18-2015)*

.02 *Commercial stables, riding academies and clubs. (Ordinance #2015-05/12-18-2015)*

.03 *Day care nurseries* and *nursery schools*, provided that for each child there shall be a minimum of thirty-five (35) square feet of usable floor space, exclusive of wash rooms, toilets, kitchens and hallways; and further provided that for each child there shall be a

minimum of one hundred (100) square feet of usable outdoor play space, which space shall be confined to the *rear yard* of the property and be completely enclosed by a fence. *(Ordinance #2004-14/07-01-04)*

.04 Governmental structures and uses other than sanitary landfills or uses similar in their scope or effects, when operating requirements necessitate locating in the *district*; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances.

.05 Private light plane landing strips and helipads, including crop dusting strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Agency and when situated on a site containing not less than thirty (30) acres. *(Ordinance #2015-05/12-18-2015)*

.06 Private noncommercial recreational areas and facilities including parks, playgrounds, golf courses, country clubs, tennis clubs, swim clubs and similar uses. *(Ordinance #2004-14/07-01-04)*

.07 Roadside stands for the sale of *agricultural* produce grown on the site, but only when adequate *off-street parking* is provided. *(Ordinance #2004-14/07-01-04)*

*.08* Rural enterprise businesses, subject to the provisions of Chapter 8.004.165. *(Ordinance #2004-14/07-01-04)*

.09 Special events and dining facilities at vineyards/wineries, subject to the provisions of Section 8.004.250. (Ordinance #2011-01/6-17-11)

.10 *Towers* with a height exceeding one hundred (100) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

.11 Transformer stations, booster stations, and utility stations, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and front yard setback may be waived by the *Adjustment Board* only on finding that the waiver will not create a detrimental effect on adjacent properties. *(Ordinance #2007-09/10-12-07)*

.12 Wind Energy Systems, Non-Commercial (WES), subject to the requirements of 8.004.240. *(Ordinance #2023-05-10-10-2023)*

.13 Solar Energy Systems, Commercial*, subject to the requirements of 8.004.210.(Ordinance #2023-05/11-17-2023)*

8.015.040 ACCESSORY USES: Accessory uses shall be permitted in a Class R-1 District as specified in Section 8.004.085. *(Ordinance #2015-05/12-18-2015)*

8.015.050 OFF-STREET PARKING AND LOADING: *Off-street parking and loading spaces* shall be provided in accordance with Chapter 8.080 for permitted *principal and conditional uses* in a Class R-1 District. *(Ordinance #2004-14/07-01-04)*

8.015.060 HEIGHT REQUIREMENT: The maximum height of *buildings* and *structures* in a Class R-1 District, shall be thirty-five (35) feet or two and one-half (2 1/2) *stories*, whichever is lower, and an *accessory building* shall not exceed a height of twenty-two (22) feet or two (2) *stories*, whichever is lower. *(Ordinance #2004-14/07-01-04)*

8.015.070 SETBACK REQUIREMENTS: The *setback* requirement for *buildings* and *structures* in a Class R-1 District shall be as follows: *(Ordinance #2004-14/07-01-04)*

.01 The *front yard setback* shall be a minimum of fifty (50) feet. *(Ordinance #2004-14/07-01-04)*

.02 The *side yard setback* shall be a minimum of twenty-five (25) feet. *(Ordinance #2004-14/07-01-04)*

.03 The *rear yard setback* shall be a minimum of fifty (50) feet. *(Ordinance #2004-14/07-01-04)*

.04 The minimum setback for any yard which abuts a highway or *county road* shall be seventy-five (75) feet, except that the minimum street side yard setback for lots in platted subdivisions for single-family dwellings served by municipal water shall be fifty (50) feet. *(Ordinance #2007-10/12-7-07)*

8.015.080 LOT SIZE AND COVERAGE REQUIREMENTS: The minimum *lot* size and maximum *lot* coverage for uses in a Class R-1 District shall be as follows, except as provided in Section 8.004.030:

| | USE | MINIMUM LOT | | | MAXIMUM LOT |
|---|---|---|---|---|---|
| | | AREA | WIDTH | DEPTH | COVERAGE |
| .01 | Single-family dwellings | | | | |
| | A. Lots with individual septic systems & wells | 2.0 acres | 175’ | 300’ | 10% |
| | B. Lots with municipal/ common sewer and/or water system | 1.0 acre | 150’ | 200’ | 25% |
| .02 | Churches | 2.0 acres | 200’ | 200’ | 30% |
| .03 | Commercial Stables | 5.0 acres | 300’ | 300’ | 5% |
| .04 | Other permitted structures & uses | 2.0 acres | 175’ | 300’ | 20% |

*(Ordinance #2004-14/07-01-04)*

# CHAPTER 8.020
# URBAN TRANSITIONAL DISTRICT

8.020.010 INTENT: The Class R-2 District is intended to provide for single-family residential areas at suburban densities. It is intended that this district shall provide residential areas which combines certain of the advantages of both urban and rural locations by limiting the concentration of development and by permitting limited number of animals to be kept on the premises. *(Ordinance #2007-01/03-09-07)*

8.020.020 PRINCIPAL USES: The following *principal uses* shall be permitted in the Class R-2 District:

.01 Any customary agricultural use. *(Ordinance #2004-14/07-01-04)*

.02 Churches and other places of worship, including parish houses and Sunday school buildings. *(Ordinance #81-6/10-01-81)*

.03 *Family homes. (Ordinance #2004-14/07-01-04)*

.04 Platted major subdivisions for *single-family dwellings,* when located on a hard surfaced street. *(Ordinance #2017-03/07/06/2017)*

.05 Platted minor subdivisions for single-family dwellings, when located on a hard surfaced street or an official bituminous road. *(Ordinance #2018-04/05-10-18)*

.06 Public recreational areas and facilities including parks, playgrounds, golf courses, community centers and similar uses. *(Ordinance #81-6/10-01-81)*

.07 Public schools and private schools having equivalent curriculum. *(Ordinance #81-6/10-01-81)*

.08 *Single-family dwellings,* at a maximum density of three (3) dwellings per quarter-quarter section, when not a part of a minor or major subdivision. *(Ordinance #2004-14/07-01-04)*

.09 *Towers* with height not exceeding one hundred (100) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

.10 Vineyard, winery and tasting facilities, subject to the provisions of Section 8.004.250. (Ordinance #2011-01/6-17-11)

8.020.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class R-2 District, when authorized in accordance with the requirements of Chapter 8.096:

.01 *Bed and breakfast homes*, subject to the provisions of Section 8.004.200.

.02 *Day care nurseries* and *nursery schools*, provided that for each child there shall be a minimum of thirty-five (35) square feet of usable floor space, exclusive of wash rooms, toilets, kitchens and hallways; and further provided that for each child there shall be a minimum of one hundred (100) square feet of usable outdoor play space, which space shall be confined to the *rear yard* of the property and be completely enclosed by a fence. *(Ordinance #81-6/10-01-81)*

.03 Governmental structures and uses other than sanitary landfills, or uses similar in their scope or effects, when operating requirements necessitate locating in the *district*; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. *(Ordinance #81-6/10-01-81)*

.04 Private light plane landing strips and helipads, including crop dusting strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Agency, and when situated on a site containing not less than thirty (30) acres. *(Ordinance #2015-05/12-18-2015)*

.05 Private noncommercial recreational areas and facilities including parks, playgrounds, golf courses, country clubs, tennis clubs, swim clubs and similar uses. *(Ordinance #81-6/10-01-81)*

.06 Roadside stands for the sale of *agricultural* produce grown on the site, but only when adequate *off-street parking* is provided. *(Ordinance #81-6/10-01-81)*

.07 Rural enterprise businesses, subject to the provisions of Chapter 8.004.165. *(Ordinance #2004-14/07-01-04)*

.08 Special events and dining facilities at vineyards/wineries, subject to the provisions of Section 8.004.250. (Ordinance #2011-01/6-17-11)

.09 Transformer stations, booster stations, and utility stations; when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbance. The minimum lot area and front yard setback may be waived by the *Adjustment Board* only on finding that the waiver will not create a detrimental effect on adjacent properties. *(Ordinance #2007-09/10-12-07)*

.10 *Towers* with a height exceeding one hundred (100) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

.11 *Wind Energy Systems, Non-Commercial (WES)*, subject to the requirements of 8.004.240. *(Ordinance #2023-05-10-10-2023)*

.12 Commercial activities, similar in scope to the following, provided the property shall be located along and have direct access to a hard surfaced road or an official bituminous road:. *(Ordinance #2018-04/05-10-18)*

A. Antique/Used Furniture Shops.
B. Art shops and galleries.
C. Bakery.
D. Bicycle Stores, sales, rental and repair.

E. Indoor recreational activities.
F. Book, flower and gift shops.
G. Health Clubs, Gymnasiums.
H. Miniature golf and small recreational establishments.
I. Museums.
J. Offices, business and professional.
K. Restaurants, with a bar, lounge or tavern attached thereto provided that the tavern shall occupy no more than 25% of the total floor area of the total building dedicated to both uses.
L. Outdoor recreational complexes, excluding off-highway vehicle parks.(Ordinance#2016-03/05-20-2016)
M. Commercial stables, riding academies and clubs.

8.020.040 ACCESSORY USES: *Accessory uses* shall be permitted in a Class R-2 District as specified in Section 8.004.085. *(Ordinance #2015-05/12-18-2015)*

8.020.050 OFF-STREET PARKING AND LOADING: *Off-street parking and loading spaces* shall be provided in accordance with Chapter 8.080 for permitted *principal and conditional uses* in a Class R-2 District. *(Ordinance #81-6/10-01-81)*

8.020.060 HEIGHT REQUIREMENT: The maximum height of *buildings* and *structures* in a Class R-2 District, shall be thirty-five (35) feet or two and one-half (2 1/2) *stories*, whichever is lower, and an *accessory building* shall not exceed a height of twenty-two (22) feet or two (2) *stories*, whichever is lower. *(Ordinance #81-6/10-01-81)*

8.020.070 SETBACK REQUIREMENTS: The *setback* requirement for *buildings* and *structures* in a Class R-2 District shall be as follows:

.01 The *front yard setback* shall be a minimum of fifty (50) feet. *(Ordinance #2000-4/04-28-00)*

.02 The *side yard setback* shall be a minimum of twenty-five (25) feet. *(Ordinance #2000-4/04-28-00)*

.03 The *rear yard setback* shall be a minimum of fifty (50) feet. *(Ordinance #2000-4/04-28-00)*

.04 The minimum *setback* for any *yard* which abuts a *highway* or *county road* shall be seventy-five (75) feet, except that the minimum street side yard setback for lots in platted subdivisions for single-family dwellings served by municipal water shall be fifty (50) feet. *(Ordinance #2000-4/04-28-00)*

8.020.080 LOT SIZE AND COVERAGE REQUIREMENTS: The minimum *lot* size and maximum *lot* coverage for uses in a Class R-2 District shall be as follows, except as provided in Section 8.004.030:

| | USE | MINIMUM LOT | | | MAXIMUM LOT |
|---|---|---|---|---|---|
| | | AREA | WIDTH | DEPTH | COVERAGE |
| .01 | Single-family dwellings | | | | |

| | | | | | |
|---|---|---|---|---|---|
| | A. Lots with individual septic systems & wells | 2.0 Acres | 175’ | 300’ | 10% |
| | B. Lots with municipal/common sewer and/or water system | 1.0 Acre | 150’ | 200’ | 25% |
| .02 | Churches | 2.0 acres | 200’ | 200’ | 30% |
| .03 | Other permitted structures and uses | 2.0 acres | 175’ | 300’ | 20% |
| .04 | Commercial Stables | 5.0 | 300’ | 300’ | 5% |

*(Ordinance #2004-14/07-01-04)*

# CHAPTER 8.025
# URBAN RESIDENTIAL DISTRICT

8.025.010 INTENT: The Class R-3 District is intended to provide for residential development. This district is also intended to facilitate the orderly expansion of incorporated communities by limiting the density of development pending the planned extension of public or common water and sewer services. *(Ordinance #2007-01/03-09-07)*

8.025.020 PRINCIPAL USES: The following *principal uses* shall be permitted in the Class R-3 District:

.01 Churches and other places of worship, including parish houses and Sunday school buildings. *(Ordinance #81-6/10-01-81)*

.02 *Family homes. (Ordinance #2004-14/07-01-04)*

.03 Platted major subdivisions for *single-family* and *two-family dwelling* , when located on a hard surfaced street. *(Ordinance #2017-03/07/06/2017)*

.04 Platted minor subdivisions for single-family dwellings, when located on a hard surfaced street or an official bituminous road. *(Ordinance #2018-04/05-10-18)*

.05 Public schools and private schools having equivalent curriculum. *(Ordinance #81-6/10-01-81)*

.06 Public recreational areas and facilities including parks, playgrounds, golf courses, community centers and similar uses. *(Ordinance #81-6/10-01-81)*

.07 *Single-family dwellings. (Ordinance #81-6/10-01-81)*

.08 Towers with a height not exceeding one hundred (100) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

.09 *Two-family dwellings*. *(Ordinance #81-6/10-01-81)*

8.025.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class R-3 District, when authorized in accordance with the requirements of Chapter 8.096:

.01 *Day care nurseries* and *nursery schools*, provided that for each child there shall be a minimum of thirty-five (35) square feet of usable floor space, exclusive of wash rooms, toilets, kitchens and hallways; and further provided that for each child there shall be a minimum of one hundred (100) square feet of usable outdoor play space, which space shall be confined to the *rear yard* of the property and be completely enclosed by a fence. *(Ordinance #81-6/10-01-81)*

.02 Governmental structures and uses other than sanitary landfills or uses similar in their scope or effects, when operating requirements necessitate locating in the *district*; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. *(Ordinance #81-6/10-01-81)*

.03 Private noncommercial recreational areas and facilities including parks, playgrounds, golf courses, country clubs, tennis clubs, swim clubs and similar uses. *(Ordinance #81-6/10-01-81)*

.04 Towers with a height exceeding one hundred (100) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

.05 Transformer stations, booster stations, and utility stations, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and front yard setback may be waived by the *Adjustment Board* only on finding that the waiver will not create a detrimental effect on adjacent properties. *(Ordinance #2007-09/10-12-07)*

8.025.040 ACCESSORY USES: Accessory uses shall be permitted in a Class R-3 District as specified in Section 8.004.085, and as follows: *(Ordinance #2015-05/12-18-2015)*

.01 Parking of commercial vehicles with a manufacturer's rated weight of more than one and one-half (1 1/2) tons, when located in a completely enclosed building or within a side or rear yard enclosed on all sides with a sight obscuring fence. *(Ordinance #2015-05/12-18-2015)*

8.025.050 OFF-STREET PARKING AND LOADING: *Off-street parking and loading spaces* shall be provided in accordance with Chapter 8.080 for permitted *principal and conditional uses* in a Class R-3 District. *(Ordinance #81-6/10-01-81)*

8.025.060 HEIGHT REQUIREMENT: The maximum height of *buildings* and *structures* in a Class R-3 District, shall be thirty-five (35) feet or two and one-half (2 1/2) *stories*, whichever is lower, and an *accessory building* shall not exceed a height of sixteen (16) feet or one and one-half (1 1/2) stories, whichever is lower. *(Ordinance #81-6/10-01-81)*

8.025.070 SETBACK REQUIREMENTS: The *setback* requirement for *buildings* and *structures* in a Class R-3 District shall be as follows:

.01 The *front yard setback* shall be a minimum of twenty-five (25) feet. *(Ordinance #81-6/10-01-81)*

.02 The *side yard setback* shall be a minimum of ten (10) feet. *(Ordinance #81-6/10-01-81)*

.03 The *rear yard setback* shall be a minimum of twenty-five (25) feet. *(Ordinance #81-6/10-01-81)*

.04 The minimum *setback* for any *yard* which abuts a *highway* or *county road* shall be fifty (50) feet. *(Ordinance #81-6/10-01-81)*

8.025.080 LOT SIZE AND COVERAGE REQUIREMENTS: The minimum *lot* size and maximum *lot* coverage for uses in a Class R-3 District shall be as follows:

| | USE | MINIMUM LOT | | | MAXIMUM LOT |
|---|---|---|---|---|---|
| | | AREA | WIDTH | DEPTH | COVERAGE |
| .01 | Single-Family Dwellings | | | | |
| | A. Lots with sewer and water | | | | |
| | - interior lot | 6,000 sq.ft. | 60’ | 100’ | 35% |
| | - corner lot | 7,500 sq.ft. | 75’ | 100’ | 35% |
| | B. Lots with sewer | 10,000 sq.ft. | 100’ | 100’ | 35% |
| | C. Lots with water | 1.0 acre | 125’ | 100’ | 35% |
| | D. Lots with septic systems & wells | 2.0 acre. | 175’ | 300’ | 35% |
| .02 | Two-family dwellings & other permitted uses | | | | |
| | A. Lots with sewer and water | 10,000 sq.ft. | 100’ | 100’ | 35% |
| | B. Lots with sewer | 20,000 sq.ft. | 125’ | 100’ | 35% |
| | C. Lots with water | 1.0 acre | 125’ | 100’ | 35% |
| | D. Lots with septic systems & wells | 2.0 acres | 175’ | 300’ | 35% |

*(Ordinance #2004-14/07-01-04)*

# CHAPTER 8.035
# PLANNED RESIDENTIAL DISTRICT

8.035.010 INTENT: The Class R-5 District is intended and designed to provide for the development or redevelopment of tracts of land on a unit basis, allowing greater flexibility of land use and building locations than the conventional single lot method provided in other chapters in this Ordinance. It is also the intent that such Planned Residential Districts be designed and developed in substantial conformity with the standards of the Land Use Plan and with recognized principals of civic designs, land use planning and landscape architecture. It is further intended that such Planned Residential District be designed and developed to promote public health, safety, morals, and general welfare; to reasonably prevent and minimize undue injury to adjoining areas; and to encourage appropriate land use. *(Ordinance #81-6/10-01-81)*

8.035.020 PRINCIPAL USES: The following *principal uses* shall be permitted in the Class R-5 District; subject however, to the provisions hereinafter set forth in this Chapter:

.01 Dwelling units. *(Ordinance #81-6/10-01-81)*

.02 Churches and other places of worship, including parish houses and Sunday school buildings. *(Ordinance #81-6/10-01-81)*

.03 Public schools and private schools having equivalent curriculum. *(Ordinance #81-6/10-01-81)*

.04 Public recreational areas and facilities including parks, playgrounds, golf courses, community centers and similar uses. *(Ordinance #81-6/10-01-81)*

.05 Any use permitted as a principal use in a Class C-2 District within the commercial area of the Planned Residential District. *(Ordinance #81-6/10-01-81)*

8.035.030 ACCESSORY USES: The following *accessory uses* shall be permitted in a Class R-5 District:

.01 *Accessory uses* and *structures* normally incidental and subordinate to one of the permitted *principal* or *conditional uses*, unless otherwise excluded. *(Ordinance #81-6/10-01-81)*

.02 Private recreational facilities including swimming pools, tennis courts, and other recreational facilities. *(Ordinance #81-6/10-01-81)*

.03 Private parking facilities including garages, carports, and other parking areas. *(Ordinance #81-6/10-01-81)*

.04 Display signs, subject to the provisions of Chapter 8.090. *(Ordinance #81-6/10-01-81)*

.05 Private storage buildings commonly for storage of boats, trailers, campers and similar private recreational vehicles and equipment, and for furniture, appliances and household goods. *(Ordinance #81-6/10-01-81)*

.06 Retail storage space, incidental to the principal use, but not to exceed forty (40) percent of the floor area used for such use. *(Ordinance #81-6/10-01-81)*

.07 SOLAR ENERGY SYSTEMS, NON-COMMERCIAL (SES) subject to the requirements of 8.040.210 *(Ordinance #2023-05/11-17-2023)*

.08 WIND ENERGY SYSTEMS, NON-COMMERCIAL (WES) subject to the requirements of 8.040.240 *(Ordinance #2023-05/11-17-2023)*

8.035.040 PROJECT SIZE AND DENSITY: The following requirements shall govern the size and density of a Class R-5 District.

.01 A tract of land considered for a Planned Residential District shall comprise an area of not less than five (5) acres of gross development area. *(Ordinance #81-6/10-01-81)*

.02 Net development areas shall be determined by subtracting the area set aside for churches and schools, if any, and deducting the area actually proposed for streets from the gross development area. The area of land set aside for *common land*, *open space* or recreation shall be included in determining the number of dwelling units permitted. *(Ordinance #81-6/10-01-81)*

.03 No more than fifteen (15) percent of the net development area of the Planned Residential District may be used for commercial use. *(Ordinance #81-6/10-01-81)*

.04 The minimum lot area per dwelling unit in any one, two and multi-family areas in the Planned Residential District shall be the same as in a conventional Class R-3 District. *(Ordinance #2004-14/07-01-04)*

.05 The maximum number of dwelling units permitted in the Planned Residential District shall be determined by dividing the net development area by the minimum lot area per dwelling unit. *(Ordinance #81-6/10-01-81)*

8.035.050 STANDARDS AND REQUIREMENTS: The land usage, minimum lot area, yard, height, and *accessory uses* shall be determined by the requirements set forth below which shall prevail over conflicting requirements of this Ordinance or the Subdivision Ordinance. *(Ordinance #81-6/10-01-81)*

.01 The perimeter yard of a Planned Residential District shall comply with the setback requirements of a Class R-3 District. *(Ordinance #2004-14/07-01-04)*

.02 Any land gained within the development because of the reduction in lot sizes, below the minimum requirement set forth in Section 8.035.040, shall be placed in *common land* to be dedicated to the County or retained in private ownership to be managed by the homeowners' association. *(Ordinance #81-6/10-01-81)*

However, in any case, a minimum of two hundred fifty (250) square feet for each dwelling unit shall be provided for one (1) or more recreation areas which shall be easily accessible to all residents of the development. The proposed dedication of *common land* to the County shall be referred to the County Conservation Board for report and recommendation. *(Ordinance #81-6/10-01-81)*

.03 There shall be no minimum yard requirements within a Class R-5 District, provided that no structure for human occupancy shall be located closer than ten (10) feet to a similar such structure. *(Ordinance #81-6/10-01-81)*

.04 There shall be no maximum height requirement within a Class R-5 District, provided that such structures within one hundred twenty-five (125) feet of the district boundary shall comply with the height requirement of the adjoining district. *(Ordinance #81-6/10-01-81)*

.05 Off-street parking and loading spaces shall be provided in accordance with the requirements of Chapter 8.080, in addition to the following provisions: *(Ordinance #81-6/10-01-81)*

A. A minimum of two (2) off-street parking spaces shall be provided for each dwelling. These required parking spaces, or parking areas, shall be so located as to provide convenient access to the dwelling, but shall not exceed a distance of two hundred (200) feet from the dwelling unit that it is intended to serve. *(Ordinance #81-6/10-01-81)*

B. Off-street parking and storage shall be provided for storing of residents boats, boat trailers, travel trailers, pickup coaches, truck tractors, trucks over three-quarter (3/4) ton pickup size, and items of a similar nature, if permitted in the development, in addition to and separate from the parking required above in Paragraph "A". *(Ordinance #81-6/10-01-81)*

.06 All public streets and storm sewer facilities shall comply with specifications approved by the County Engineer. *(Ordinance #81-6/10-01-81)*

.07 The location and design of all intersections of entrance streets with public streets shall be approved by the County Engineer. If turning lanes or other forms of traffic controls are deemed necessary by the *County Board*, the developer shall provide the necessary improvements, subject to the approval of their location and design by the County Engineer. *(Ordinance #81-6/10-01-81)*

.08 Every development shall contain an electrical and telephone wiring system consisting of necessary wiring, fixtures, and equipment which shall be installed and maintained in accordance with applicable state and local codes and regulations. All electrical and telephone distribution lines shall be constructed underground. *(Ordinance #81-6/10-01-81)*

.09 Public or common sewer and water facilities shall be provided for each dwelling in accordance with the requirements of the Iowa Department of Environmental Quality. *(Ordinance #81-6/10-01-81)*

.10 Developments or portions thereof which are being developed for sale or resale shall contain *common land* in area totaling not less than twenty-five (25) percent of the net development area. *(Ordinance #81-6/10-01-81)*

.11 Each proposed stage of the development shall comply with the density requirements of Section 8.035.040. *(Ordinance #81-6/10-01-81)*

.12 No permit for any commercial structure or building shall be issued until at least twenty-five (25) percent of the Planned Residential District in question is developed for residential use. *(Ordinance #81-6/10-01-81)*

.13 In addition to the foregoing, other conditions, requirements or limitations concerning the design and development of such Planned Residential Districts may be imposed as may be deemed necessary for the protection of adjacent properties and the public interest. *(Ordinance #81-6/10-01-81)*

8.035.060 APPLICATION FOR TENTATIVE APPROVAL: The owner or owners of any tract of land comprising an area of not less than five (5) acres may apply for a change to a Class R-5 District. The application, together with the filing fee as specified in Chapter 8.099, shall be accompanied by evidence that the proposed development is compatible with the surrounding area, evidence showing how the owner or owners propose to maintain any common ground included with the development, evidence of the feasibility of providing storm and surface water drainage and sanitary sewer for the proposed development, evidence that the developer is capable of successfully completing the proposed development and a preliminary plan of the proposed development. *(Ordinance #81-6/10-01-81)*

.01 The proposed preliminary development plan shall include the following information at a sufficient size and scale to permit easy interpretation: *(Ordinance #81-6/10-01-81)*

A. A vicinity map of the area showing the location and size of the site; *(Ordinance #81-6/10-01-81)*

B. The total number and density of dwelling units by type; *(Ordinance #81-6/10-01-81)*

C. The total floor area on all floors of proposed building measured outside walls multiplied by number of floors, and the total number of dwelling units in each; *(Ordinance #81-6/10-01-81)*

D. Buildings, and their proposed height, use and exterior design; *(Ordinance #81-6/10-01-81)*

E. The location and boundaries of proposed land uses, if more than one is proposed; *(Ordinance #81-6/10-01-81)*

F. Site topographic features including a generalized preliminary grading and drainage plan; *(Ordinance #81-6/10-01-81)*

G. Location of all existing streets abutting the site, proposed entrance and interior streets, and proposed parking facilities; *(Ordinance #81-6/10-01-81)*

H. Walls, fences and walkways; *(Ordinance #81-6/10-01-81)*

I. Lighting facilities, but no including type and design; *(Ordinance #81-6/10-01-81)*

J. Required perimeter yards and recreation areas. The location and size of recreation areas defined as total *open space*, minus paved areas in streets,

walks, and driveways, but including tennis courts, swimming pools, and floor area of recreation facilities; *(Ordinance #81-6/10-01-81)*

K. Generalized landscaping plan, but not including a detailed planting plan or size of plants at time of installation and at maturity; *(Ordinance #81-6/10-01-81)*

L. Water, gas, electric, storm and sanitary sewer facilities and lines and other necessary utilities; *(Ordinance #81-6/10-01-81)*

M. A schedule showing the proposed phasing and times within which applications for final approval of all phases of the Planned Residential District are intended to be filed. *(Ordinance #81-6/10-01-81)*

.02 The application, accompanying evidence and preliminary development plan shall be referred to the *Commission* for study and report after public hearing. The *Commission* shall conduct its public hearing in accordance with the regulations set forth in Chapter 8.098. The *Commission* shall review the conformity of the proposed development with the standards of the Land Use Plan and with recognized principles of civic design, land use planning and landscape architecture. After a public hearing, the *Commission* may approve or disapprove the request for rezoning and the preliminary development plan as submitted, or require that the applicant amend the plan to preserve the intent of this Ordinance to promote public health, safety, morals and general welfare. *(Ordinance #81-6/10-01-81)*

.03 The application and preliminary development plan as approved by the *Commission*, along with the Commission's recommendation on the request for rezoning, shall then be referred to the *County Board*. The *County Board* shall conduct its public hearings in accordance with the regulations set forth in Chapter 8.098. The *County Board* may approve or disapprove the request for rezoning and preliminary development plan as reported or may require such changes in the plan as are necessary to preserve the intent and purpose of this Ordinance to promote public health, safety, morals and general welfare. If the request for rezoning is denied by reason of the conceptual design portrayed in the preliminary development plan, then a new application may be submitted sooner than one (1) year. *(Ordinance #81-6/10-01-81)*

8.035.070 APPLICATION FOR FINAL APPROVAL: In the event the County approves the request for rezoning, and the preliminary development plan, either as submitted or with modifications, the applicant shall submit a final development plan of not less than one (1) stage of the proposed development for approval within one (1) year. *(Ordinance #81-6/10-01-81)*

After one (1) year, the applicant must resubmit an original application in order to be eligible for further consideration.

.01 The final development plan shall include the final forms and specifications of all information previously submitted as part of the preliminary development plan. The final development plan shall be accompanied by the following required documents: *(Ordinance #81-6/10-01-81)*

A. A covenant to run with the land, in favor of the County and all persons having a proprietary interest in any portion of the development premises, that the

owner or owners of the land or their successors in interest, will maintain all interior streets, parking areas, sidewalks, *common land*, parks and plantings which have not been dedicated to the County; in compliance with County ordinances and the final development plan as approved by the *County Board*, which covenant shall be recorded in the office of the County Recorder. *(Ordinance #81-6/10-01-81)*

B. If the proposed development includes *common land* which will not be dedicated to the County, and proposed development will not be held in single ownership; provided by-laws of a homeowners' association fully defining the functions, responsibilities and operating procedures of the association. The proposed by-laws shall include but not be limited to provisions: (a) automatically extending membership in the association to all owners of dwelling units with the development; (b) limiting the use of the common property to those permitted by the final development plan; (c) granting to each owner of a dwelling unit with the development the right to the use and enjoyment of the common property; (d) placing the responsibility for operation and maintenance of the common property in the association; (e) giving every owner of a dwelling unit voting rights in the association; and (f) if the development will combine rental and for sale dwelling units, stating the relationship between the renters and the homeowners' association and the rights renters shall have to the use of the *common land*. *(Ordinance #81-6/10-01-81)*

C. Any additional easements and/or agreements required by the *County Board* at the time of preliminary plan approval. *(Ordinance #81-6/10-01-81)*

D. Performance bond or bonds, in accordance with requirements of the Subdivision Ordinance, which bond or bonds shall insure to the County that the dedicated public streets and utilities, including sewer and water mains, located therein and other common development facilities shall be completed by the developer within the time specified on the final development plan. *(Ordinance #81-6/10-01-81)*

E. A final plan shall be submitted with each stage of the final development plan. The plat shall show building lines, lot and/or blocks, *common land*, streets, easements and other applicable items required by the Subdivision Ordinance. Following approval of the final plat by the *Commission* and *County Board*, the plat shall be recorded with the County Auditor and Recorder. *(Ordinance #81-6/10-01-81)*

.02 After having held a public hearing on the request for final approval, and having reviewed the final development plan and required documents for compliance with the standards of this Chapter and substantial compliance with the preliminary development plan, the *Commission* shall refer its report and recommendations to the *County Board*. *(Ordinance #81-6/10-01-81)*

.03 The *County Board* shall also hold a public hearing on the request for final approval, and shall review the final development plan and approve it by resolution if it complies with the standards of this Chapter and is in substantial compliance with the preliminary development plan. *(Ordinance #81-6/10-01-81)*

8.035.080 ADHERENCE TO APPROVED PLAN: No Building Permit for any building or other structure within a Class R-5 District shall be issued until the final development plan is approved by the *County Board*. The *Development Director* shall not issue a Building Permit or Certificate of Occupancy for any building or other structure within a Class R-5 District which is in variance with the approved final development plan or authorized modification. *(Ordinance #2015-05/12-18-2015)*

8.035.090 MODIFICATION OF APPROVED PLAN: Any proposed changes or modification of the approved final development plan as to land use, density and street location or size shall be resubmitted and considered in the same manner as the original proposal. Other changes or modifications, such as location or buildings, parking lots, common areas, except streets, etc., may be made upon application to and approval of the *Commission*. *(Ordinance #81-6/10-01-81)*

8.035.100 REVOCATION: In the event of a failure to comply with the approved plan or any prescribed conditions of approval, inclusive to comply with the stage development schedule, the *County Board* may, after notice and hearing, revoke its approval of a final development plan. *(Ordinance #81-6/10-01-81)*

# CHAPTER 8.040
# MOBILE HOME PARK RESIDENTIAL DISTRICT

8.040.010 INTENT: The Class R-6 District is intended and designed to provide for the development of mobile home parks in those areas of the County where it is determined such uses are compatible with existing and indicated future development of the surrounding area. It is also intended that such Mobile Home Park Residential Districts be designed and developed in substantial conformity with the standards of the Land Use Plan and with recognized principals of the civic design, land use planning, and landscape architecture. It is further intended that such Mobile Home Park Residential Districts be designed and developed to promote public health, safety, morals, and general welfare; to reasonably prevent and minimize undue injury to adjoining areas; and to encourage appropriate land use. *(Ordinance #81-6/10-01-81)*

8.040.020 PRINCIPAL USES: The following *principal uses* shall be permitted in the Class R-6 District; subject however, to the provisions hereinafter set forth in the Chapter:

.01 Mobile home parks, in accordance with the regulations of the *County Board* of Health and applicable state statutes; but not including mobile home sales and display areas. No part of any park shall be used for non-residential purposes except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park. This shall in no way prohibit the sale by the resident owner of the mobile home located on a mobile home stand and connected to the pertinent utilities. *(Ordinance #81-6/10-01-81)*

.02 Churches and other places of worship, including parish houses and Sunday school buildings. *(Ordinance #81-6/10-01-81)*

.03 Public schools and private schools having equivalent curriculum. *(Ordinance #81-6/10-01-81)*

.04 Public recreational areas and facilities including parks, playgrounds, golf courses, community centers and similar uses. *(Ordinance #81-6/10-01-81)*

8.040.030 ACCESSORY USES: The following *accessory uses* shall be permitted in a Class R-6 District:

.01 *Accessory uses* and *structures* normally incidental and subordinate to one of the permitted *principal* or *conditional uses*, unless otherwise excluded. *(Ordinance #81-6/10-01-81)*

.02 Private recreational facilities including swimming pools, tennis courts, and other recreational facilities. *(Ordinance #81-6/10-01-81)*

.03 Private parking facilities including garages, carports, and other parking areas. *(Ordinance #81-6/10-01-81)*

.04 Display signs, subject to the provisions of Chapter 8.090. *(Ordinance #81-6/10-01-81)*

.05 Private storage buildings commonly accessory to a mobile home park for storage of boats, trailers, campers and similar private recreational vehicles and equipment, and for furniture, appliances and household goods. *(Ordinance #81-6/10-01-81)*

.06 SOLAR ENERGY SYSTEMS, NON COMMERCIAL (SES), subject to the requirements of 8.040.210 (*(Ordinance #2023-05/11-17-2023)*

.07 WIND ENERGY SYSTEMS, NON-COMMERCIAL (WES) *(Ordinance #2023-05/11-17-2023)*

8.040.040 PROJECT SIZE AND DENSITY: The following requirements shall govern the size and density of a Class R-6 District:

.01 A tract of land considered for a mobile home park shall comprise an area of not less than ten (10) acres of gross development area. *(Ordinance #81-6/10-01-81)*

.02 The maximum density allowed for the gross development area shall be eight (8) mobile home lots per gross acre. *(Ordinance #81-6/10-01-81)*

8.040.050 STANDARDS AND REQUIREMENTS: The following standards and requirements shall govern the design and development of a mobile home park:

.01 Perimeter yards of a mobile home park which abuts a street shall have a minimum depth of fifty (50) feet; provided however, interior park streets may be located with the setback area. All other perimeter yards shall be a minimum depth of twenty-five (25) feet. Perimeter yard requirements may be increased where the *Commission* may recommend and the *County Board* deems necessary. *(Ordinance #81-6/10-01-81)*

.02 A minimum of two hundred fifty (250) square feet for each mobile home lot shall be provided for one (1) or more recreation areas which shall be easily accessible to all park residents. The required recreational area shall be computed in addition to the minimum lot area specified herein. *(Ordinance #81-6/10-01-81)*

.03 The minimum area for a mobile home lot shall be forty-five hundred (4,500) square feet. *(Ordinance #81-6/10-01-81)*

.04 The minimum depth for a mobile home lot shall be ninety (90) feet. *(Ordinance #81-6/10-01-81)*

.05 The front yard setback for a mobile home shall be a minimum of fifteen (15) feet measured from the edge of the park street to the closest point of the lower face of the mobile home. Side and rear yard setbacks shall be established and maintained so as to provide a separation at the nearest point between mobile homes, and other buildings and structures on adjoining lots of at least twenty-five (25) feet. Nothing in this Ordinance shall prevent the construction of entrance-ways, rooms, breeze-ways, or other integral parts of the existing mobile home. *(Ordinance #81-6/10-01-81)*

.06 The limits of each mobile home shall be clearly marked on the ground by permanent steel or iron rods driven into the ground with the top of said rods flush with the finish lot grade. Location of lot limits on the grounds shall be approximately the same as shown on the approved plans. The degree of accuracy obtainable by the working with a scale on the plan and then a tape on the ground is acceptable. *(Ordinance #81-6/10-01-81)*

Precise engineering of lot limits is not required either on the plans or on the ground. This is not to be construed as permitting lots of a lesser size than the required minimum, or permitting lesser yard or separation dimensions than set forth elsewhere in this Chapter. *(Ordinance #81-6/10-01-81)*

.07 The maximum height of buildings and structures in a Class R-6 District shall be thirty-five (35) feet or two (2) stories, whichever is lower, and an accessory building shall not exceed a height of sixteen (16) feet or one and one-half (1 1/2) stories, whichever is lower. *(Ordinance #81-6/10-01-81)*

.08 Off-street parking and loading spaces shall be provided in accordance with the requirements of Chapter 8.080, in addition to the following provisions: *(Ordinance #81-6/10-01-81)*

A. A minimum of two (2) off-street parking spaces shall be provided for each mobile home. These required parking spaces, or parking areas, shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of two hundred (200) feet from the mobile home that it is intended to serve. *(Ordinance #81-6/10-01-81)*

B. Off-street parking and storage shall be provided for storing of park residents boats, boat trailers, travel trailers, pickup coaches, truck tractors, trucks over three-quarter (3/4) ton pickup size, and items of a similar nature, if permitted in the development, in addition to and separate from the parking required above in Paragraph 'A". Temporary mobile home storage may be permitted prior to permanent placement on the mobile home stand, but shall not exceed seven (7) days. *(Ordinance #81-6/10-01-81)*

.09 All streets within a mobile home park shall be designed and constructed in accordance with the following provisions:

A. Entrance streets shall have a minimum pavement width of thirty-one (31) feet, measured from back to back of curbs. *(Ordinance #81-6/10-01-81)*

B. Interior streets shall have a minimum pavement width of twenty-six (26) feet, measured from back to back of curbs. *(Ordinance #81-6/10-01-81)*

C. The location and design of all intersections of entrance streets with public streets shall be approved by the County Engineer. If turning lanes or other forms of traffic controls are deemed necessary by the *County Board*, the developer shall provide the necessary improvements, subject to approval of their location and design by the County Engineer. *(Ordinance #81-6/10-01-81)*

D. All streets shall be constructed with curbs, approved by the County Engineer, to provide for drainage. *(Ordinance #81-6/10-01-81)*

E. All streets shall be constructed of either Portland cement concrete or hot mix asphalt concrete to specifications approved by the County Engineer and shall be maintained free of cracks, holes and other hazards. *(Ordinance #81-6/10-01-81)*

.10 All parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets, and all community facilities provided for park residents. Sudden changes in alignment and gradient should be avoided. All sidewalks shall be constructed of Portland cement concrete or other equivalent material approved by the County Engineer, and shall be a minimum of four (4) inches in depth. *(Ordinance #81-6/10-01-81)*

A. Common sidewalks shall be at least four (4) feet wide and shall be provided along all entrance streets and in areas of high pedestrian traffic such as in the vicinity of community buildings and recreational facilities. *(Ordinance #81-6/10-01-81)*

B. Individual walks shall be at least two (2) feet wide and shall be provided to connect all mobile home stands to common sidewalks, to paved streets, or to paved driveways or parking spaces connected to a paved street. *(Ordinance #81-6/10-01-81)*

.11 Adequate provisions shall be made to handle all surface and storm drainage water as determined by the County Engineer. *(Ordinance #81-6/10-01-81)*

.12 The area of the mobile home stand shall be improved to provide an adequate and approved foundation for the placement and tie-down of the mobile home to secure the super-structure against uplift, sliding, rotation, or over-turning. The mobile home stand shall be made of incombustible materials and shall not shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting upon the super-structure. *(Ordinance #81-6/10-01-81)*

13. The mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men" eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors or other devices securing the stability of the mobile home. The tie-down device shall be compatible with the foundation system provided for the mobile home such that the tie-downs are designed to resist the action of frost in the same manner as the foundation system. *(Ordinance #81-6/10-01-81)*

A. Over-the-top ties be provided at each of the four (4) corners of the mobile home with two (2) additional ties per side at the intermediate locations and mobile home less than fifty (50) feet long requiring one (1) additional tie per side. *(Ordinance #81-6/10-01-81)*

B. Frame ties be provided at each corner of the mobile home with five (5) additional ties per side at intermediate points and mobile homes less than fifty (50) feet long requiring four (4) additional ties per side. *(Ordinance #81-6/10-01-81)*

C. All components of the anchoring system be capable of carrying a force of forty-eight hundred (4,800) pounds. *(Ordinance #81-6/10-01-81)*

.14 Skirting of a permanent type material and construction with the design and color of the mobile home shall be installed within ninety (90) days after the placement of the mobile home to enclose the *open space* between the bottom of the mobile home floor

and the grade level of the mobile home stand. Such skirting shall not attach the mobile home permanently to the ground, but shall be constructed to provide substantial resistance to withstand high winds and shall not provide a harborage for junk or rodents, nor create a fire hazard. Such skirting shall be provided with removable access panels sufficient to provide easy access for inspection and maintenance of all utility riser connections. The skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and the appearance of the mobile home park. *(Ordinance #81-6/10-01-81)*

.15 Exposed ground surfaces in all parts of every mobile home park shall be paved, covered with stone screening, or other solid material, or protected with a vegetative growth capable of preventing soil erosion and objectionable dust. *(Ordinance #81-6/10-01-81)*

All areas not used for access, parking circulation, buildings or service shall be completely and permanently landscaped and the entire site maintained in good condition. Planting of trees and shrubs is required to the extent needed to provide for (a) screening of objectionable views, (b) adequate shade, (c) a suitable setting for the mobile homes in the park as well as neighboring uses. *(Ordinance #81-6/10-01-81)*

.16 Every park shall contain an electrical and telephone wiring system consisting of necessary wiring, fixtures, and equipment which shall be installed and maintained in accordance with applicable state and local codes and regulations. All electrical and telephone distribution lines shall be constructed underground. *(Ordinance #81-6/10-01-81)*

.17 Public or common sewer and water facilities shall be provided for each mobile home lot in accordance with the requirements of the Iowa Department of Environmental Quality. *(Ordinance #81-6/10-01-81)*

.18 The requirements of this Subsection shall apply to service buildings, recreation buildings, and other community service facilities such as management offices, repair shops and storage areas, sanitary facilities, laundry facilities, indoor recreation areas and storm shelter facilities. *(Ordinance #81-6/10-01-81)*

A. All buildings, other than mobile homes and their appurtenances, shall be constructed in compliance with applicable state and local codes and regulations. *(Ordinance #81-6/10-01-81)*

B. Cooking shelters, barbecue pits, and fireplaces shall be located, constructed, maintained, and used so as to minimize fire hazards and smoke nuisances both on the property on which it is used, and on neighboring property. No open fire shall be permitted except in facilities provided; no open fire shall be left unattended, and no fuel shall be used or material burned which emits dense smoke or objectionable odor. *(Ordinance #81-6/10-01-81)*

C. Each mobile home park shall construct and maintain in association with other facilities if appropriate, one (1) or more *basement* or underground storm shelter facilities, adequate in the aggregate to protect all residents of the park from the effects of high winds, including tornadoes. Such facilities shall be provided with water and sanitary facilities. *(Ordinance #81-6/10-01-81)*

.19 In additional to the foregoing, other conditions, requirements or limitations concerning the design and development of such mobile home park may be imposed as may be deemed necessary for the protection of adjacent properties and the public interest. *(Ordinance #81-6/10-01-81)*

8.040.060 APPLICATION FOR TENTATIVE APPROVAL: The owner or owners of any tract of land comprising an area of not less than ten (10) acres may apply for a change to a Class R-6 District. The application together with the filing fee as specified in Chapter 8.099, shall be accompanied by evidence that the proposed development is compatible with the surrounding area, evidence of the feasibility of providing adequate storm and surface water drainage and sanitary sewer for the proposed development, evidence that the developer is capable of successfully completing the proposed development and a preliminary plan of the proposed mobile home park. *(Ordinance #81-6/10-01-81)*

.01 The proposed preliminary development plan shall include the following information at a sufficient size and scale to permit easy interpretation: *(Ordinance #81-6/10-01-81)*

A. A vicinity map of the area showing the location and size of the site; *(Ordinance #81-6/10-01-81)*

B. The total number and density of mobile home lots; *(Ordinance #81-6/10-01-81)*

C. Buildings, other than garages and other buildings accessory to particular mobile home lots, and their proposed height, use and exterior design; *(Ordinance #81-6/10-01-81)*

D. Site topographic features including a generalized preliminary grading and drainage plan; *(Ordinance #81-6/10-01-81)*

E. Location of all existing streets abutting the site, proposed entrance and interior park streets, and proposed parking facilities; *(Ordinance #81-6/10-01-81)*

F. Walls, fences, and walkways; *(Ordinance #81-6/10-01-81)*

G. Lighting facilities, but not including type and design. *(Ordinance #81-6/10-01-81)*

H. Required perimeter yards and recreation areas. The location and size of recreation areas defined as total *open space*, minus paved areas in streets, walks, and driveways, but including tennis courts, swimming pools, and floor area of recreation facilities; *(Ordinance #81-6/10-01-81)*

I. Generalized landscaping plan, but not including a detailed planting plan or size of plants at time of installation and at maturity; *(Ordinance #81-6/10-01-81)*

J. Water, gas, electric, storm and sanitary sewer facilities and lines and other necessary utilities; *(Ordinance #81-6/10-01-81)*

K. Water hydrants and other fire-fighting equipment; *(Ordinance #81-6/10-01-81)*

L. Location of solid waste receptacles; and *(Ordinance #81-6/10-01-81)*

M. A schedule showing the proposed phasing and times within which applications for final approval of all phases of the mobile home par are intended to be filed. *(Ordinance #81-6/10-01-81)*

.02 The application, accompanying evidence and preliminary development plan shall be referred to the *Commission* for study and report after public hearing. The *Commission* shall conduct its public hearing in accordance with the regulations set forth in Chapter 8.098. The *Commission* shall review the conformity of the proposed development with the standards of the Land Use Plan and with recognized principles of civic design, land use planning and landscape architecture. After a public hearing, the *Commission* may approve or disapprove the request for rezoning and the preliminary development plan as submitted, or require that the applicant amend the plan to preserve the intent of this Ordinance to promote public health, safety, morals and general welfare. *(Ordinance #81-6/10-01-81)*

.03 The application and preliminary development plan as approved by the *Commission*, along with the *Commission*'s recommendation on the request for rezoning, shall then be referred to the *County Board*. The *County Board* shall conduct its public hearings in accordance with the regulations set forth in Chapter 8.098. The *County Board* may approve or disapprove the request for rezoning and preliminary development plan as reported or may require such changes in the plan as are necessary to preserve the intent and purpose of this Ordinance to promote public health, safety, morals and general welfare. If the request for rezoning is denied by reason of the conceptual design portrayed in the preliminary development plan, then a new application may be submitted sooner than one (1) year. *(Ordinance #81-6/10-01-81)*

8.040.070 APPLICATION FOR FINAL APPROVAL: In the event the County approves the request for rezoning, and the preliminary development plan, either as submitted or with modifications, the applicant shall submit a final development plan of not less than one (1) stage of the proposed development for approval within one (1) year. After one (1) year, the applicant must resubmit an original application in order to be eligible for further consideration. *(Ordinance #81-6/10-01-81)*

.01 The final development plan shall include the final forms and specifications of all information previously submitted as part of the preliminary development plan. The final development plan shall be accompanied by a covenant to run with the land, in favor of the County and all persons having a proprietary interest in any portion of the mobile home park, that the owner or owners of the park or their successors in interest, will maintain all interior streets, parking areas, sidewalks, *common land*, parks and plantings which have not been dedicated to the County; in compliance with County ordinances and the final development plan as approved by the *County Board*, which covenant shall be recorded in the office of the County Recorder. *(Ordinance #81-6/10-01-81)*

.02 After having held a public hearing on the request for final approval, and having reviewed the final development plan and required documents for compliance with the

standards of this Chapter and substantial compliance with the preliminary development plan, the *Commission* shall refer its report to and recommendation to the *County Board*. *(Ordinance #81-6/10-01-81)*

.03 The *County Board* shall also hold a public hearing on the request for final approval, and shall review the final development plan and approve it by resolution if it complies with the standards of this Chapter and is in substantial compliance with the preliminary development plan. *(Ordinance #81-6/10-01-81)*

8.040.080 ADHERENCE TO APPROVED PLAN: No Building Permit for any mobile home or other structure within a Class R-6 District shall be issued until the final development plan is approved by the *County Board*. The *Development Director* shall not issue a Building Permit or Certificate of Occupancy for any mobile home or other structure within a Class R-6 District which is in variance with the approved final development plan or authorized modification. *(Ordinance #2015-05/12-18-2015)*

8.040.090 MODIFICATION OF APPROVED PLAN: Any proposed changes or modification of the approved final development plan as to land use, density and street location or size shall be resubmitted and considered in the same manner as the original proposal. Other changes or modifications, such as location of buildings, parking lots, common areas, except streets, etc., may be made upon application to and approval of the *Commission*. *(Ordinance #81-6/10-01-81)*

8.040.100 REVOCATION: In the event of a failure to comply with the approved plan or any prescribed conditions of approval, inclusive to comply with the stage development schedule, the *County Board* may, after notice and hearing, revoke its approval of a final development plan. *(Ordinance #81-6/10-01-81)*

# CHAPTER 8.045
# HIGHWAY COMMERCIAL DISTRICT

8.045.010 INTENT: The Class C-1 District is intended to provide for travel-related businesses and services in rural areas of the County along major highways where controlled access to the highway is afforded for the convenience and safety of the highway user by the provisions of frontage roads, interchanges and channelized intersections. Properties shall be located along or have direct access to hard surfaced streets. *(Ordinance #2015-05/12-18-2015)*

8.045.020 PRINCIPAL USES: The following *principal uses* shall be permitted in the Class C-1 District: *(Ordinance #81-6/10-01-81)*

.01 Automobile and other vehicle washing establishments, including the use of mechanical conveyors, blowers and steam cleaning, and including self-service facilities. *(Ordinance #81-6/10-01-81)*

.02 Convenience stores, including package foods and picnic supplies, souvenirs, novelties, toiletries, and similar merchandise. *(Ordinance #81-6/10-01-81)*

.03 Garages for general motor vehicle repair, but not including major body and fender work, and overall painting and upholstering. *(Ordinance #81-6/10-01-81)*

.04 Governmental structures and uses including fire stations, libraries, police stations, post offices, substations, and roadside rest areas; but excluding sanitary landfills or uses similar in their scope or effects. *(Ordinance #81-6/10-01-81)*

.05 Motels and motor hotels, but only when serviced with public or common water and sewer facilities. *(Ordinance #81-6/10-01-81)*

.06 Restaurants, cafes, and drive-in eating and dining places. *(Ordinance #81-6/10-01-81)*

.07 Service stations, including dispensing of diesel fuels and complete truck service. *(Ordinance #81-6/10-01-81)*

.08 Sexually oriented businesses, subject to the terms of Chapter 3.55, Sexually Oriented Businesses Ordinance, Pottawattamie County, Iowa. *(Ordinance #2003-12/10-03-03)*

.09 Towers with a height not exceeding one hundred fifty (150) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

.10 Transformer stations, booster stations and utility stations; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices. *(Ordinance #81-6/10-01-81)*

.11 Transportation passenger terminals, including bus stations, railroad passenger stations, or other passenger terminals, provided that buses or other transit vehicles shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site. *(Ordinance #81-6/10-01-81)*

8.045.030 CONDITIONAL USES: The following conditional uses shall be permitted in a Class C-1 District, when authorized in accordance with the requirements in Chapter 8.096: *(Ordinance #81-6/10-01-81)*

.01 Body and fender repair shops, including overall painting and upholstering, but not including motor vehicle wrecking or used parts yards or outside storage of component parts. *(Ordinance #81-6/10-01-81)*

.02 Cocktail lounges, provided they are operated as incidental and subordinate activities in motels and restaurants. *(Ordinance #81-6/10-01-81)*

.03 Transmitting stations and towers with a height exceeding one hundred fifty (150) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

.04 SOLAR ENERGY SYSTEMS, COMMERCIAL, subject to the requirements of 8.004.210.*(Ordinance #2023-05/11-17-2023)*

8.045.040 ACCESSORY USES: The following accessory use*s* shall be permitted in a Class C-1 District: *(Ordinance #81-6/10-01-81)*

.01 *Accessory uses* and *structures* normally incidental and subordinate to one of the permitted *principal* or *conditional uses*, unless otherwise excluded. *(Ordinance #81-6/10-01-81)*

.02 Display signs, subject to the provisions of Chapter 8.090. *(Ordinance #81-6/10-01-81)*

.03 Outdoor advertising signs and billboards, subject to the provisions of Chapter 8.090. *(Ordinance #2015-05/12-18-2015)*

.04 Outdoor storage of material or merchandise incidental to a permitted use, but not to exceed forty (40) percent of the building floor area used for such use. *(Ordinance #2015-05/12-18-2015)*

.05 Private parking facilities including garages, carports, and other parking spaces. *(Ordinance #2015-05/12-18-2015)*

.06 Temporary roadside fireworks stands and Christmas tree lots, when approved by the *Development Director* for a specified time period, after which they all shall be disassembled and removed at the end of the authorized period each year. *(Ordinance #81-6/10-01-81)*

.07 SOLAR ENERGY SYSTEMS, NON-COMMERCIAL (SES), subject to the requirements of 8.004.210. *(Ordinance #2023-05/11-17-2023)*

.08 WIND ENERGY SYSTEMS, NON-COMMERCIAL (WES), subject to the requirements of 8.040.240. *(Ordinance #2023-05/11-17-2023)*

8.045.050 OFF-STREET PARKING AND LOADING: Off-street parking and loading spaces shall be provided in accordance with Chapter 8.080 for permitted principal and conditional uses in a Class C-1 District. *(Ordinance #81-6/10-01-81)*

8.045.060 HEIGHT REQUIREMENTS: The maximum height of buildings and structures in a Class C-1 District shall be thirty-five (35) feet or two (2) stories, whichever is lower. *(Ordinance #81-6/10-01-81)*

8.045.070 SETBACK REQUIREMENTS: The setback requirements for buildings and structures in a Class C-1 District shall be as follows: *(Ordinance #81-6/10-01-81)*

.01 The front yard setback shall be a minimum of twenty-five (25) feet. *(Ordinance #81-6/10-01-81)*

.02 The side yard setback shall be a minimum of twenty-five (25) feet when such yard abuts a Class "A" District and shall be a minimum of fifty (50) feet when such yard abuts a Class "R" District or platted residential subdivision. *(Ordinance #2004-14/07-01-04)*

.03 The rear yard setback shall be a minimum of twenty-five (25) feet when such yard abuts a Class "A" District and shall be a minimum of fifty (50) feet when such yard abuts a Class "R" District or platted residential subdivision. *(Ordinance #2004-14/07-01-04)*

.04 The minimum setback between buildings situated on the same site shall be ten (10) feet. *(Ordinance #81-6/10-01-81)*

8.045.080 LOT SIZE AND COVERAGE REQUIREMENTS: The minimum lot size and maximum lot coverage for uses in a Class C-1 District shall be as follows, except as provided in Section 8.004.030 for lots not having common water and/or sewer facilities: *(Ordinance #81-6/10-01-81)*

| | | MINIMUM LOT | | | MAXIMUM LOT |
|---|---|---|---|---|---|
| | USE | AREA | WIDTH | DEPTH | COVERAGE |
| .01 | Any Permitted Use | 1.0 Acres | 80' | 100' | 50% |

*(Ordinance #81-6/10-01-81)*

# CHAPTER 8.050
# GENERAL COMMERCIAL DISTRICT

8.050.010 INTENT: The Class C-2 District is intended primarily to provide for those business and commercial establishments serving the general retail shopping needs of those persons living in the unincorporated areas of the *County*. Properties shall be located along or have direct access to hard surfaced streets. *(Ordinance #2015-05/12-18-2015)*

8.050.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class C-2 District: *(Ordinance #81-6/10-01-81)*

.01 A

A. Antique shops. *(Ordinance #81-6/10-01-81)*

B. Apparel and shoe stores. *(Ordinance #81-6/10-01-81)*

C. Art galleries. *(Ordinance #81-6/10-01-81)*

D. Auditoriums, exhibition halls, or other public assembly rooms. *(Ordinance #81-6/10-01-81)*

E. Automobile and other vehicle parts and supply stores. *(Ordinance #81-6/10-01-81)*

F. Automobile and other vehicle washing establishments, including the use of mechanical conveyors, blowers and steam cleaning, and including self-service facilities. *(Ordinance #81-6/10-01-81)*

G. Automobile, boat, farm implement and equipment, motorcycle, *mobile home,* trailer and truck sales, rental and service. *(Ordinance #81-6/10-01-81)*

.02 B

A. Bakeries and bakery outlets-retail sales only. *(Ordinance #81-6/10-01-81)*

B. Banks, savings and loan associations, lending agencies, and similar financial institutions including drive-in banks. *(Ordinance #81-6/10-01-81)*

C. Barber shops and beauty shops. *(Ordinance #81-6/10-01-81)*

*D.* Bars, cocktail lounges, nightclubs and *taverns*, provided that the side yard setback and rear yard setback shall be a minimum of fifty (50) feet when such yards abut a Class "R" District or platted residential subdivision. *(Ordinance #2004-14/07-01-04)*

E. Bicycle shops, sales and repairs. *(Ordinance #81-6/10-01-81)*

F. Bookstores including newsstands, magazine stores and rental libraries. *(Ordinance #81-6/10-01-81)*

G. Building supply stores, provided all phases of the business conducted upon the premises be within an enclosed *building*. *(Ordinance #81-6/10-01-81)*

H. Business and professional offices. *(Ordinance #81-6/10-01-81)*

I. Business, professional, technical and trade schools and colleges. *(Ordinance #81-6/10-01-81)*

.03 C

A. Camera and photographic supply store, including photographic development pick-up stores. *(Ordinance #81-6/10-01-81)*

B. Candy, nut and confectionery shops, including ice cream or snack bars, but only at retail and only on the premises. *(Ordinance #81-6/10-01-81)*

C. Carpenter and cabinet making shops. *(Ordinance #81-6/10-01-81)*

D. Carpet and drapery stores. *(Ordinance #81-6/10-01-81)*

E. Catering establishments. *(Ordinance #81-6/10-01-81)*

F. Clothes cleaning and laundry pick-up stations. *(Ordinance #81-6/10-01-81)*

G. Collection offices of public utility. *(Ordinance #81-6/10-01-81)*

H. Commercial parking lots and *structures* for passenger vehicles in accordance with the provisions of Chapter 8.080. *(Ordinance #81-6/10-01-81)*

I. *Convalescent, nursing and retirement homes. (Ordinance #81-6/10-01-81)*

.04 D

A. Dairy stores, retail only. *(Ordinance #81-6/10-01-81)*

B. *Demolition rubble waste disposal site* for demolition rubble waste generated on the property where it is disposed of.

C. Department stores. *(Ordinance #81-6/10-01-81)*

D. Drug stores and pharmacies. *(Ordinance #81-6/10-01-81)*

E. Dry good stores. *(Ordinance #81-6/10-01-81)*

.05 E

A. Egg and poultry stores, excluding any slaughtering, eviscerating or plucking. *(Ordinance #81-6/10-01-81)*

B. Electrical repair shops. *(Ordinance #81-6/10-01-81)*

*C.* Employment agencies. *(Ordinance #81-6/10-01-81)*

*D.* Entertainment and recreational uses, including billiard and pool halls, bowling alleys, ballrooms and dance halls, gymnasiums and other indoor recreational uses and *buildings*, provided that the side yard setback and rear yard setback shall be a minimum of fifty (50) feet when such yards abut a Class "R" District or platted residential subdivision. *(Ordinance #2004-14/07-01-04)*

.06 F

A. Feed and seed stores, whose products shall be stored and sold in packaged form only. *(Ordinance #81-6/10-01-81)*

B. Florist stores. *(Ordinance #81-6/10-01-81)*

C. Frozen food lockers for storage and retail sales only, excluding slaughtering. *(Ordinance #81-6/10-01-81)*

D. Furniture and appliance stores, including incidental repair and upholstery. *(Ordinance #81-6/10-01-81)*

.07 G

A. *Garages* for general motor vehicle repair, but not including major body and fender work, and overall painting and upholstering. *(Ordinance #81-6/10-01-81)*

B. Garden shops and supply stores, and nurseries, provided that all equipment, supplies and merchandise, other than plants, shall be kept within a completely enclosed *building* or under a lathed structure and further provided that fertilizer of any type shall be stored and sold in packaged form only. *(Ordinance #81-6/10-01-81)*

C. Gift, novelty and souvenir shops. *(Ordinance #81-6/10-01-81)*

D. Governmental *structures* or uses including fire stations, libraries, police stations, post offices, substations and roadside rest areas; but excluding sanitary landfills or uses similar in their scope of effect. *(Ordinance #81-6/10-01-81)*

E. Grocery stores, delicatessens and supermarkets, including convenience stores. *(Ordinance #81-6/10-01-81)*

.08 H

A. Hardware stores. *(Ordinance #81-6/10-01-81)*

B. Hobby, craft and art supply stores. *(Ordinance #81-6/10-01-81)*

C. Home furnishings and decorating stores. *(Ordinance #81-6/10-01-81)*

D. Hospitals, medical and dental clinics and other medical and health facilities. *(Ordinance #81-6/10-01-81)*

E. .*Hotels and motels,* but only when serviced with public or *common water and sewer facilities. (Ordinance #81-6/10-01-81)*

.09 I

A. Ice storage and distribution stations of not more than five (5) ton capacity. *(Ordinance #81-6/10-01-81)*

.10 J

A. Jewelry stores, including clock and watch repair. *(Ordinance #81-6/10-01-81)*

.11 K

.12 L

A. Launderettes, coin-operated dry-cleaning establishments, and dry-cleaning or pressing establishments using only non-flammable solvents. *(Ordinance #81-6/10-01-81)*

B. Lawn mower repair shops. *(Ordinance #81-6/10-01-81)*

C. Leather goods and luggage stores. *(Ordinance #81-6/10-01-81)*

D. Liquor stores. *(Ordinance #81-6/10-01-81)*

E. Locksmith and key shops. *(Ordinance #81-6/10-01-81)*

.13 M

A. Mini-storage warehouses. *(Ordinance #90-8/07-06-90)*

B. Mortuaries, funeral homes and funeral chapels. *(Ordinance #81-6/10-01-81)*

C. Music stores, including instrument sales and repairs. *(Ordinance #81-6/10-01-81)*

.14 N

.15 O

.16 P

A. Paint and wallpaper stores. *(Ordinance #81-6/10-01-81)*

B. Pet shops, including birds and fish. *(Ordinance #81-6/10-01-81)*

C. Plumbing and heating, or electrical contractors and equipment showrooms. *(Ordinance #81-6/10-01-81)*

D. Printing, lithographic and engraving shops, including blueprint, photostat or other reproduction process shops. *(Ordinance #81-6/10-01-81)*

.17 Q

.18 R

A. Radio and television stores and repair shops. *(Ordinance #81-6/10-01-81)*

*B.* Restaurants, tearooms, cafeterias, cafes, and soda fountains, including outdoor cafes and drive-in eating and dining places, provided that the side yard setback and rear yard setback shall be a minimum of fifty (50) feet when such yards abut a Class "R" District or platted residential subdivision. *(Ordinance #2004-14/07-01-04)*

.19 S

A. Scientific, orthopedic and medical instrument and appliance stores. *(Ordinance #81-6/10-01-81)*

B. *Service stations*, including dispensing of diesel fuels and complete truck service. *(Ordinance #81-6/10-01-81)*

*C.* Sexually oriented businesses, subject to the terms of Chapter 3.55, Sexually Oriented Businesses Ordinance, Pottawattamie County, Iowa. *(Ordinance #2003-12/10-03-03)*

*D.* Shoe and hat repair shops. *(Ordinance #81-6/10-01-81)*

E. Sporting goods stores. *(Ordinance #81-6/10-01-81)*

F. Stamp and coin stores. *(Ordinance #81-6/10-01-81)*

G. Stationery and office supply stores, including sales and repairs of office and business machines. *(Ordinance #81-6/10-01-81)*

H. Studios, including art, dance, massage and physical culture, music and photographic. *(Ordinance #81-6/10-01-81)*

.20 T

A. Tack shops. *(Ordinance #81-6/10-01-81)*

B. Tailor and dressmaker shops. *(Ordinance #81-6/10-01-81)*

C. Taxidermists. *(Ordinance #81-6/10-01-81)*

D. Telegraph offices and telephone exchanges. *(Ordinance #81-6/10-01-81)*

E. Telephone answering and messenger services. *(Ordinance #81-6/10-01-81)*

F. Theaters, except open drive-in theaters. *(Ordinance #81-6/10-01-81)*

G. Tire shops, excluding any recapping or retreading. *(Ordinance #81-6/10-01-81)*

H. Tobacco and cigar shops. *(Ordinance #81-6/10-01-81)*

*I.* Towers with a height not exceeding one hundred fifty (150) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

J. Toy stores. *(Ordinance #81-6/10-01-81)*

K. Transformer stations, booster stations, and utility stations; provided there is no *yard* or *garage* for service or storage. *(Ordinance #81-6/10-01-81)*

L. Transportation passenger terminals, including bus stations, railroad passenger stations, or other passenger terminals; provided that buses and other transit vehicles shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site. *(Ordinance #81-6/10-01-81)*

M. Travel bureaus. *(Ordinance #81-6/10-01-81)*

.21 U

A. Upholstering shops. *(Ordinance #81-6/10-01-81)*

.22 V

A. Variety stores. *(Ordinance #81-6/10-01-81)*

B. Veterinary hospitals or clinics; provided all phases of the business conducted upon the premises be within an enclosed *building* where noises and odors are not evident to adjacent properties. *(Ordinance #81-6/10-01-81)*

.23 W

.24 X

.25 Y

.26 Z

8.050.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class C-2 District, when authorized in accordance with the requirements of Chapter 8.096: *(Ordinance #81-6/10-01-81)*

.01 Auction halls, barns, and yards. *(Ordinance #81-6/10-01-81)*

.02 Body and fender repair shops, including overall painting and upholstering, but not including motor vehicle wrecking or used parts yards or outside storage of component parts. *(Ordinance #81-6/10-01-81)*

.03 Drive-in theaters. *(Ordinance #81-6/10-01-81)*

.04 Exterminator sales when located within a completely enclosed *building. (Ordinance #81-6/10-01-81)*

.05 Secondary airports and private light plane landing strips and helipads, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Agency, and when situated on a site containing not less than thirty (30) acres.

.06 Tire shops, including vulcanizing, retreading and recapping. *(Ordinance #81-6/10-01-81)*

.07 Transmitting stations and towers with a height exceeding one hundred fifty (150) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

.08 Outdoor entertainment and recreational uses, but only in conjunction with a principal use of entertainment and recreation as listed in 8.050.020.33. *(Ordinance #2004-15/09-10-04)*

.09 SOLAR ENERGY SYSTEMS, COMMERCIAL, subject to the requirements of 8.004.210.(Ordinance #2023-05/11-17-2023)

8.050.040 ACCESSORY USES: The following *accessory uses* shall be permitted in a Class C-2 District: *(Ordinance #81-6/10-01-81)*

.01 *Accessory uses and structures* normally incidental and subordinate to one of the permitted *principal* or conditional uses, unless otherwise excluded. *(Ordinance #81-6/10-01-81)*

.02 Display *signs,* subject to the provisions of Chapter 8.090. *(Ordinance #81-6/10-01-81)*

.03 Outdoor advertising signs and billboards, subject to the provisions of Chapter 8.090.

.04 Outdoor storage of material or merchandise incidental to a permitted use, but not to exceed forty (40) percent of the building floor area used for such use. *(Ordinance #2015-05/12-18-2015)*

.05 Temporary roadside fireworks stands and Christmas tree lots, when approved by the *Development Director* for a specified time period, after which they shall be disassembled and removed at the end of the authorized period each year. *(Ordinance #81-6/10-01-81)*

.06 SOLAR ENERGY SYSTEMS, NON-COMMERCIAL (SES), subject to the requirements of 8.004.210 ((*Ordinance #2023-05/11-17-2023)*

.07 WIND ENERGY SYSTEMS, NON-COMMERCIAL (WES), subject to the requirements of 8.040.240 *(Ordinance #2023-05/11-17-2023)*

8.050.050 OFF-STREET PARKING AND LOADING: *Off-street parking and loading spaces* shall be provided in accordance with Chapter 8.080 for permitted *principal and conditional uses* in a Class C-2 District. *(Ordinance #81-6/10-01-81)*

8.050.060 HEIGHT REQUIREMENT: The maximum height of *buildings* and *structures* in a Class C-2 District shall be forty (40) feet or three (3) *stories,* whichever is lower. *(Ordinance #81-6/10-01-81)*

8.050.070 SETBACK REQUIREMENTS: The *setback* requirements for *buildings* and *structures* in a Class C-2 District shall be as follows: *(Ordinance #81-6/10-01-81)*

.01 The *front yard setback* shall be a minimum of twenty-five (25) feet. *(Ordinance #81-6/10-01-81)*

.02 The *side yard setback* shall be a minimum of twenty-five (25) feet when such *yard* abuts a Class "A" or "R" District or platted residential subdivision, except as provided in Subsections8.050.020.02.D, 8.050.020.05.D and 8.050.020.18.B.

.03 The *rear yard setback* shall be a minimum of twenty-five (25) feet when such *yard* abuts a Class "A" or "R" District or platted residential subdivision, except as provided in Subsections 8.050.020.02.D, 8.050.020.05.D and 8.050.020.18.B.

.04 The minimum *setback* between *buildings* situated on the same site shall be ten (10) feet. *(Ordinance #81-6/10-01-81)*

8.050.080 LOT SIZE AND COVERAGE REQUIREMENTS: The minimum *lot* size and maximum *lot* coverage for uses in a Class C-2 District shall be as follows, except as provided in Section 8.004.030 for *lots* not having *common water and/or sewer facilities: (Ordinance #81-6/10-01-81)*

| | | MINIMUM LOT | | | MAXIMUM LOT |
|---|---|---|---|---|---|
| | USE | AREA | WIDTH | DEPTH | COVERAGE |
| .01 | Any Permitted Use | 1.0 Acres | 80' | 100' | 50% |

*(Ordinance #81-6/10-01-81)*

# CHAPTER 8.051
# COMMERCIAL RECREATION DISTRICT

8.051.010 INTENT: The Class C-3 District is intended to reserve or protect appropriately located commercial recreation facilities within or proximate to the county's scenic natural recreation areas; to provide space for appropriate community facilities; and to permit the location of certain commercial uses in recreation areas where such uses are clearly incidental to the recreation use or facility. Properties shall be located along or have direct access to hard surfaced streets. *(Ordinance #2015-05/12-18-2015)*

8.051.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class C-3 District: *(Ordinance #86-6/09-11-86)*

.01 Commercial campgrounds and recreational vehicle parks, including incidental retail sales of merchandise on the site, subject to the provisions of Section 8.004.190. *(Ordinance #86-6/09-11-86)*

.02 Commercial golf courses, country clubs, and appurtenant pro shops, restaurants and liquor sales subject to other state and county regulations. *(Ordinance #86-6/09-11-86)*

.03 Commercial horse stables, riding academies and clubs, provided that no *structure* shall be closer than fifty (50) feet to any property line. *(Ordinance #86-6/09-11-86)*

.04 Resorts and guest ranches, including incidental retail sales of merchandise on the site. *(Ordinance #86-6/09-11-86)*

.05 Sexually oriented businesses, subject to the terms of Chapter 3.55, Sexually Oriented Businesses Ordinance, Pottawattamie County, Iowa. *(Ordinance #2003-12/10-03-03)*

.06 Ski resorts. *(Ordinance #86-6/09-11-86)*

.07 Towers with a height not exceeding one hundred fifty (150) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

8.051.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class C-3 District, when authorized in accordance with the requirements of Chapter 8.096: *(Ordinance #86-6/09-11-86)*

.01 Athletic stadiums for contests of football, baseball, soccer, track and field and other sports events, but not including enclosed uses such as a bowling alley. *(Ordinance #86-6/09-11-86)*

.02 Governmental structures and uses other than sanitary landfills or uses similar in their scope or effect, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. *(Ordinance #86-6/09-11-86)*

.03 Gun clubs, rifle ranges, and skeet or trap shooting, provided no shooting activity shall be located closer than seven hundred fifty (750) feet from any dwelling nor closer than one (1) mile from any Class "R" District or platted residential subdivision, and further provided that shooting be so conducted that no shot leaves the range premises. *(Ordinance #2004-14/07-01-04)*

.04 Secondary airports and private light plane landing strips and helipads, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Agency, and when situated on a site containing not less than thirty (30) acres.

.05 Temporary establishments or enterprises involving large assemblages of people or automobiles including, but not limited to, carnivals, circuses, rodeo grounds, show rings, livestock auction barns and yards, music festivals, sports festivals and similar uses. *(Ordinance #2004-14/07-01-04)*

.06 Towers with a height exceeding one hundred fifty (150) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

.07 Transformer stations, booster stations, and utility stations, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and front yard setback may be waived by the *Adjustment Board* only on finding that the waiver will not create a detrimental effect on the adjacent properties. *(Ordinance #2007-09/10-12-07)*

.08 SOLAR ENERGY SYSTMES, COMMERCIAL, subject to the requirements of 8.004.210.(Ordinance #2023-05/11-17-2023)

8.051.040 ACCESSORY USES: The following *accessory uses* shall be permitted in a Class C-3 District: *(Ordinance #86-6/09-11-86)*

.01 *Accessory uses and structures* normally incidental and subordinate to one of the permitted *principal* or *conditional uses*, unless otherwise excluded. *(Ordinance #86-6/09-11-86)*

.02 Display *signs,* subject to the provisions of Chapter 8.090. *(Ordinance #86-6/09-11-86)*

.03 Private parking facilities including garages, carports, and other parking spaces. *(Ordinance #86-6/09-11-86)*

.04 SOLAR ENERGY SYSTEMS, NON-COMMERCIAL (SES), subject to the requirements of 8.004.210 ((*Ordinance #2023-05/11-17-2023)*

.05 WIND ENERGY SYSTEMS, NON-COMMERCIAL (WES), subject to the requirements of 8.004.240 *(Ordinance #2023-05/11-17-2023)*

8.051.050 OFF-STREET PARKING AND LOADING: *Off-street parking and loading spaces* shall be provided in accordance with Chapter 8.080 for permitted *principal and conditional uses* in a Class C-3 District. *(Ordinance #86-6/09-11-86)*

8.051.060 HEIGHT REQUIREMENTS: No maximum height is established for *buildings* and *structures* in a Class C-3 District, however, attention shall be directed to the equipment limits of the various fire protection jurisdictions in respect to stream heights and evacuation assistance, and the obligation of any designer to accommodate these limitations in the design of any building. *(Ordinance #86-6/09-11-86)*

8.051.070 SETBACK REQUIREMENTS: The *setback* requirements for *buildings* and *structures* in a Class C-3 District shall be as follows: *(Ordinance #86-6/09-11-86)*

01 The *front yard setback* shall be a minimum of fifty (50) feet. *(Ordinance #86-6/09-11-86)*

.02 The *side yard setback* shall be a minimum of twenty-five (25) feet. *(Ordinance #86-6/09-11-86)*

.03 The *rear yard setback* shall be a minimum of fifty (50) feet. *(Ordinance #86-6/09-11-86)*

.04 The minimum *setback* for any *yard* which abuts a highway or *county road* shall be seventy-five (75) feet. *(Ordinance #86-6/09-11-86)*

8.051.080 LOT SIZE AND COVERAGE REQUIREMENTS: The minimum *lot* size and maximum *lot* coverage for uses in a Class C-3 District shall be as follows:

| | | MINIMUM LOT | | | MAXIMUM LOT |
|---|---|---|---|---|---|
| | USE | AREA | WIDTH | DEPTH | COVERAGE |
| .01 | Recreational Facilities | 5.0 Acres | 300’ | 300’ | 5% |
| .02 | Other permitted structures and uses | 2.0 Acres | 175’ | 300’ | 30% |

*(Ordinance #2004-14/07-01-04)*

# CHAPTER 8.055
# LIMITED INDUSTRIAL DISTRICT

8.055.010 INTENT: The Class I-1 District is intended primarily to provide for those activities and used of a limited industrial nature which are either free of objectionable influences in their operations and appearance or which can, through the use of appropriate abatement devices, readily prevent or control any such objectionable be influences. Land requirements for most limited industrial uses generally dictates its application along major streets and highways, railroad lines, and other major transportation corridors of the County which generally lie close to commercial and industrial districts. *(Ordinance #2015-05/12-18-2015)*

8.055.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class I-1 District: *(Ordinance #81-6/10-01-81)*

.01 A

A. Auction halls, barns and yards. *(Ordinance #81-6/10-01-81)*

B. Automobile and other vehicle parts and supply stores. *(Ordinance #81-6/10-01-81)*

C. Automobile and other vehicle washing establishments, including the use of mechanical conveyors, blowers and steam cleaning, and including self-service facilities. *(Ordinance #81-6/10-01-81)*

D Automobile, boat, farm implement and equipment, motorcycle, mobile home, trailer and truck sales, rental and service. *(Ordinance #81-6/10-01-81)*

.02 B

A. Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for effective precipitation or recovery of dust. *(Ordinance #81-6/10-01-81)*

B. Bakeries, other than those whose products are sold at retail only on the premises. *(Ordinance #81-6/10-01-81)*

C. Bottling plants. *(Ordinance #81-6/10-01-81)*

D Business and professional offices. *(Ordinance #81-6/10-01-81)*

.03 C

A. Carpenter and cabinet making shops. *(Ordinance #81-6/10-01-81)*

B. Catering establishments. *(Ordinance #81-6/10-01-81)*

C. Circus, carnivals or similar transient enterprises; provided such structures or buildings shall be at least two hundred (200) feet from any Class “R” District or platted residential subdivision. *(Ordinance #2004-14/07-01-04)*

D. Clothes dry cleaning and/or dyeing establishments using flammable cleaning fluids with a flash point higher than one hundred (100) degrees Fahrenheit. *(Ordinance #81-6/10-01-81)*

.E. Coal, coke or wood yards. *(Ordinance #81-6/10-01-81)*

F. Commercial baseball fields, swimming pools, skating rinks, golf driving ranges, miniature golf courses, trampoline centers and similar open recreational uses and facilities. *(Ordinance #81-6/10-01-81)*

G. Commercial parking lots and structures for passenger vehicles in accordance with the provisions of Chapter 8.080. *(Ordinance #81-6/10-01-81)*

H. Commercial storage warehouses and mini-warehouses. *(Ordinance #81-6/10-01-81)*

I. Concrete mixing plants, and concrete product manufacturing; provided no residential street shall be used for delivery trucks for ingress to or egress from the plant. *(Ordinance #81-6/10-01-81)*

J. Contractor's equipment storage yards, including storage yards for commercial vehicles. *(Ordinance #81-6/10-01-81)*

K. Convenience stores, including package foods and picnic supplies. *(Ordinance #81-6/10-01-81)*

L. Cooperage works. *(Ordinance #81-6/10-01-81)*

M. Creameries, including wholesale manufacturing of ice cream. *(Ordinance #81-6/10-01-81)*

.04 D

A. *Demolition rubble waste disposal site*s, provided that no such disposal site shall be located closer than two (2) miles to the corporate limits of any municipality having a population of greater than 25,000, according to the latest federal census. *(Ordinance #88-15/12-06-88)*

B. Drive-in theaters. *(Ordinance #81-6/10-01-81)*

.05 E

A. Egg and poultry stores, excluding any slaughtering eviscerating or plucking. *(Ordinance #81-6/10-01-81)*

B. Electrical repair shops. *(Ordinance #81-6/10-01-81)*

C. Enameling, lacquering or japanning. *(Ordinance #81-6/10-01-81)*

D. Entertainment and recreational uses, including billiard and pool halls, bowling alleys, ballrooms and dance halls, gymnasiums and other indoor recreational uses and buildings. *(Ordinance #81-6/10-01-81)*

E. Exterminator sales. *(Ordinance #81-6/10-01-81)*

.06 F

A. Feed and seed sales and storage, including grain elevators. *(Ordinance #81-6/10-01-81)*

B. Frozen food lockers, excluding any slaughtering. *(Ordinance #81-6/10-01-81)*

C. Furniture warehouses and van services. *(Ordinance #81-6/10-01-81)*

.07 G

A. Garages for general motor vehicle repair, including major body and fender work, and overall painting and upholstering, but not including motor vehicle wrecking or used parts yards or outside storage of component parts. *(Ordinance #81-6/10-01-81)*

B. Garden supply shops and nurseries. *(Ordinance #81-6/10-01-81)*

C. Governmental *structures* or uses including fire stations, libraries, police stations, post offices, substations and roadside rest areas; but excluding sanitary landfills or uses similar in their scope or effect. *(Ordinance #81-6/10-01-81)*

.08 H

.09 I

A. Ice manufacturing and cold storage plants. *(Ordinance #81-6/10-01-81)*

.10 J

.11 K

.12 L

A. Laboratories, research, experimental, and control or testing; provided no operation shall be conducted, or equipment employed, which would create hazardous, noxious, or offensive conditions. *(Ordinance #81-6/10-01-81)*

B. Laundries, including linen and diaper supply services. *(Ordinance #81-6/10-01-81)*

C. Lawn mower repair shops. *(Ordinance #81-6/10-01-81)*

D. Lumber yards and building material sales yards, including incidental mill work. *(Ordinance #81-6/10-01-81)*

,13 M

A. Machinery sales, rental and repairs. *(Ordinance #81-6/10-01-81)*

B. Machine shops, including the use of lathes, drill presses and similar equipment on pre-formed metals, but not involving the use of drop hammers and other noise producing machine-operated tools. *(Ordinance #81-6/10-01-81)*

C. Manufacturing, assembling, packaging or other comparable treatment of electric, electronic or gas appliances, instruments and devices of any kind, including kitchen appliances; small industrial instruments and devices; radios, phonographs, and television sets; cameras and other photographic equipment; musical instruments, toys, novelties, and rubber and metal hand stamps; medical, dental and drafting instruments; small precision instruments, such as barometers, clocks, watches and compasses; and including the manufacturing of small accessory parts, such as coils, condensers, transformers, crystal holders and similar products. *(Ordinance #81-6/10-01-81)*

D. Manufacturing, assembling, painting and repair of electric and neon signs, and outdoor advertising signs and structures. *(Ordinance #81-6/10-01-81)*

E. Manufacturing, compounding, processing, assembling, packaging, or other comparable treatment of articles or merchandise derived from previously prepared materials, specifically listed as follows: bone, canvas, cardboard, cellophane, cloth, cord, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, natural or synthetic rubber, paper, plastic, precious or semi-precious metals or stones, shell, textiles, tobacco, wax, wood, yarns; and light metal mesh, pipe, rods, strips or wire. *(Ordinance #81-6/10-01-81)*

F. Manufacturing, processing, packaging, or other comparable treatment of drugs, general pharmaceutical products, cosmetics, perfume, and toiletries. *(Ordinance #81-6/10-01-81)*

G. Manufacturing, processing, packaging, or other comparable treatment of pottery, figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only be electricity or gas. *(Ordinance #81-6/10-01-81)*

H. Milk distributing station, other than a retail business conducted on the premises. *(Ordinance #81-6/10-01-81)*

I. Monument sales yard. *(Ordinance #81-6/10-01-81)*

J. Motion pictures, radio, and television production studios and broadcasting stations, but not including antennas or towers. *(Ordinance #81-6/10-01-81)*

K. Motor vehicle dismantling or recycling provided all portions of the operation shall be conducted within an enclosed building; that no metal shredders shall be used in connection with the operation; and that no burning of any portion of a motor vehicle is done on the site. *(Ordinance #81-6/10-01-81)*

.14 N

.15 O

.16 P

A. Packing and crating houses, excluding meat or fish products. *(Ordinance #81-6/10-01-81)*

B. Parcel delivery services. *(Ordinance #81-6/10-01-81)*

C. Photographic film printing or development establishments. *(Ordinance #81-6/10-01-81)*

D. Plumbing and heating, or electrical contractor shops. *(Ordinance #81-6/10-01-81)*

E. Photographic, lithographing and engraving shops, including blueprinting, photostating or other reproduction processes. *(Ordinance #81-6/10-01-81)*

F. Processing, packaging, or other comparable treatment of bakery goods, candy, canned foods, processed dairy products, and other food products, except fish and meat products, sauerkraut, vinegar, yeast, and the rendering of refining of fats and oils. *(Ordinance #81-6/10-01-81)*

G. Publishing and newspaper printing establishments, including bookbinding. *(Ordinance #81-6/10-01-81)*

.17 Q

.18 R

A. Refrigeration equipment sales and services. *(Ordinance #81-6/10-01-81)*

B. Rental yards for equipment customarily used by contractors. *(Ordinance #81-6/10-01-81)*

C. Restaurants, cafes, and drive-in eating and dining places. *(Ordinance #81-6/10-01-81)*

.19 S

A. Safe and vault repair. *(Ordinance #81-6/10-01-81)*

B. *Service stations*, including dispensing of diesel fuels and complete truck service. *(Ordinance #81-6/10-01-81)*

C. Sexually oriented businesses, subject to the terms of Chapter 3.55, Sexually Oriented Businesses Ordinance, Pottawattamie County, Iowa. *(Ordinance #2003-12/10-03-03)*

D. Sheet metal shops, including the forming of heating and ventilating ducts, eaves, cornices and metal products, not involving the use of drop hammers and other noise producing machine-operated tools. *(Ordinance #81-6/10-01-81)*

.20 T

A. Taxidermists. *(Ordinance #81-6/10-01-81)*

B. Telegraph exchanges and other communications equipment buildings. *(Ordinance #81-6/10-01-81)*

C. Tire shops, including vulcanizing, retreading or recapping. *(Ordinance #81-6/10-01-81)*

D. Tool or cutlery sharpening or grinding. *(Ordinance #81-6/10-01-81)*

E. Towers with a height not exceeding two hundred (200) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

F. Transformer stations, booster stations, and utility stations; including utility yard and *garage* for service or storage. *(Ordinance #81-6/10-01-81)*

G. Transportation passenger terminals, including bus stations, railroad passenger stations, or other passenger terminals, and including vehicle storage and repair. *(Ordinance #81-6/10-01-81)*

H. Truck and motor freight stations or terminals, including cartage and express hauling and similar establishments, provided such uses are conducted either (a) within a completely enclosed building or buildings, except for storage of vehicles, or (b) within an area completely enclosed on sides by a sight obscuring fence not less than six (6) feet high. *(Ordinance #81-6/10-01-81)*

I. Temporary roadside fireworks stands and Christmas tree lots, when approved by the *Development Director* for a specified time period, after which they all shall be disassembled and removed at the end of the authorized period each year. *(Ordinance #2021-01/03-12-2021)*

.21 U

A. Upholstering shops. *(Ordinance #81-6/10-01-81)*

.22 V

A. Veterinary hospitals or clinics; provided an exercising runway shall be at least two hundred (200) feet from any Class “R” District or platted residential

subdivision and one hundred (100) feet from any Class "C" District boundary. *(Ordinance #2004-14/07-01-04)*

.23 W

A. Warehouses, retail and wholesale, except for the storage of fuel or flammable liquids and explosives. *(Ordinance #81-6/10-01-81)*

B. Welding, blacksmithing, or other metal working shops, exclusive of drop hammers and other noise producing machine-operated tools. *(Ordinance #81-6/10-01-81)*

.24 X

.25 Y

.26 Z

8.055.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class I-1 District, when authorized in accordance with the requirements of Chapter 8.096: *(Ordinance #81-6/10-01-81)*

.01 Agricultural grain and seed, stock feed and alfalfa drying, processing and storage. *(Ordinance #81-6/10-01-81)*

.02 *Demolition rubble waste disposal site*s, which such disposal site may be located closer than two (2) miles to the corporate limits of any municipality having a population of greater than 25,000, according to the latest federal census. *(Ordinance #88-15/December 8, 1988)*

.03 Flammable liquids, underground storage only, not to exceed fifty thousand (50,000) gallons per storage unit, provided such storage units shall be located not less than three hundred (300) feet from any Class "R" or "C" District. *(Ordinance #81-6/10-01-81)*

.04 Foundry casting of light-weight non-ferrous metals produced in an electric foundry not causing noxious fumes or odors. *(Ordinance #81-6/10-01-81)*

.05 Railroad and freight stations, including freight classification yards and repairs shops; provided no such station, yard or shop shall be closer than two hundred (200) feet from any Class "R" District or platted residential subdivision. *(Ordinance #2004-14/07-01-04)*

.07 Transmitting stations and towers exceeding two hundred (200) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

.08 SOLAR ENERGY SYSTMES, COMMERCIAL, subject to the requirements of 8.004.210.(Ordinance #2023-05/11-17-2023)

8.055.040 ACCESSORY USES: The following *accessory uses* shall be permitted in a Class I-1 District: *(Ordinance #81-6/10-01-81)*

.01 *Accessory uses and structures* normally incidental and subordinate to one of the permitted *principal* or *conditional uses*, unless otherwise excluded. *(Ordinance #81-6/10-01-81)*

.02 Display *signs,* subject to the provisions of Chapter 8.090. *(Ordinance #81-6/10-01-81)*

.03 Outdoor advertising signs and billboards, subject to the provisions of Chapter 8.090. *(Ordinance #2004-14/07-01-04)*

.04 SOLAR ENERGY SYSTEMS, NON-COMMERCIAL (SES), subject to the requirements of 8.004.210 (*(Ordinance #2023-05/11-17-2023)*

.05 WIND ENERGY SYSTEMS, NON-COMMERCIAL (WES), subject to the requirements of 8.004.240 *(Ordinance #2023-05/11-17-2023)*

8.055.050 OFF-STREET PARKING AND LOADING: *Off-street parking and loading spaces* shall be provided in accordance with Chapter 8.080 for permitted *principal and conditional uses* in a Class I-1 District. *(Ordinance #81-6/10-01-81)*

8.055.060 HEIGHT REQUIREMENTS: The maximum height of *buildings* and *structures* in a Class I-1 District shall be seventy-five (75) feet, provided that no building or structure within two hundred (200) feet of any Class "R" District or platted residential subdivision shall exceed forty-five (45) feet in height. *(Ordinance #2004-14/07-01-04)*

8.055.070 SETBACK REQUIREMENTS: The *setback* requirements for *buildings* and *structures* in a Class I-1 District shall be as follows: *(Ordinance #81-6/10-01-81)*

.01 The *front yard setback* shall be a minimum of twenty-five (25) feet. *(Ordinance #81-6/10-01-81)*

.02 The *side yard setback* shall be a minimum of fifty (50) feet when such *yard* abuts a Class "A" District and shall be a minimum of seventy-five (75) feet when such yard abuts a Class "R" District or platted residential subdivision. *(Ordinance #2004-14/07-01-04)*

.03 The *rear yard setback* shall be a minimum of fifty (50) feet when such *yard* abuts a Class "A" District and shall be a minimum of seventy-five (75) feet when such yard abuts a Class "R" District or platted residential subdivision. *(Ordinance #2004-14/07-01-04)*

.04 The minimum *setback* between *buildings* situated on the same site shall be ten (10) feet. *(Ordinance #81-6/10-01-81*

8.055.080 LOT SIZE AND COVERAGE REQUIREMENTS: The minimum *lot* size and maximum *lot* coverage for uses in a Class I-1 District shall be as follows, except as provided in Section 8.004.030 for *lots* not having *common water and/or sewer facilities: (Ordinance #81-6/10-01-81)*

| | USE | MINIMUM LOT | | | MAXIMUM LOT |
|---|---|---|---|---|---|
| | | AREA | WIDTH | DEPTH | COVERAGE |

| | | | | | |
|---|---|---|---|---|---|
| .01 | Any Permitted Use | 1.0 Acres | 80’ | 100’ | 70% |

*(Ordinance #81-6/10-01-81)*

# CHAPTER 8.060
# GENERAL INDUSTRIAL DISTRICT

8.060.010 INTENT: The Class I-2 District is intended primarily for those activities and uses of a heavy industrial nature. Since this is the least restrictive of any *district,* many uses are permissible which involve hazardous operations or circumstances, or create conditions of effects which, if not properly managed, could be unhealthy, offensive or injurious to workers or the public-at-large. For this reason and because of the performance standards set forth in this Ordinance provide only limited control, it is necessary that any application of a Class I-2 District in proper spatial relationship to adjoining *districts* in respect to prevailing winds, traffic routes, railway facilities and similar considerations. Land requirements for most general industrial uses generally dictates its application along major streets and highways, railroad lines, and other major transportation corridors of the County which generally lie close to other commercial and industrial districts. *(Ordinance #2015-05/12-18-2015)*

8.060.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class I-2 District: *(Ordinance #81-6/10-01-81)*

.01 *A*

A. *Agricultural* grain and seed and stock feed drying, processing and storage. *(Ordinance #81-6/10-01-81)*

B. Automobile and other vehicle assembly. *(Ordinance #81-6/10-01-81)*

C Automobile, boat, farm implement and equipment, motorcycle, mobile home, trailer and truck sales, rental and service. *(Ordinance #2023-04/06-20-2023)*

.02 B

A. Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for effective precipitation or recovery of dust. *(Ordinance #81-6/10-01-81)*

B. Boiler shops. *(Ordinance #81-6/10-01-81)*

C. Bottling plants. *(Ordinance #81-6/10-01-81)*

D. Brick, tile or terra cotta manufacture. *(Ordinance #81-6/10-01-81)*

E. Building of marine pleasure craft. *(Ordinance #81-6/10-01-81)*

.03 C

A. Coal combustion residue landfills, which shall be located on property contiguous to the facility where the coal combustion residue is generated, subject to approval by the Iowa Department of Natural Resources and the *County Board*. *(Ordinance #2006/9-15-06*

B. Commercial parking lots and *structures* for passenger vehicles in accordance with the provisions of Chapter 8.080. *(Ordinance #81-6/10-01-81)*

C. Convenience stores, including package foods and picnic supplies. *(Ordinance #81-6/10-01-81)*

D. Cooperage works. *(Ordinance #81-6/10-01-81)*

E. Creameries, including wholesale manufacturing of ice cream. *(Ordinance #81-6/10-01-81)*

.04 D

A. *Demolition rubble waste disposal sites*, provided that no such disposal site shall be located closer than two (2) miles to the corporate limits of any municipality having a population of greater than 25,000, according to the latest federal census. *(Ordinance #88-15/12-08-88)*

B. Drop forge and forming industries manufacturing forgings with power hammers. *(Ordinance #81-6/10-01-81)*

.05 E

A. Electric power generators, including transformer stations or substations. *(Ordinance #81-6/10-01-81)*

.06 F

A. Feed and seed sales and storage, including *grain elevators. (Ordinance #81-6/10-01-81)*

B. Flammable liquids, underground storage only, not to exceed fifty thousand (50,000) gallons per storage unit, provided such storage units shall be located not less than three hundred (300) feet from any Class "R" or "C" District. *(Ordinance #81-6/10-01-81)*

.07 G

A. *Garages* for general motor vehicle repair, including major body and fender work, and overall painting and upholstering, but not including motor vehicle wrecking or used parts yards or outside storage of component parts. *(Ordinance #81-6/10-01-81)*

B. Governmental *structures* or uses including fire stations, libraries, police stations, post offices, substations and roadside rest areas; but excluding sanitary landfills or uses similar in their scope or effect. *(Ordinance #81-6/10-01-81)*

.08 H

.09 I

A. Infectious medical waste incinerators and incinerators, subject to approval of the Iowa Department of Natural Resources and the *County Board*, provided that all portions of the operation shall be conducted within an enclosed building and further provided that no such use or structure shall be located closer than one thousand three hundred twenty (1,320) feet to any Class "R" District or platted residential subdivision or dwelling other than the lessee or owner of the site *(Ordinance #2004-14/07-01-04)*

B. Iron or steel or fabrication plant and heavyweight casting foundries. *(Ordinance #81-6/10-01-81)*

.10 J

A. *Junk* yards, vehicle and industrial salvage yards, used lumber yards, salvaged wood yards, wrecking yards, and used parts yards; provided the operation is not located closer than three hundred (300) feet from any Class A-1 or "R" District or platted residential subdivision nor closer than two hundred (200) feet from any Class "C" District; and further provided the operation is conducted with a *yard* enclosed on all sides with a *sight obscuring fence*, not less than eight (8) feet high of uniform design and uniform color, which substantially screens the area in which *junk* and material stored or deposited from sight of the nearest *street* or *highway*. The fence must be kept in good repair and it shall not be used for advertising displays or *signs*. Suitable opaque gates are required, which shall be closed and shall be locked after business hours, or when the yard is unattended. Provided, however, a portion of any gate, not to exceed ten (10) feet in length, may be constructed on a non-opaque material to permit observation of the fenced premises after business hours. *(Ordinance #2004-14/07-01-04)*

.11 K

.12 L

.13 M

A. Manufacturing, assembling, packaging or comparable treatment of electric, electronic or gas appliances, instruments and devices of any kind, including kitchen appliances; small industrial instruments and devices; radios, phonographs, and television sets; cameras and other photographic equipment; musical instruments, toys, novelties, and rubber and metal hand stamps; medical, dental and drafting instruments; small precision instruments, such as barometers, clocks, watches and compasses; and including the manufacturing of small accessory parts, such as coils, condensers, transformers, crystal holders and similar products. *(Ordinance #81-6/10-01-81)*

B. Manufacturing, assembling, painting and repair of electric and neon signs, and outdoor advertising signs and structures. *(Ordinance #81-6/10-01-81)*

C. Manufacturing, compounding, processing, assembling, packaging, or other comparable treatment of articles or merchandise derived from previously

prepared materials, specifically listed as follows: bone, canvas, cardboard, cellophane, cloth, cord, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, natural or synthetic rubber, paper, plastic, precious or semi-precious metals or stones, shell, textiles, tobacco, wax, wood, yarns; and light metal mesh, pipe, rods, strips or wire. *(Ordinance #81-6/10-01-81)*

D. Manufacturing, processing, packaging, or other comparable treatment of drugs, general pharmaceutical products, cosmetics, perfume, and toiletries. *(Ordinance #81-6/10-01-81)*

E. Manufacturing, processing, packaging, or other comparable treatment of pottery, figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only be electricity or gas. *(Ordinance #81-6/10-01-81)*

.14 N

.15 O

.16 P

A. Plastic manufacturing. *(Ordinance #81-6/10-01-81)*

B. Processing, packaging, or other comparable treatment of bakery goods, candy, canned foods, processed dairy products, and other food products, except fish and meat products, sauerkraut, vinegar, yeast, and the rendering of refining of fats and oils. *(Ordinance #81-6/10-01-81)*

.17 Q

.18 R

A. Railroad and freight stations, including freight classifications yards and repair shops; provided no such station, *yard* or shop shall be closer than two hundred (200) feet from any Class "R" District or platted residential subdivision. *(Ordinance #2004-14/07-01-04)*

B. Restaurants, cafes, and drive-in eating and dining places. *(Ordinance #81-6/10-01-81)*

C. Rolling mills. *(Ordinance #81-6/10-01-81)*

.19 S

A. Sawmills, planing mills, including lumber yards and the manufacture of wood products not involving chemical treatment. *(Ordinance #81-6/10-01-81)*

B. *Service stations,* including dispensing of diesel fuels and complete truck service. *(Ordinance #81-6/10-01-81)*

C. Sexually oriented businesses, subject to the terms of Chapter 3.55, Sexually Oriented Businesses Ordinance, Pottawattamie County, Iowa. *(Ordinance #2003-12/10-03-03)*

D. Soap manufacture. *(Ordinance #81-6/ 10-01-81)*

E. Stone polish manufacture. *(Ordinance #81-6/10-01-81)*

.20 T

A. Towers with a height not exceeding two hundred (200) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10/12/07)*

B. Transformer stations, booster stations, and utility stations; including utility yard and *garage* for service or storage. *(Ordinance #81-6/10-01-81)*

.21 U

.22 V

.23 W

A. Welding, blacksmithing, or other metal working shops, employing reciprocating hammers and other noise producing machine-operated tools. *(Ordinance #81-6/10-01-81)*

.24 X

.25 Y

.26 Z

8.060.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class I-2 District, when authorized in accordance with the requirements of Chapter 8.096: *(Ordinance #81-6/10-01-81)*

.01 A

A. Abattoirs and slaughter houses or stock yards. *(Ordinance #81-6/10-01-81)*

B. Alfalfa drying, processing and storage and sales. *(Ordinance #81-6/10-01-81)*

C. Asbestos, cement, gypsum, lime or plaster of paris manufacture. *(Ordinance #81-6/10-01-81)*

.02 B

.03 C

A. Chemical and acid manufacturing, processing and wholesale storage. *(Ordinance #81-6/10-01-81)*

.04 D

A. *Demolition rubble waste sites,* which such disposal site may be located closer than two (2) miles to the corporate limits of any municipality having a population of greater than 25,000, according to the latest federal census. *(Ordinance #88-15/12-08-86)*

B. Distillation of bones. *(Ordinance #81-6/10-01-81)*

.05 E

A. Explosive manufacture or storage. *(Ordinance #81-6/10-01-81)*

.06 F

A. Fat rendering. *(Ordinance #81-6/10-01-81)*

B. Fertilizer and/or agricultural chemical manufacture, blending and storage. *(Ordinance #81-6/10-01-81)*

.07 G

A. Glue, size or gelatin manufacture. *(Ordinance #81-6/10-01-81)*

B. Garbage, offal or dead animal reduction or dumping. *(Ordinance #81-6/10-01-81)*

C. Gas manufacture and cylinder recharging. *(Ordinance #81-6/10-01-81)*

.08 H

.09 I

.10 J

.11 K

.12 L

.13 M

.14 N

.15 0

.16 P

A. Paper and pulp manufacture. *(Ordinance #81-6/10-01-81)*

B. Petroleum and minerals or their products, exploration, extraction, refining, or wholesale storage of, including asphalt manufacturing or refining plants. *(Ordinance #81-6/10-01-81)*

.17 Q

.18 R

A. Rubber goods manufacture. *(Ordinance #81-6/10-01-81)*

.19 S

A. Sand and gravel pits, or quarries. *(Ordinance #81-6/10-01-81)*

B. Smelting and alloying of tin, copper, zinc or iron ores. *(Ordinance #81-6/10-01-81)*

Solid waste transfer stations. *(Ordinance #81-6/10-01-81)*

D. SOLAR ENERGY SYSTEMS, COMMERCIAL, subject to the requirements of *8.004.210.(Ordinance #2023-05/11-17-2023)*.20 T

A. Tannery or the curing or storage of raw hides. *(Ordinance #81-6/10-01-81)*

B. Transmitting stations and towers, exceeding two hundred (200) feet, subject to the requirements of Section 8.004.220. *(Ordinance #2007-09/10-12-07)*

.21 U

.22 V

.23 W

A. Wholesale fuel supply outlet or distributor. *(Ordinance #81-6/10-01-81)*

.24 X

.25 Y

.26 Z

8.060.040 ACCESSORY USES: The following *accessory uses* shall be permitted in a Class I-2 District: *(Ordinance #81-6/10-01-81)*

.01 *Accessory uses and structures* normally incidental and subordinate to one of the permitted *principal* or *conditional uses*, unless otherwise excluded. *(Ordinance #81-6/10-01-81)*

.02 Display *signs,* subject to the provisions of Chapter 8.090. *(Ordinance #81-6/10-01-81)*

.03 Outdoor advertising signs and billboards, subject to the provisions of Chapter 8.090.

.04 SOLAR ENERGY SYSTEMS, NON-COMMERCIAL (SES), subject to the requirements of 8.004.210 (*(Ordinance #2023-05/11-17-2023)*

.05 WIND ENERGY SYSTEMS, NON-COMMERCIAL (WES), subject to the requirements of 8.004.240 *(Ordinance #2023-05/11-17-2023)*

8.060.050 OFF-STREET PARKING AND LOADING: *Off-street parking and loading spaces* shall be provided in accordance with Chapter 8.080 for permitted *principal and conditional uses* in a Class I-2 District. *(Ordinance #81-6/10-01-81)*

8.060.060 HEIGHT REQUIREMENTS: The maximum height of *buildings* and *structures* in a Class I-2 District shall be seventy-five (75) feet, provided that no *building* or *structure* within two hundred (200) feet of any Class "R" District or platted residential subdivision shall exceed forty-five (45) feet in height. *(Ordinance #2004-14/07-01-04)*

8.060.070 SETBACK REQUIREMENTS: The *setback* requirements for *buildings* and *structures* in a Class I-2 District shall be as follows: *(Ordinance #81-6/10-01-81)*

.01 The *front yard setback* shall be a minimum of twenty-five (25) feet. *(Ordinance #81-6/10-01-81)*

.02 The *side yard setback* shall be a minimum of fifty (50) feet when such *yard* abuts a Class "A" District and shall be a minimum of seventy-five (75) feet when such yard abuts a Class "R" District or platted residential subdivision. *(Ordinance #2004-14/07-01-04)*

.03 The *rear yard setback* shall be a minimum of fifty (50) feet when such *yard* abuts a Class "A" District and shall be a minimum of seventy-five (75) feet when such yard abuts a Class "R" District or platted residential subdivision. No *rear yard setback* shall be required when the *rear yard* adjoins a railroad *right-of-way*. *(Ordinance #2004-14/07-01-04)*

.04 The minimum *setback* between *buildings* situated on the same site shall be ten (10) feet. *(Ordinance #81-6/10-01-81)*

8.060.080 LOT SIZE AND COVERAGE REQUIREMENTS: The minimum *lot* size and maximum *lot* coverage for uses in a Class I-2 District shall be as follows, except as provided in Section 8.004.030 for *lots* not having *common water and/or sewer facilities: (Ordinance #81-6/10-01-81)*

| | | MINIMUM LOT | | | MAXIMUM LOT |
|---|---|---|---|---|---|
| | USE | AREA | WIDTH | DEPTH | COVERAGE |
| .01 | Any Permitted Use | 1.0 Acres | 80' | 100' | 70% |

*(Ordinance #81-6/10-01-81)*

## Chapter 8.065
## Slope Protection District

8.065.01 INTENT: The Class SP Overlay District is intended to establish criteria for disturbing the natural earth surface to limit the process of erosion, protect the ground water, promote safe locations to building, provide safe and accessible routes for emergency vehicles, protect sensitive natural features and to preserve the fragile and scenic qualities of the Loess Hills. *(Ordinance #2015-05/12-18-2015)*

8.065.02 PROTECTION ZONE: All lands located in an area where the surface of the land has a thirty (30) percent to seventy-five (75) percent slope or greater shall be subject to the following: *(Ordinance #2015-05/12-18-2015)*

.01 Extraction pits shall be prohibited. *(Ordinance #2015-05/12-18-2015)*

.02 No more than one thousand (1,000) cubic feet of earth shall be disturbed within a twelve (12) month period. *(Ordinance #2015-05/12-18-2015)*

.03 A grading permit, as required by Chapter 10.15, Grading and Excavation Code, shall be obtained. *(Ordinance #2015-05/12-18-2015)*

8.065.03 IMPACT ZONE: All lands located in an area where the surface of the land has a zero (0) percent to thirty (30) percent slope shall be subject to the following: *(Ordinance #2015-05/12-18-2015)*

.01 Extraction pits are permitted, except in the Class A-1, A-4, R-2, R-3 and R-5 Districts. *(Ordinance #2015-05/12-18-2015)*

.02 A grading permit, as required by Chapter 10.15, Grading and Excavation Code, shall be obtained. *(Ordinance #2015-05/12-18-2015)*

# Chapter 8.067
# Airport Hazard Zone

8.067.01 INTENT: The Airport Hazard Zone is established pursuant to the Authority conferred by the State of Iowa in Section 329.3 of the Iowa Code. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Council Bluffs Airport, Eppley Airfield and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Airports; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Airports and the public investment therein. Accordingly, it is declared: *(Ordinance #2004-08/05-07-04)*

1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Airports; *(Ordinance #2004-08/05-07-04)*
2. That it is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and *(Ordinance #2004-08/05-07-04)*
3. That the prevention of incompatible land uses, and obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation. *(Ordinance #2004-08/05-07-04)*

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land. *(Ordinance #2004-08/05-07-04)*

8.067.02 PURPOSE: The Airport Hazard Zone is established in order to: *(Ordinance #2004-08/05-07-04)*

1. Prevent the establishment of airspace obstructions in public airport approaches and surrounding areas. *(Ordinance #2004-08/05-07-04)*
2. Minimize potential dangers from, and conflicts with, the use of aircraft at the Airports. *(Ordinance #2004-08/05-07-04)*
3. Address Federal Aviation Regulation (FAR) Part 77 and all other applicable federal and state laws regulating hazards to air navigation. *(Ordinance #2004-08/05-07-04)*

8.067.03 DEFINITIONS

.01 ADMINISTRATIVE AGENCY: The incorporated city or unincorporated county underlying the Airport Hazard Zones as defined in this Chapter.

- City of Council Bluffs
- County of Pottawattamie County*(Ordinance #2004-08/05-07-04)*

.02 AIRCRAFT APPROACH CATEGORY: A grouping of aircraft based on 1.3 times their stall speed in their landing configuration at their maximum certified landing weight. The categories are as follows:

Category A: Speed less than 91 knots.
Category B: Speed 91 knots or more but less than 121 knots.
Category C: Speed 121 knots or more but less than 141 knots.
Category D: Speed 141 knots or more but less than 166 knots.
Category E: Speed 166 knots or more. *(Ordinance #2004-08/05-07-04)*

.03 AIRPLANE DESIGN GROUP: A grouping of airplanes based on wingspan. The groups are as follows:

Group I: Up to but not including forty-nine (49) feet.

Group II: Forty-nine (49) feet up to but not including seventy-nine (79) feet.

Group III: Seventy-nine (79) feet up to but not including one hundred and eighteen (118') feet.

Group IV: One hundred and eighteen (118) feet up to but not including one hundred and seventy one (171) feet.

Group V: One hundred and seventy one (171) feet up to but not including two hundred and fourteen (214) feet.

Group VI: Two hundred and fourteen (214) feet up to but not including two hundred and sixty-two (262) feet. *(Ordinance #2004-08/05-07-04)*

.04 AIRPORT: The Council Bluffs Airport and/or Eppley Airfield. *(Ordinance #2004-08/05-07-04)*

.05 AIRPORT ELEVATION:

Council Bluffs Airport: One thousand two hundred fifty (1,250) feet above mean sea level.

Eppley Airfield: Nine hundred eighty three (983) feet above mean sea level. *(Ordinance #2004-08/05-07-04)*

.06 AIRPORT OWNER: The Council Bluffs and/or Omaha Airport Authority. *(Ordinance #2004-08/05-07-04)*

.07 BUILDING RESTRICTION LINE (BRL): A line which identifies suitable building area locations on airports. The BRL should encompass the runway protection zones, the runway object free area, the runway visibility zones, NAVAID critical areas required for terminal instrument procedures, and areas addressed under 14 CFR Part 77 Subpart C (Airport Imaginary Surfaces) to a point where the surfaces obtain a height of at least thirty-five (35) feet above the primary surface. *(Ordinance #2004-08/05-07-04)*

.08 HAZARD TO AIR NAVIGATION - An object which, as a result of an aeronautical study, the FAA determines will have a substantial adverse affect upon the safe and efficient use of navigable airspace by aircraft, operation of air navigation facilities, or existing or potential airport capacity. *(Ordinance #2004-08/05-07-04)*

.09 HEIGHT: For the purpose of determining the height limits in all zones set forth in this Chapter, and shown on the Airport Hazard Zone Map, the datum shall be mean sea level elevation unless otherwise specified. *(Ordinance #2004-08/05-07-04)*

.10 LARGE AIRPLANE: An airplane of more than twelve thousand five hundred (12,500) pounds maximum certified takeoff weight. *(Ordinance #2004-08/05-07-04)*

.11 LARGER THAN UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft. *(Ordinance #2004-08/05-07-04)*

.12 NONCONFORMING USE: Any pre-existing structure, object of natural growth, or use of land that is inconsistent with the provisions of this Chapter or an amendment thereto. *(Ordinance #2004-08/05-07-04)*

.13 NONPRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure providing course guidance without vertical path guidance utilizing VOR, NDB, LDA, GPS, or other authorized RNAV system, for which a straight-in non-precision instrument approach procedure has been approved or planned. *(Ordinance #2004-08/05-07-04)*

.14 NONPRECISION INSTRUMENT RUNWAY HAVING APPROACH PROCEDURE WITH VERTICAL GUIDANCE: A runway having an existing instrument approach procedure providing course and vertical path guidance that does not conform to Instrument Landing System (ILS) or Microwave Landing System (MLS) system performance standards, or a precision system that does not meet TERPS alignment criteria, utilizing WAAS and authorized barometric VNAV, for which a straight-in non-precision instrument approach procedure has been approved or planned. *(Ordinance #2004-08/05-07-04)*

.15 NOTICE TO THE FAA OF PROPOSED CONSTRUCTION - 14 CFR Part 77, Objects Affecting Navigable Airspace, requires persons proposing any construction or alteration described in 14 CFR Section 77.13 (A) to give thirty (30) day notice to the FAA of their intent. This includes any construction or alteration of structures more than two hundred (200) feet in height above the ground level or at a height that penetrates defined imaginary surfaces located in the vicinity of a public use airport as well as construction or alteration of greater height than an imaginary surface extending outward and upward at one hundred to one (100 to 1) foot for a horizontal distance of twenty thousand (20,000) feet from the nearest point of the nearest runway. *(Ordinance #2004-08/05-07-04)*

.16 OBSTRUCTION TO AIR NAVIGATION - An object of greater height than any of the heights or services presented in Subpart C of Code of Federal Regulation (14 CFR), Part 77. (Obstruction to air navigation is presumed to be hazards to air navigation until an FAA study has determined otherwise). *(Ordinance #2004-08/05-07-04)*

.17 PERSON - An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them. *(Ordinance #2004-08/05-07-04)*

.18 PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure providing course and vertical path guidance conforming to Instrument Landing System (ILS) or Microwave Landing System (MLS), precision system performance standards, utilizing ILS, LAAS, WAAS, MLS, and other precision systems. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning documents. *(Ordinance #2004-08/05-07-04)*

.19 RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length. *(Ordinance #2004-08/05-07-04)*

.20 SMALL AIRPLANE - An airplane of twelve thousand five hundred (12,500) pounds or less maximum certified takeoff weight. *(Ordinance #2004-08/05-07-04)*

.21 STRUCTURE - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines. *(Ordinance #2004-08/05-07-04)*

.22 TREE - Any object of natural growth. *(Ordinance #2004-08/05-07-04)*

.23 VISUAL RUNWAY - A runway without an existing or planned straight-in instrument approach procedure. *(Ordinance #2004-08/05-07-04)*

8.067.04 AIRPORT ZONES: In order to carry out the provisions of this Chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Airports. Such zones are shown on the Airport Hazard Zone Map, prepared by the Council Bluffs and Omaha Airport Authority, and is made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive standard. The various zones are hereby established and defined as follows: *(Ordinance #2004-08/05-07-04)*

.01 Approach Surface Zone – A surface longitudinally centered in the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 8.067.05 of this Chapter. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone. *(Ordinance #2004-08/05-07-04)*

.02 Inner Approach Surface - The inner portion of the approach surface is extending out from the runway end to where the Part 77 Subpart C approach surface reaches a one hundred (100) foot height above the ground elevation. *(Ordinance #2004-08/05-07-04)*

.03 Runway With A Precision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the centerline of Runway 36 at the Council Bluffs Airport and Runways 18-36, 14L-32R and 14R-32L at Eppley Airfield. *(Ordinance #2004-08/05-07-04)*

.04 Runway Protection Zone (RPZ) - An area off the runway end to enhance the protection of people and property on the ground. *(Ordinance #2004-08/05-07-04)*

.05 Runway Visual Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of runway. *(Ordinance #2004-08/05-07-04)*

.06 Runway With A Visibility Minimum Of One (1) Mile Non-precision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the

centerline of the Runways 14 and 32 at the Council Bluffs Airport. *(Ordinance #2004-08/05-07-04)*

.07 Runway With A Visibility Minimum Less Than One (1) Mile Non-precision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of Runway 18 at the Council Bluffs Airport. *(Ordinance #2004-08/05-07-04)*

.08 Transitional Zones - The transitional zones are the areas beneath the transitional surfaces. *(Ordinance #2004-08/05-07-04)*

.09 Horizontal Zone - The horizontal zone is established by swinging arcs of five thousand (5,000) feet (Runway 14 and 32 at the Council Bluffs Airport) and ten thousand (10,000) feet (Runways 18 and 36 at the Council Bluffs Airport and Runways 18-36, 14L-32R and 14R-32L at Eppley Airfield) radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones. *(Ordinance #2004-08/05-07-04)*

.10 Conical Zone - The conical zone is a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20 to 1) for a horizontal distance of four thousand (4,000) feet. *(Ordinance #2004-08/05-07-04)*

.11 Primary Surface - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface is set forth in Section 8.067.04 of this Chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. *(Ordinance #2004-08/05-07-04)*

8.067.05 AIRPORT ZONE HEIGHT LIMITATIONS: Except as otherwise provided in this Chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows: *(Ordinance #2004-08/05-07-04)*

.01 Runway With A Visibility Minimum Of One (1) Mile Non-precision Instrument Approach Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended centerlines for Runway 14 and 32 at the Council Bluffs Airport. *(Ordinance #2004-08/05-07-04)*

.02 Runway With A Visibility Minimum Less Than One (1) Mile Non-precision Instrument Approach Zone - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended centerline for Runway 18 at the Council Bluffs Airport. *(Ordinance #2004-08/05-07-04)*

.03 Runway With A Precision Instrument Approach Zone - Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary

surface and extending to a horizontal distance of ten thousand (10,000) feet, then slopes forty (40) feet outward for each foot upward extending to a horizontal distance of forty thousand (40,000) feet along the extended centerlines for Runway 36 at the Council Bluffs Airport and Runways 18-36, 14L-32R and 14R-32L at Eppley Airfield. *(Ordinance #2004-08/05-07-04)*

.04 Transitional Zones - Slope seven feet (7 feet) outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven feet (7 feet) outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet (7 feet) outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to the extended runway centerline. *(Ordinance #2004-08/05-07-04)*

.05 Horizontal Zone - Established at one hundred fifty (150) feet above the airport. *(Ordinance #2004-08/05-07-04)*

.06 Conical Zone - Slopes twenty feet (20 feet) outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation. *(Ordinance #2004-08/05-07-04)*

8.067.06 USE RESTRICTIONS: Notwithstanding any other provisions of this Chapter, no use may be made of land or water within any zone established by this Chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. *(Ordinance #2004-08/05-07-04)*

.01 RUNWAY PROTECTION ZONE - Runway protection zone is a trapezoidal area "off the end of the runway threshold established to enhance the protection of people and property on the ground" in the event an aircraft lands or crashes beyond the runway end. Runway Protection Zones underlie a portion of the approach closest to the airport. *(Ordinance #2004-08/05-07-04)*

Compatible land use within the RPZ is generally restricted to such land uses as agricultural and uses that do not involve congregations of people or construction of buildings or other improvements that may be obstructions. The following land use criteria apply within the RPZ: *(Ordinance #2004-08/05-07-04)*

a. While it is desirable to clear all objects from the RPZ, some uses are permitted, provided they do not attract wildlife, are outside the Runway OFA, and do not interfere with navigational aids. Agricultural operations (other than forestry or livestock farms) are expressly permitted under this provision. Golf courses (but not club houses), although discouraged, may be permitted if a wildlife hazard assessment determines that it will not provide an environment

attractive to birds. Automobile parking facilities, although discouraged, may be permitted, provided the parking facilities and any associated appurtenances, in addition to meeting all of the preceding conditions, are located outside of the object free area extension. *(Ordinance #2004-08/05-07-04)*

b. Land uses prohibited from the RPZ are: residences and places of public assembly. Churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons typify places of public assembly. *(Ordinance #2004-08/05-07-04)*

.02 BUILDING RESTRICTION LINE - No structures, other than those approved by the Federal Aviation Administration and the Council Bluffs and/or Omaha Airport Authority, and which conform to the underlying zoning designation, shall be constructed within the Building Restriction Line (BRL). *(Ordinance #2004-08/05-07-04)*

.03 EXEMPTION FOR AIRPORT OPERATIONS - Use restrictions shall not apply to necessary and incidental airport operations. *(Ordinance #2004-08/05-07-04)*

.04 Regardless of any other provisions of this Chapter, no use may be made of land or water within any zone established by this Chapter in such a manner as to do any of the following: *(Ordinance #2004-08/05-07-04)*

a. Create electrical interference with navigational signals or radio communication between the airport and aircraft,
b. Imitate airport lights,
c. Result in glare in the eyes of pilots using the airport,
d. Impair visibility in the vicinity of the airport,
e. Create bird strike hazards, or
f. Otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. *(Ordinance #2004-08/05-07-04)*

8.067.07 NONCONFORMING USES:

.01 Regulations Not Retroactive. The regulations prescribed in this Chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Chapter and is diligently prosecuted. *(Ordinance #2004-08/05-07-04)*

.02 Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Manager of the Council Bluffs Airport and/or the Manager of the Eppley Airfield to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the appropriate Airport. Any permit granted may be conditioned to require the owner of the structure in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. *(Ordinance #2004-08/05-07-04)*

.03 Alteration or Change of Nonconforming Use. No permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Chapter or any amendments thereto or than it is when the application for a permit is made. *(Ordinance #2004-08/05-07-04)*

.04 Nonconforming Uses Abandoned or Destroyed. Whenever the Administrative Agency or its designee determines that a nonconforming structure is abandoned for one (1) year or destroyed, by any means, to the extent of more than sixty (60) percent of the replacement cost, said structure shall not be rebuilt, restored, or re-occupied for any purpose unless it shall thereafter conform to all regulations of this Chapter. *(Ordinance #2004-08/05-07-04)*

8.067.08 VARIANCES:

.01 Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Chapter, may apply to the Airport Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Chapter. Additionally, no application for variance to the requirements of this Chapter may be considered by the Airport Board of Adjustment unless a copy of the application has been furnished to the Council Bluffs Airport and/or Omaha Authority for advice as to the aeronautical effects of the variance. If the Council Bluffs and/or Omaha Airport Authority do not respond to the application within ninety (90) days after receipt, the Airport Board of Adjustment may act on its own to grant or deny said application. *(Ordinance #2004-08/05-07-04)*

In addition, all applications for height variance within the airport zones shall be accompanied by Federal Aviation Administration Form 7460-1, which has been completed by the applicant and processed by the FAA regional office. *(Ordinance #2004-08/05-07-04)*

.02 Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Airport Board of Adjustment, this condition may be modified to require the owner to permit the Council Bluffs and/or Omaha Airport Authority at its own expense, to install, operate, and maintain the necessary markings and lights. *(Ordinance #2004-08/05-07-04)*

8.067.09 CONFLICTING REGULATIONS: Where there exists a conflict between any of the regulations or limitations prescribed in this Chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirements shall govern and prevail. *(Ordinance #2004-08/05-07-04)*

8.067.10 PERMITS

.01 Existing Uses - No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Chapter or any amendment thereto or than it is when the application for a permit is made. *(Ordinance #2004-08/05-07-04)*

.02 Future Uses - Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit or variance therefore shall have been applied for and granted. Each application for a permit or variance shall indicate the purpose for which the permit or variance is desired, with sufficient particularity to permit or variance to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit or variance shall be granted. No permit or variance for a use inconsistent with the provisions of this Chapter shall be granted unless a variance or permit has been approved in accordance with Section 8.067.08 of this Chapter. *(Ordinance #2004-08/05-07-04)*

a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than one hundred (100) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones. *(Ordinance #2004-08/05-07-04)*

b. In areas lying within the limits of the approach zones, but beyond the inner approach surface, no permit shall be required for any tree or structure less than one hundred (100) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones. *(Ordinance #2004-08/05-07-04)*

c. In the areas lying within the limits of the transition zones beyond the Building Restriction Line, no permit shall be required for any tree or structure less than one hundred (100) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones. *(Ordinance #2004-08/05-07-04)*

d. Any conditions that the Federal Aviation Administration attaches to the approval recommendation shall be adopted and administered by the Council Bluffs and/or Omaha Airport Authority. *(Ordinance #2004-08/05-07-04)*

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Chapter except as set forth in Section 8.067.05. *(Ordinance #2004-08/05-07-04)*

8.067.11 ADMINISTRATIVE AGENCY: It shall be the duty of the Administrative Agency and its designee to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Administrative Agency upon a furnished form. Applications required by this Chapter to be submitted to the Administrative Agency shall be promptly considered and granted or denied. Application for action by the Airport Board of Adjustment shall be forthwith transmitted by the Administrative Agency. *(Ordinance #2004-08/05-07-04)*

8.067.12 BOARD OF ADJUSTMENT

.01 There is hereby created an Airport Board of Adjustment to have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the Administrative Agency in the enforcement of this Chapter; (2) to hear and decide special exceptions to the terms of this Chapter upon which such Airport Board of Adjustment under such regulations may be required to pass; and (3) to hear and decide specific variances. *(Ordinance #2004-08/05-07-04)*

.02 The Airport Board of Adjustment shall consist of members appointed by the city and county as provided in Section 329.12 of the Iowa Code. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing. *(Ordinance #2004-08/05-07-04)*

.03 The Airport Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Chapter. Meetings of the Airport Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson or, in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Airport Board of Adjustment shall be public. The Airport Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such act, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the airport manager. *(Ordinance #2004-08/05-07-04)*

.04 The Airport Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Chapter. *(Ordinance #2004-08/05-07-04)*

.05 The concurring vote of a majority of the members of the Airport Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Administrative Agency or decide in favor of the applicant on any matter upon which is required to pass under this Chapter, or to effect variation to this Chapter. *(Ordinance #2004-08/05-07-04)*

8.067.13 APPEALS

.01 Any person aggrieved, or any taxpayer affected, by any decision of the Administrative Agency made in the administration of the Chapter, may appeal to the Airport Board of Adjustment. *(Ordinance #2004-08/05-07-04)*

.02 All appeals hereunder must be taken within a reasonable time as provided by the rules of the Airport Board of Adjustment, by filing with the Administrative Agency a Notice of Appeal specifying the grounds thereof. The Administrative Agency shall forthwith transmit to the Airport Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. *(Ordinance #2004-08/05-07-04)*

.03 An appeal shall stay all proceedings in furtherance of the action appealed from unless the Administrative Agency certifies to the Airport Board of Adjustment, after the notice

of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Administrative Agency cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the Airport Board of Adjustment on notice to the Administrative Agency and on due cause shown. *(Ordinance #2004-08/05-07-04)*

.04 The Airport Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. *(Ordinance #2004-08/05-07-04)*

.05 The Airport Board of Adjustment may, in conformity with the provisions of this Chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances. *(Ordinance #2004-08/05-07-04)*

8.067.14 JUDICIAL REVIEW: Any person aggrieved, or any taxpayer affected, by any decision of the Airport Board of Adjustment, may appeal to the District Court of Iowa as provided in Chapters 329 and 335 of the Iowa Code. *(Ordinance #2004-08/05-07-04)*

8.067.15 VIOLATIONS AND PENALTIES: The penalty for violating any of the provisions of this Chapter shall be as set forth in Chapter 1.75. *(Ordinance #2004-08/05-07-04)*

# CHAPTER 8.080
# OFF-STREET PARKING AND LOADING

8.080.010 GENERAL PROVISIONS: The following general provisions shall apply to off-street parking and loading facilities:

.01 At the time of construction of a structure, or at the time of enlargement or change in use of a structure, off-street parking facilities shall be provided for use in the storage of passenger automobiles and commercial vehicles under one and one-half (1 1/2) tons capacity, whether for compensation, for fee, or as an accommodation to clients or customers. Also, structures to be constructed or substantially altered and which will receive and distribute materials and merchandise by trucks, shall provide off-street loading facilities of sufficient number and size to adequately handle the needs of the particular use. The provision and maintenance of such off-street parking and loading facilities shall be the continuing obligation of the owner and tenant of the premises. *(Ordinance #81-6/10-01-81)*

.02 No Building Permit or Certificate of Occupancy shall be issued until plans are submitted in accordance with Section 8.080.050, which shows that sufficient area is and will remain available for exclusive use as off-street parking and loading facilities. The subsequent use of the premises for which the Building Permit is issued shall be conditional upon the unqualified continuance and availability of the off-street parking and loading facilities required by this Ordinance. Whenever on any premises there is a change in use, or an increase in floor area or in the number of employees or other unit of measurement hereinafter specified for the determination of required off-street parking and loading spaces, additional such facilities shall be provided on the basis of the increased requirement of the new use or other unit of measurement; provided however, that in case such change, or aggregate of such changes, creates a need for an increase in off-street parking and loading spaces of less than ten (10) percent of the facilities previously provided, no additional facilities shall be required. *(Ordinance #2015-05/12-18-2015)*

.03 The requirements for off-street parking and loading for types of structures and uses not specifically described in this Chapter shall be determined by the *Development Director*, based upon the requirements of comparable uses listed. *(Ordinance #81-6/10-01-81)*

.04 For the purposes of this Chapter the following units of measurement shall apply:

A. In the cases of offices, merchandising or service type of uses, “floor area” shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repairs, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilets or restrooms, fitting or alteration rooms. *(Ordinance #81-6/10-01-81)*

B. In hospitals, bassinets shall not be counted as beds. *(Ordinance #81-6/10-01-81)*

C. In places of public assembly in which patrons or spectators occupy benches, pews, or other seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under this Ordinance. *(Ordinance #81-6/10-01-81)*

D. When the total parking spaces requirement includes a fractional space, any fraction up to and including one-half (1/2) space shall be disregarded, and fractions over one-half (1/2) shall require one (1) parking space. *(Ordinance #81-6/10-01-81)*

.05 In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately. *(Ordinance #81-6/10-01-81)*

.06 Owners of two (2) or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading facilities when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the *Development Director* in the form of deeds, leases, or contracts to establish the joint use. *(Ordinance #81-6/10-01-81)*

.07 Required parking spaces shall be available for parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use. *(Ordinance #81-6/10-01-81)*

8.080.020 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS: Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements: *(Ordinance #81-6/10-01-81)*

.01 The minimum number of required off-street parking spaces for all districts shall be as provided in Section 8.080.030. *(Ordinance #81-6/10-01-81)*

.02 Each required parking stall shall be not less than ten (10) feet in width and not less than nineteen (19) feet in length. *(Ordinance #81-6/10-01-81)*

.03 Maneuvering space required is the aisle width necessary to permit the safe and convenient parking of a motor vehicle and is based on the degree of angle parking provided. The width of aisles shall not be less than as set forth in the following schedule: *(Ordinance #81-6/10-01-81)*

| SCHEDULE OF AISLE WIDTHS | |
|---|---|
| DEGREE OF ANGLE OF PARKING PROVIDED | AISLE WIDTH REQUIRED |
| 0 parallel | 12’ |
| 20 | 11’ |
| 30 | 11’ |
| 40 | 12’ |
| 45 | 13’ |
| 50 | 13’ |

| | |
|---|---|
| 60 | 18’ |
| 70 | 19’ |
| 80 | 24’ |
| 90 | 24’ |

If the degree of angle of parking provided is not listed above, the aisle width required shall be the next largest angle of parking shown above.

.04 All off-street parking spaces in a Class “A” or “R” District or platted residential subdivision shall be located on the same lot with the principal use. All other required off-street parking spaces shall not be located farther than five hundred (500) feet from the building or use they are intended to serve. The distance shall be measured in a straight line from the building or use to the farthest parking space. *(Ordinance #2004-14/07-01-04)*

.05 All groups of more than two (2) parking spaces shall be located and served by an access drive that their use will not require backing or other maneuvering within a street right-of-way other than an *alley*. *(Ordinance #81-6/10-01-81)*

.06 No part of any off-street parking space shall be located within the required front yard setback of any zoning district. *(Ordinance #81-6/10-01-81)*

.07 Curbs or wheel barriers at least four (4) inches high shall be installed along the outside boundaries of any parking area, except at designated access points. The curbs or wheel barriers shall be installed in such a manner as to prevent a parked vehicle from encroaching in any required setback. *(Ordinance #81-6/10-01-81)*

.08 Access drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicle traffic on the site. The number of access drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Access drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by access drives. Access drives shall not be more than thirty (30) feet in width, nor less than ten (10) feet in case of a dwelling, or less than twenty (20) feet in all other cases; provided the one-way access drives may be reduced to not less than ten (10) feet in width. Access drives on the same lot frontage shall be separated by a minimum length of curb of thirty (30) feet, provided that for every foot which the lot frontage exceeds one hundred (100) feet the minimum required length of curb shall be increased by one (1) foot, up to a maximum requirement of two hundred (200) feet. In the case of a corner lot, access drives shall be located not closer than thirty (30) feet to the intersecting street lines. *(Ordinance #81-6/10-01-81)*

.09 All access drives shall have a minimum visual clearance area as provided in Section 8.004.080. *(Ordinance #81-6/10-01-81)*

.10 All off-street parking areas and access drives shall be surfaced with gravel or such other surfacing material so as to provide a durable all-weather surface; shall be so graded and drained as to dispose of all surface water accumulation within the area; and shall be so arranged as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. *(Ordinance #81-6/10-01-81)*

.11 Adequate lighting shall be provided if the parking facilities are used at night, and shall be so arranged as to reflect the light away from the adjoining premises in any Class "A" or "R" District or platted residential subdivision. *(Ordinance #2004-14/07-01-04)*

8.080.030 PARKING SPACES REQUIRED: The number of off-street parking spaces required shall not be less than as set forth in the following schedule: *(Ordinance #81-6/10-01-81)*

| OFF-STREET PARKING SCHEDULE | | |
|---|---|---|
| STRUCTURE AND USES | | MINIMUM OFF-STREET PARKING REQUIREMENTS |
| .01 | Banks, Business and Professional Offices | One (1) space per every three hundred (300) square feet of gross floor area, but in no case less than five (5) spaces |
| .02 | Barber Shops and Beauty Parlors | One (1) space per every seventy-five (75) square feet of gross floor area |
| .03 | Billiard parlors, gamerooms & pool halls | One and one-half (1 1/2) spaces per each one hundred (100) square feet of gross floor area for any establishment other than one with liquor license or beer permit |
| .03 | Bowling Alleys | Five (5) spaces per lane |
| .04 | Churches, Synagogues and Temples | One (1) space per six (6) seats in the main unit of worship |
| .05 | Convalescent hospitals, Sanitariums, Homes for the Aged | One (1) space per every three (3) beds |
| .06 | Dance hall and Skating rinks | One (1) space per ever one hundred (100) square feet of gross floor area |
| .07 | Dwelling, single-family; Dwelling, duplex; and mobile homes | One (1) space per each dwelling unit |
| .08 | Dwelling, multiple | Two (2) spaces per each dwelling unit |
| .09 | Dwelling, public housing for elderly | One (1) space per every four (4) units |
| .10 | Eating and/or drinking establishments | One (1) space per every one hundred (100) square feet of gross floor area |
| .11 | Educational Uses | |
| | A. Nursery Schools | One (1) space per every two (2) classrooms |
| | B. Elementary or Junior High Schools | One (1) space per every classroom, plus one (1) space per every ten (10) seats in auditorium or assembly hall |
| | C. High Schools | One (1) space per every classroom, plus one (1) space per every eight (8) seats in auditorium or assembly hall |
| | D. Colleges | One (1) space per every three (3) full-time equivalent students |
| .12 | Funeral Homes, Mortuaries | One (1) space per every five (5) seats in the principal auditorium |
| .13 | Fraternities, Sororities and Dormitories | One (1) space per every two (2) residents |

| | | |
|---|---|---|
| .14 | Hospitals | One and one-half (1 1/2) spaces per each bed |
| .15 | Hotels | One (1) space per every two (2) rental units |
| .16 | Industrial Uses | |
| | A. Industrial usage in the I-1 and I-2 districts, except as specifically mentioned herein | One (1) space per every five hundred (500) square feet of gross floor area |
| | B. Wholesale and storage operations | One (1) space per every seven hundred (700) square feet of gross floor area |
| | C. Laboratories and research facilities | One (1) space per every three hundred (300) square feet of gross floor area |
| | D. Machinery or equipment | One (1) space per every five hundred (500) square feet of gross floor area |
| .17 | Medical and dental offices | One (1) space per every two hundred (200) square feet of gross floor area |
| .18 | Mini-warehouse | One (1) space per each ten (10) storage spaces, stalls or lockers equally distributed throughout the storage area; plus one (1) space for any caretaker's quarters; plus five (5) spaces located at or near the project office for the use of prospective customers. |
| .19 | Motels, Motor Hotels | One (1) space per every guest room |
| | | |
| .20 | Private clubs and lodges | One (1) space per every five hundred (500) square feet of floor area |
| .21 | Retail Sales Establishments | |
| | A. General | One (1) space per every two hundred square feet of gross floor area |
| | B. Furniture & appliance stores, auto and implement dealers | One (1) space per every five hundred (500) square feet of gross floor area |
| .22 | Roadside stands | Four (4) spaces per establishment |
| .23 | Theaters, auditoriums, and places of assembly | One (1) space per four (4) people in designed capacity |
| .24 | Veterinary establishment | Three (3) spaces per staff doctors |
| .25 | Welfare or Correctional Institutions | One (1) space per every four (4) beds |

8.080.040 DEVELOPMENT AND MAINTENANCE OF LOADING SPACES: Every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt of distribution by vehicles of material of merchandise, shall develop and maintain on the same lot with such building an off-street loading area in accordance with the following requirements: *(Ordinance #81-6/10-01-81)*

.01 The minimum number of required off-street loading spaces for all districts shall be at least one (1) loading space plus one (1) additional loading space for each twenty

thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of ten thousand (10,000) square feet. For buildings having less than ten thousand (10,000) square feet of gross floor area, the regular off-street parking areas may be used to meet the off-street loading requirements herein set forth. *(Ordinance #81-6/10-01-81)*

.02 Off-street loading space shall each contain at least three hundred fifty (350) square feet measuring ten (10) feet in width and thirty-five (35) feet in length, and shall have a clearance of at least fourteen (14) feet. When the vehicle generally used for loading and unloading purposes exceed these dimensions, the required length of such spaces shall be correspondingly increased. *(Ordinance #81-6/10-01-81)*

.03 All off-street loading spaces shall be so located and served by an access drive that their use will not require any backing or other maneuvering within a street right-of-way other than an *alley*. *(Ordinance #81-6/10-01-81)*

.04 All off-street loading spaces shall be developed in accordance with the provisions of Subsection 8.080.020.06 through Subsection 8.080.020.11. *(Ordinance #81-6/10-01-81)*

8.080.050 SUBMISSION OF PLANS: A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled, shall accompany an application for a Building Permit. The plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following: *(Ordinance #2015-05/12-18-2015)*

.01 Delineation of individual parking and loading spaces. *(Ordinance #81-6/10-01-81)*

.02 Circulation area necessary to serve spaces. *(Ordinance #81-6/10-01-81)*

.03 Access to streets and property to be served. *(Ordinance #81-6/10-01-81)*

.04 Curb cuts. *(Ordinance #81-6/10-01-81)*

.05 Dimensions, continuity and substance of screening. *(Ordinance #81-6/10-01-81)*

.06 Grading, drainage, surfacing and subgrading details. *(Ordinance #81-6/10-01-81)*

.07 Delineation of obstacles to parking and circulation in finished parking area. *(Ordinance #81-6/10-01-81)*

.08 Specifications as to signs, bumper guards and lighting. *(Ordinance #81-6/10-01-81)*

.09 All other pertinent details, including dimension of ingress, egress and driveway areas. *(Ordinance #81-6/10-01-81)*

8.080.060 COMPLETION TIME FOR PARKING LOTS: Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the *Development Director*. An extension of time may be granted by the *Development Director* provided a performance bond or its equivalent is posted, equaling the cost of completing the improvement as estimated by the County Engineer, and provided the parking space is not required for immediate use. In the event the improvement is not completed within one (1) year

from the date of commencement, the bond or its equivalent shall be forfeited and the improvements thereafter constructed or completed under the direction of the County Engineer. *(Ordinance #81-6/10-01-81)*

\CHAPTER 8.090
DISPLAY AND OUTDOOR ADVERTISING SIGNS

8.090.010 GENERAL PROVISIONS: The following general provisions shall apply to display and outdoor advertising signs:

.01 Nothing in this Chapter shall require the removal or discontinuance of a legally existing sign that is not altered, rebuilt, enlarged, extended, or relocated and the same shall be deemed a non-conforming use under the terms of this Ordinance; provided however, the following signs shall be made to conform with the provisions of this Chapter or shall be removed by the owner upon written notice of the *Development Director*, forthwith in the case of the immediate danger and in any case within not more than thirty (30) days following said notice: *(Ordinance #81-6/10-01-81)*

A. Any sign which is in a state of serious disrepair or is no longer functional; *(Ordinance #81-6/10-01-81)*

B. An obsolete sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located, or any other sign which has been abandoned; *(Ordinance #81-6/10-01-81)*

C. Any sign which is in violation of the provisions of Subsection 8.090.010.02 and 8.090.010.03; *(Ordinance #81-6/10-01-81)*

D. Any sign which swings or otherwise noticeably moves as a result of wind pressure because of the manner of their suspension or attachment; *(Ordinance #81-6/10-01-81)*

E. Any portable sign that is not permanently anchored or secured to either a building or the ground; *(Ordinance #81-6/10-01-81)*

F. Any sign that becomes insecure, in danger of falling, or otherwise unsafe; or any sign unlawfully installed, erected or maintained. *(Ordinance #81-6/10-01-81)*

If within thirty (30) days said order is not complied with, the *Development Director* may cause such sign to be removed at the expense of the owner. *(Ordinance #81-6/10-01-81)*

.02 No sign shall closely resemble or approximate the shape, form and color of any official traffic sign, signal or device. No sign shall be erected at any location where it may, by reason of its size, location, content, coloring or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of motorists, by detracting from the visibility of any traffic control device. No rotating beacon, beam or flashing illumination resembling an emergency light shall be used in connection with any sign or be visible for any adjacent street. Lights resembling an emergency light or such words as “Stop”, “Look”, “Danger” or any other words, phrases, symbols or characters, which in any manner interfere with, mislead or confuse traffic shall not be used in connection with any sign. *(Ordinance #81-6/10-01-81)*

.03 No sign other than an official traffic, street, or related sign approved for placement by the County Engineer or other public officer in the performance of his public duty, shall be placed on or over any street or public property. *(Ordinance #81-6/10-01-81)*

.04 Off-site signs are prohibited in all districts except as specifically permitted in this Chapter; provided however, such signs may be permitted by the *Adjustment Board* when unusual or compelling circumstances may require. *(Ordinance #81-6/10-01-81)*

.05 Two (2) or more signs may be mounted on the same sign standard or structure provided that the combined surface areas of such signs shall not exceed the maximum area permitted for a single sign, except as specifically permitted in this Chapter. *(Ordinance #81-6/10-01-81)*

.06 Illuminated signs shall not be of an intermittent flashing type and shall not display any direct or focused illumination such as photo flood lamps, reflector lamps or lamps with an optical reflector located in the rear of same. All illumination from any lamp or over twenty-five (25) watts rating shall be through a diffusing lens or frosted envelope, excepting indirect illumination. In case of indirect illumination, all reflected or directed illumination must be focused on said sign so that same cannot be seen from any direction in adjacent areas. *(Ordinance #81-6/10-01-81)*

.07 Signs which are displayed inside or upon a window facing the outside and which are intended to be seen from the exterior shall be permitted subject to the same conditions and restrictions as wall signs. *(Ordinance #81-6/10-01-81)*

.08 These regulations shall not apply to any sign that is visible only from the premises upon which it is erected, such as on walls of courts or malls in shopping centers. *(Ordinance #81-6/10-01-81)*

.09 These regulations shall not apply to signs which are accessory to the use of any kind of operable vehicle provided the sign is painted or attached directly to the body of the vehicle. *(Ordinance #81-6/10-01-81)*

8.090.020 SIGNS PERMITTED IN ALL DISTRICTS: Signs hereinafter designated shall be permitted in all zoning districts: *(Ordinance #81-6/10-01-81)*

.01 TEMPORARY SIGNS: The following temporary signs shall be permitted: *(Ordinance #81-6/10-01-81)*

A. One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted per lot frontage to advertise the sale, rental or lease of the premises or part of the premises on which the sign is displayed. Such sign shall not extend higher than eight (8) feet above grade level nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building. Such sign shall be removed within seven (7) days after the disposition of the premises. *(Ordinance #81-6/10-01-81)*

B. One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted per lot frontage to identify the architects, engineers, contractors, or other individuals involved in construction of the building on the premises on which the sign is displayed. Such sign may also announce the character

of the building enterprise or the purpose for which the building is intended, but shall not include product advertising. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building or on a protective barricade surrounding the construction. Such sign shall be removed within seven (7) days following completion of construction. *(Ordinance #81-6/10-01-81)*

C. One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted at the entrance to a recorded subdivision to identify and/or provide information regarding such subdivision. One additional such sign shall be permitted at an auxiliary entrance provided such auxiliary entrance fronts on a separate street from the main entrance. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line. Such sign shall be removed upon completion of the sale of ninety (90) percent of the lots located within the subdivision. *(Ordinance #81-6/10-01-81)*

D. One (1) non-illuminated sign not to exceed nine (9) square feet in area shall be permitted for each dwelling which is used for display or as a model home. Such sign shall not extend higher than four (4) feet above grade level and shall only be located within the front yard of the lot containing such dwelling. Such sign shall be removed when a display or model home is no longer so used. *(Ordinance #81-6/10-01-81)*

E. Political campaign signs shall be permitted to announce candidates seeking public political office or pertinent political issues. Such signs shall not be erected earlier than forty-five (45) days prior to the date balloting takes place for the candidates or issues indicated on the sign, and shall be removed no later than seven (7) days after said balloting date. *(Ordinance #81-6/10-01-81)*

F. Seasonal decorations shall be permitted when pertaining to recognized national holidays and national observances. *(Ordinance #81-6/10-01-81)*

G. Signs which contain or consist of banners, balloons, pennants, ribbons, streamers, spinners or other similarly moving devices shall be permitted on the premises of an establishment having a grand opening or other special event. *(Ordinance #81-6/10-01-81)*

.02 SUBDIVISION SIGN: One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted at the entrance to a recorded subdivision. Such sign shall be of ornamental metal, stone, masonry, wood or other permanent material and shall indicate only the name of such subdivision. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line. *(Ordinance #81-6/10-01-81)*

.03 PREMISE SIGN: One (1) sign or nameplate not to exceed two (2) square feet in area shall be permitted to identify the occupant of the premises or a permitted use. Such sign shall not extend higher than six (6) feet above the grade level, nor closer than

fifteen (15) feet to any property line unless mounted flat against the wall of the building or on a free-standing mail box. *(Ordinance #81-6/10-01-81)*

.04 DIRECTIONAL SIGN: Signs not to exceed four (4) square feet in area, plus one and one-half (1 1/2) square feet in area for each additional acre over one (1) acre shall be permitted to direct traffic movement into or within a premises, provided that in no case shall such signs exceed a maximum of twenty (20) square feet in area. Horizontal directional signs painted on, or installed flush with the street, shall not be subject to the provisions of this Subsection. *(Ordinance #81-6/10-01-81)*

.05 COMMUNITY DIRECTION SIGN: Non-illuminated community direction signs shall be permitted at a *county road* intersection when such signs are placed, controlled and maintained by a cooperative neighbor placed, controlled and maintained by a cooperative neighbor organization, and approved by the County Engineer. The County Engineer shall not approve such sign unless there is an adequate shoulder to permit short-term standing, and unless the visual clearance at the intersection will not be impaired by the sign or such standing. Each participating neighbor may place upon such community direction sign one (1) "arrow" sign, not to exceed one (1) square foot in area, show his name, the distance to his property, and indicating the direction. *(Ordinance #81-6/10-01-81)*

.06 COMMUNITY SERVICE INFORMATION SIGN: Community service information signs, public transit service signs, public utility information signs, safety signs, danger signs, trespassing signs, memorial or commemorative plaques, signs indicating scenic or historical points of interest, and all other similar signs, including all signs erected by or upon the order of a public officer in the performance of his public duty, shall be permitted when such signs are of a noncommercial nature and in the public interest. *(Ordinance #81-6/10-01-81)*

.07 OFF-SITE SIGN: Off-site signs not to exceed three (3) square feet in area shall be permitted to display the emblem of a service club or of a church, and information on the time and location of meetings or services. More than one (1) such sign may be mounted on a common sign standard or structure, provided such standard or structure shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line. *(Ordinance #81-6/10-01-81)*

.08 CHURCH SIGN: Integral signs for churches or temples, or names of buildings, dates of erections, monumental citations, commemorative tablets and other similar signs shall be permitted when carved into stone, concrete or other permanent type of construction and made an integral part of the structure to which they are attached. *(Ordinance #81-6/10-01-81)*

.09 FLAGS: Official flags, insignias, and emblems of the United States, the State of Iowa, and municipal and other bodies of established government; and flags which display the recognized symbol of on-site business firms and enterprises, religious, charitable, public and nonprofit organizations shall be permitted provided that no single flag shall exceed fifty (50) square feet in area. *(Ordinance #81-6/10-01-81)*

8.090.030 SIGNS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS: The following signs shall be permitted in the Class "A" and "R" District or platted residential subdivisions: *(Ordinance #2004-14/07-01-04)*

.01 FARM PREMISE SIGN: On-site and off-site signs not to exceed thirty-two (32) square feet in area shall be permitted to identify a farm premises or to indicate the product grown or material and equipment used on the farm premises. *(Ordinance #81-6/10-01-81)*

.02 HOME OCCUPATION, HOME PROFESSIONAL OFFICE OR RURAL ENTERPRISE BUSINESS SIGN: One (1) non-illuminated sign not to exceed two (2) square feet in area shall be permitted to identify a home occupation, home professional office or rural enterprise business. Such sign shall not extend higher than six (6) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building or on a free-standing mail box. *(Ordinance #81-6/10-01-81)*

.03 DWELLING UNIT SIGN: One (1) sign not to exceed nine (9) square feet in area shall be permitted per lot frontage of a lot upon which is located any building or buildings containing not less than three (3) nor more than nine (9) dwelling units. A similar sign not to exceed eighteen (18) square feet in area shall be permitted for each lot frontage upon which is located any building or buildings containing ten (10) or more dwelling units. Such signs shall denote only the name and/or the name and address of the management thereof, or allied information. Such signs shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building. *(Ordinance #81-6/10-01-81)*

.04 MOBILE HOME PARK SIGN: One (1) sign not to exceed fifty (50) square feet in area shall be permitted at any main entrance to a mobile home park. Such sign shall be of ornamental metal, stone, masonry, wood or other permanent material, and shall indicate only the name of such mobile home park. Such signs shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line. *(Ordinance #81-6/10-01-81)*

.05 CHURH OR PUBLIC BUILDING SIGN: One (1) sign not to exceed twenty (20) square feet in area shall be permitted per lot frontage to identify a church, school, institution, or public building or use. Such signs shall not extend higher than eight (8) feet above grade level and shall be mounted flat against the wall of the building. In addition, one (1) bulletin board not to exceed fifty (50) square feet in area shall be permitted for each premise. Such bulletin board shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building. *(Ordinance #81-6/10-01-81)*

.06 CONDITIONAL USE SIGN: One (1) sign not to exceed twenty (20) square feet in area shall be permitted per lot frontage to identify a permitted conditional use, or a legally established nonconforming use, which did not have any signs prior to the effective date of adoption or amendment of this Ordinance. Such sign shall denote only the name and/or profession of professional persons occupying premises, and/or the name of the establishment. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building. *(Ordinance #81-6/10-01-81)*

8.090.040 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS: Free-standing business identification signs, projecting signs, roof signs and wall signs shall be permitted in the Class

"C" and "I" Districts, provided the following requirements are met: *(Ordinance #2015-05/12-18-2015)*

.01 SURFACE AREA: The total surface area of all signs on a lot shall not exceed three (3) square feet per each lineal foot of building frontage, or two (2) square feet for each lineal foot of lot frontage, whichever results in the larger sign area. However, the maximum total surface area of all permitted signs for a lot shall not exceed four hundred (400) square feet. No such signs with a surface area of fifty (50) square feet or more shall be located within forty (40) feet of an adjoining "R" District or platted subdivision. *(Ordinance #2015-05/12-18-2015)*

.02 WALL SIGN: In addition, one (1) wall sign shall be permitted for each establishment's lot street frontage, providing no such sign shall exceed one-third (1/3) of the surface area of the wall to which they are attached. *(Ordinance #2015-05/12-18-2015)*

.03 PROJECTING SIGN: No more than one (1) projecting sign for each building frontage shall be permitted. *(Ordinance #2015-05/12-18-2015)*

.04 HEIGHT: No sign shall exceed forty-five (45) feet in height, except no sign shall exceed twenty-five (25) feet in height if located within forty (40) feet of a "R" District or platted subdivision. *(Ordinance #2015-05/12-18-2015)*

8.090.050 OUTDOOR ADVERTISING SIGNS AND BILLBOARDS: The following regulations shall govern the placement of outdoor advertising signs and billboards: *(Ordinance #81-6/10-01-81)*

.01 The regulations governing outdoor advertising signs and billboards shall comply with all State and Federal regulations. *(Ordinance #81-6/10-01-81)*

.02 All outdoor advertising signs and billboards shall be setback from any existing or proposed right-of-way line of any street, *county road*, or highway as shown on the official street plan, at least as far as the required front yard setback for the district in which it is located; except at any street intersection, the setback of any outdoor advertising sign or billboard shall not be less than one hundred (100) feet from the established right-of-way line of each such street." The setbacks for signs meeting the Iowa Department of Transportation's criteria as a private directional signs placed adjacent to Interstate right-of-way shall be not less than ten (10) feet from said right-of-way. *(Ordinance #2000-6/August 11, 2000)*

.03 No outdoor advertising sign or billboard which faces the front or side lot line of any lot in any Class "R" District or platted residential subdivision used for residential purposes shall be permitted within one hundred (100) feet of such lot line. *(Ordinance #2004-14/07-01-04)*

.04 No outdoor advertising sign or billboard which faces any public parkway, public square or entrance to any public park, public or parochial school, church or cemetery or similar institution shall be permitted within three hundred (300) feet thereof. *(Ordinance #81-6/10-01-81)*

# CHAPTER 8.095
# NONCONFORMING USES AND STRUCTURES

8.095.010 INTENT: Within the zoning districts established by this Ordinance or amendments that may be adopted later, there exists (a) lots, (b) structures, and (c) uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not encourage their survival. It is the intent of this Ordinance that such nonconformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited in the same district. *(Ordinance #81-6/10-01-81)*

8.095.015 CLASS A-1/C-3 DISTRICT: All lands located in a Class A-1 (Open Space, Conservation and Recreation) District prior to the adoption of Ordinance #86-6, which became effective September 11, 1986, shall from that date forward, currently be considered as being located in a Class A-1 (Open Space and Conservation) District and a Class C-3 (Commercial Recreation) District. *(Ordinance #87-15/11-06-87)*

8.095.020 NONCONFORMING LOTS OF RECORD: In any zoning district in which single-family structures are permitted, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for lot size, lot coverage, and corn suitability rating, or any of them, that area generally applicable to the district. Furthermore, the following yard requirements shall prevail for such lots which do not meet the minimum width and/or depth requirements of the district may be reduced as follows: *(Ordinance #82-10/10-07-82)*

.01 The depth of the front yard of such a lot may be reduced only as specified in Section 8.004.060. *(Ordinance #82-10/10-7-82)*

.02 The width of the street side yard may be reduced to thirty (30) percent of the width of such corner lot; provided however, that no such yard shall be less than fifteen (15) feet. *(Ordinance #82-10/10-7-82)*

.03 The width of an interior side yard may be reduced to fifteen (15) percent of the width of such a lot; provided however, that no such yard shall be less than ten (10) feet. *(Ordinance #82-10/10-7-82)*

.04 The depth of the rear yard may be reduced to twenty (20) percent of the depth of such a lot; provided however, that no such yard shall be less than twenty (20) feet. *(Ordinance #82-10/10-07-82)*

8.095.030 NONCONFORMING USES OF LAND WITH MINOR STRUCTURES ONLY: Where a lawful use of land involving only minor structures, having individual replacement of less than one thousand (1,000) dollars, exists at the effective date of adoption of this Ordinance that would not be allowed in the zoning district under the terms of this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions: *(Ordinance #81-6/10-01-81)*

.01 No additional structure not conforming to the requirements of this Ordinance shall be erected with such nonconforming use of land. *(Ordinance #81-6/10-01-81)*

.02 No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment to this Ordinance. *(Ordinance #81-6/10-01-81)*

.03 No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area than was occupied at the effective date of adoption or amendment of this Ordinance. *(Ordinance #81-6/10-01-81)*

.04 If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of this land shall conform to the regulations specified by this Ordinance for the zoning district in which such land is located. *(Ordinance #81-6/10-01-81)*

8.095.040 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION: Where a lawful use of land involving individual structures with a replacement cost of one thousand (1,000) dollars, or more, or of structure and land in combination, exists at the effective date of adoption of this Ordinance, that would not be allowed in the zoning district under the terms of this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions: *(Ordinance #81-6/10-01-81)*

.01 Any nonconforming use may be extended throughout any part of a building or area which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building or area. *(Ordinance #81-6/10-01-81)*

.02 Any structure in any zoning district devoted to a use made nonconforming by this Ordinance may be structurally altered or enlarged in conformity with the lot area, lot coverage, frontage, yard, height, and parking requirements of the zoning district in which it is located, provided such construction shall be first approved by the *Adjustment Board* and shall be limited to buildings on land owned on record by the owner of the land devoted to the nonconforming use prior to the effective date of this Ordinance. Such structural alteration or enlargement shall not authorize the substitution of a nonconforming use that is less restrictive than the one to which the structure was devoted at the time of passage of this Ordinance. *(Ordinance #87-13/08-07-87)*

.03 A nonconforming use of a structure may be changed to another nonconforming use of a similar nature within the same or a more restrictive classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. *(Ordinance #87-13/08-07-87)*

.04 In the event that a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for a period of one (1) year, the use of the same shall thereafter conform to the uses permitted in the zoning district in which it is located. Where nonconforming uses status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. *(Ordinance #87-13/08-07-87)*

.05 Any structure devoted to a use made nonconforming by this Ordinance that is destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, exclusive of the foundations, shall not be reconstructed or used as before such happening. If the structure is less than sixty (60) percent destroyed above the foundation, it may be reconstructed and used as before provided construction is begun within six (6) months of such happening, and provided it is built of like or similar material. *(Ordinance #87-13/08-07-87)*

8.095.050 NONCONFORMING STRUCTURES: Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yard, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions: *(Ordinance #81-6/10-01-81)*

.01 No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. *(Ordinance #81-6/10-01-81)*

.02 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved. *(Ordinance #81-6/10-01-81)*

.03 Should such nonconforming structure or nonconforming portion of a structure be destroyed by an means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, exclusive of the foundation, it shall not be reconstructed except in conformity with provisions of this Ordinance. *(Ordinance #81-6/10-01-81)*

8.095.060 REPAIRS AND MAINTENANCE: On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repairs or replacement on non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty-five (25) percent of the current replacement cost of the nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased. *(Ordinance #81-6/10-01-81)*

.01 If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repairs, or rebuilt except in conformity with the regulations of the zoning district in which it is located. *(Ordinance #81-6/10-01-81)*

.02 Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official. *(Ordinance #81-6/10-01-81)*

8.095.070 CONDITIONAL USE: Any use at the date of adoption or amendment of this Ordinance which is permitted as a conditional use in a zoning district under the terms of this Ordinance shall not

be deemed as a nonconforming use in such zoning district, but shall, without further action, be considered a conforming use. *(Ordinance #81-6/10-01-81)*

8.095.080 UNAUTHORIZED NONCONFORMITIES: Any use of land, use of structure, or structure, in existence at the time of adoption of this Ordinance which was not an authorized nonconformity under previous zoning ordinances shall not be authorized to continue its nonconforming status pursuant to this Ordinance or amendments thereto. *(Ordinance #81-6/10-01-81)*

8.095.090 COMPLETION OF PENDING CONSTRUCTION: Nothing contained in this Ordinance shall be interpreted as requiring any change in the plans, construction, alteration or designated use of a structure for which a Building Permit has been issued, and the actual construction begun prior to the adoption of this Ordinance, and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently. However, if the designated use will be nonconforming it shall be considered a discontinued use if not in operation within one (1) year of the effective date of this Ordinance, unless an extension is authorized by the *Adjustment Board*. *(Ordinance #2015-05/12-18-2015)*

8.095.100 REGISTRATION OF NONCONFORMING USES: A Certificate of Nonconforming Compliance shall be required for all lawful nonconforming uses of land or buildings. A written request for such certificate of nonconforming uses shall be filed with the *Development Director* by the owner or tenant of the building or land occupied by such nonconforming use, accompanied by affidavits of proof that such nonconforming use was legally established prior to the effective date of this Ordinance or was in existence prior to June 1, 1961. *(Ordinance #2015-05/12-18-2015)*

# CHAPTER 8.096
# BOARD OF ADJUSTMENT

8.096.010 *ADJUSTMENT BOARD* CREATED: The Board of Adjustment as presently constituted shall continue in office in accordance with the requirements set forth in Chapter 335, Code of Iowa, as amended. The *Adjustment Board* shall consist of five (5) members, a majority of whom shall reside within the *County*, but outside the corporate limits of any municipality. Each member of the *Adjustment Board* shall be appointed by the *County Board* for a term of five (5) years. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The *County Board* shall have the power to remove any member of the *Adjustment Board* from office, for cause, upon written charges and after public hearing. Members of the *Adjustment Board* may receive compensation, as determined by the *County Board*, for their services. *(Ordinance #2004-14/07-01-04)*

8.096.020 PROCEDURE: The *Adjustment Board* shall adopt rules of procedure in accordance with the provisions of this Ordinance. The Adjutment *Board* shall elect its own Chairman and Vice-Chairman, who shall serve a one (1) year term. Meetings of the *Adjustment Board* shall be held at the call of the Chairman and at such other times as the *Adjustment Board* may determine. Such Chairman, or in his absence, the Vice-Chairman, may administer oaths and compel the attendance of witnesses. *(Ordinance #81-6/10-01-81)*

All meetings of the *Adjustment Board* shall be open to the public and the presence of three (3) members shall be necessary to constitute a quorum. The *Adjustment Board* shall keep minutes of its proceedings, showing evidence presented, findings of fact by the *Adjustment Board,* decisions of the *Adjustment Board* and the vote of each member upon each question, or if absent or failing to vote indicating such fact. *(Ordinance #81-6/10-01-81)*

The *Adjustment Board* shall maintain a current, permanent record of its meetings and all official actions on file in the office of the *Development Director* and in a form convenient for public inspection. *(Ordinance #81-6/10-01-81)*

8.096.030 POWERS AND DUTIES: The *Adjustment Board* shall have the following powers and duties:

.01 The *Adjustment Board* shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the *Development Director* based on or made in the enforcement of any provision of this Ordinance or in the interpretation of *district* boundaries as shown on the Official Zoning Map. *(Ordinance #81-6/10-01-81)*

.02 The *Adjustment Board* shall have the power to hear and decide appeals for *variances* from the specific terms of this Ordinance which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship, and provided, that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. *(Ordinance #2004-14/07-01-04)*

No *variance* from the terms of this Ordinance shall be granted unless the *Adjustment Board* is satisfied that granting the variance:

A. Is necessary to alleviate a demonstrable hardship or difficulty so great as to warrant the variance;

B. Will not merely serve as a convenience to the applicant;
C. Will not impair the general purpose and intent of the regulations and provisions contained in this Ordinance;
D. Will not impair an adequate supply of light and air to adjacent properties;
E. Will not increase the hazard from fire and other damages to said property;
F. Will not diminish the value of land and buildings in the County;
G. Will not increase the congestion and traffic hazards on public roads; and
H. Will not otherwise impair the public health, safety and general welfare of the inhabitants of the County.
I. Is not based on the *nonconforming use* of neighboring lands, *structures* or *buildings* in the same *district*, and the permitted or *nonconforming use* of lands, *structures*, or *buildings* in other *districts* is not grounds for the issuance of the *variance.*
J. Will not, under any circumstances, allow a use not permissible under the terms of this Ordinance in the *district* involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said *district.*

.03 The *Adjustment Board* shall have the power to hear and decide only such appeals for *conditional uses* as the *Adjustment Board* is specifically authorized to pass on by the term of this Ordinance; to decide such questions as are involved in determining whether *conditional uses* should be granted; and to grant *conditional uses* with such conditions and safeguards as are appropriate under this Ordinance; or to deny *conditional uses* when not in harmony with the purpose and intent of this Ordinance. In reviewing an application for a conditional use permit, findings based on the following criteria shall be made and serve as the basis for approval or denial of the request:

A. Does the proposed use conform to the Land Use Policy Plan?
B. Is the site suitable for the proposed use? Such factors as size and shape of the property, topographic conditions, soil conditions to support water and septic systems, accessibility to transportation facilities, and soil erosion problems shall be considered.
C. Is the proposed use compatible with surrounding property use? Such factors as the activities and function of the proposed use should be considered to determine if the proposed use conflicts with or reduces the usefulness or value or creates other negative impacts on adjoining property or properties in the general area, including public health, safety and welfare.
D. Is the adjoining road system adequate to accommodate the proposed use in terms of the present traffic volume vs. road capacity and the general condition of the road system?
E. Can adequate measures be taken to minimize any potential adverse impacts on adjoining property? If so, stipulate such measures as required by the ordinance or special conditions that would be required.
F. Does the *conditional use* comply with all conditions imposed on it by the provisions of the *district* in which such *conditional use* may be authorized? *(Ordinance #2004-14/07-01-04)*

8.096.040 ASSISTANCE FROM OTHER DEPARTMENTS: The *Adjustment Board* may call upon the several *County* departments for assistance in the performance of its duties, and it shall be the duty of such department to render such assistance to the *Adjustment Board* as may be reasonably required. *(Ordinance #81-6/10-01-81)*

8.096.050 APPEALS TO THE *ADJUSTMENT BOARD*: Appeal to the *Adjustment Board* may be taken by any person or organization aggrieved; or by any officer, department, board, or bureau of the *County* or any other governmental agency or body effected by any decision of the *Development Director. (Ordinance #81-6/10-01-81)*

Such appeal shall be taken within thirty (30) days after said decision and shall be taken by the filing of a written application, upon the form provided, with the *Development Director* for submission to the *Adjustment Board.* The application shall be accompanied by a fee as specified in Chapter 8.099 and by such data and information as may be prescribed by the *Adjustment Board* to assure that fullest practicable presentation of the facts for the permanent record. An application shall contain the legal description of the property involved; the nature of the relief requested to be granted by the *Adjustment Board*; grounds and reasons for which the appeal is taken; a site plan, drawn to scale, showing the information for a Building Permit application; and a statement giving the names and addresses of the owners of all property owners within five hundred (500) feet of the subject property. If the applicant is the only owner of property within five hundred (500) feet of the subject property, then the statement shall contain the names and addresses of the next adjacent property owners. Each application shall be verified by the person or persons preparing the application attesting to the truth and correctness of all facts and information presented with the application. *(Ordinance #81-6/10-01-81)*

8.096.060 STAY OF PROCEEDINGS: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the *Development Director* certifies to the *Adjustment Board*, after notice of appeal shall have been filed with him, that by reasons of fact stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the *Adjustment Board* or by the District Court on application, on notice to the *Development Director* from whom the appeal is taken, and on due cause shown. *(Ordinance #81-6/10-01-81)*

8.096.070 *RESERVED*.

8.096.080 PUBLIC HEARINGS: Before taking final action on any appeal, the *Adjustment Board* shall hold a public hearing thereon. Notice of a public hearing shall include the time and place of said public hearing and the place where the contents of the appeal may be examined, and shall be given in the following manner: *(Ordinance #2015-05/12-18-2015)*

.01 A notice of the public hearing shall be given by one (1) publication in all of the official newspapers of the County not less than four (4) nor more than twenty (20) days prior to the public hearing. *(Ordinance #2007-10/12-7-07)*

.02 An additional written notice shall be given to the property owners contained in the statement included as a required part of the application by placing said notice in the United States Mail, not less than ten (10) days prior to the date of the public hearing. *(Ordinance #81-6/10-01-81)*

A. For mailing purposes, the names and addresses of such property owners shall be taken from the records of the County Auditor. *(Ordinance #81-6/10-01-81)*

B. It shall be the intent of the Subsection to give as full and adequate notice as practicable to the persons substantially interested in the appeal; however,

failure to send notice to a person to receive said notice shall not invalidate any decision of the *Adjustment Board* provided such failure was not intentional. *(Ordinance #81-6/10-01-81)*

.03 The *Adjustment Board* may recess a hearing in order to serve further notice upon other property owners or persons that the *Adjustment Board* determines may be interested in the appeal or to obtain additional information. Upon recessing for this purpose, the *Adjustment Board* shall announce the time and date when said hearing will be resumed. *(Ordinance #81-6/10-01-81)*

8.096.090 DECISION OF THE *ADJUSTMENT BOARD*: In exercising the above-mentioned powers, the *Adjustment Board* may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it believes proper, and to that end shall have the powers of the *Development Director*. *(Ordinance #81-6/10-01-81)*

.01 The concurring vote of three (3) members of the *Adjustment Board* shall be necessary to reverse any order, requirement, decision or determination of the *Development Director* or any other administrative official, or to effect any variation from the terms of this Ordinance, or to decide in favor of the application on any matter upon which it is required to pass under this Ordinance; provided however, that the action of the *Adjustment Board* shall not become effective until after the resolution of the *Adjustment Board*, setting forth the full reason for its decision and the vote of each member participating therein, has been filed in the office of the *Development Director*. *(Ordinance #81-6/10-01-81)*

.02 Every decision made by the *Adjustment Board* shall be supported by written testimony or evidence submitted in connection therewith (*Ordinance #81-6/10-01-81)*

.03 In authorizing a *variance* or *conditional use*, the *Adjustment Board* may impose such conditions as it may deem necessary to carry out the purposes 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 obstruction to view and reduction of light and air to adjacent property, and require screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area. In authorizing a *variance* or *conditional use* with attached conditions, the *Adjustment Board* shall require such evidence and guarantee or bond as it may deem to be necessary, to enforce compliance with the attached conditions. Any violation of the conditions when made a part of the terms under which the *variance* or *conditional use* is granted, shall be deemed a violation of this Ordinance. *(Ordinance #81-6/10-01-81)*

.04 The *Adjustment Board's* decision shall be binding upon the *Development Director* and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant, whenever a permit is authorized by the *Adjustment Board*. *(Ordinance #81-6/10-01-81)*

.05 If any application for a *variance* shall have been denied by the *Adjustment Board*, then no new application for the same relief shall be considered by the *Adjustment Board* unless the *Adjustment Board* should find that conditions have changed. *(Ordinance #81-6/10-01-81)*

.06 The *Adjustment Board* reserves the right to revoke the authorization of a *conditional use* if the conditions specified for the use are not adhered to by the applicant and subsequent parties; provided however, that no *conditional use* shall be revoked without a public hearing as provided for herein. *(Ordinance #81-6/10-01-81)*

.07 Whenever any application for a *conditional use* permit shall have been denied by the *Adjustment Board* , then no new application covering the same property or the same property and additional property shall be filed with or considered by the *Adjustment* until one (1) year shall have elapsed from the date of the filing of the first application. In the event new evidence is presented within thirty (30) days of said denial, one (1) re-application may be made of a denied conditional use request. In the event said re-application results in a denial, no new application shall be made until the elapse of the 1 (one) year period described above. *(Ordinance #2002-25/December 6, 2002)*

8.096.100 APPEAL FOR DECISION OF *ADJUSTMENT BOARD*: Any person or persons or organization aggrieved by any decision of the *Adjustment Board* made under the provisions of this Ordinance may appeal such decision to a court of competent jurisdiction, said appeal to be taken in accordance with the provisions of Chapter 335, Code of Iowa, as amended. *(Ordinance #81-6/10-01-81)*

8.096.110 TIME LIMIT ON *ADJUSTMENT BOARD* DECISION: If the property granted a *variance* or *conditional use* permit is not developed as allowed within one (1) year of *Adjustment Board* action, the *Adjustment Board* may, after seven (7) days notice in writing to the landowner, initiate action to rescind the *variance* or *conditional use* granted. This can occur only after a public hearing at which time the landowner can ask for a time extension. *(Ordinance #2002-25/12-06-02)*

8.096.120 EXPIRATION OF CONDITIONAL USE PERMIT: In the event a *conditional use* permit is granted, the land use is established and the land use subsequently discontinued for a period of one (1) year or more, the *Adjustment Board* may, after seven (7) days notice in writing to the landowner, initiate action to rescind the *conditional use* permit granted. This can occur only after a public hearing. *(Ordinance #2002-25/12-06-02)*

# CHAPTER 8.097
# BUILDING PERMITS

8.097.010 BUILDING PERMIT: It shall be unlawful to do any excavating, grading, erecting, constructing, reconstructing, enlarging, altering or moving of any building or structure until a building permit shall have been issued by the *Development Director*. No building permit shall be issued by the *Development Director* unless the proposed building or structure or use complies with all provisions of this Ordinance, except when so ordered by the *Adjustment Board* in the case of an appeal of an administrative decision, variance or conditional use granted in accordance with this Ordinance. *(Ordinance #2015-05/12-18-2015)*

It shall also be unlawful to use or occupy any building, structure or land, or to change the use or occupancy of any building, structure or land from one activity to another, or to change a nonconforming use without issuance of a permit by the Development Director.

One story detached *accessory structures* of one and two family residences, used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed two hundred (200) square feet, shall be exempt from having to acquire a building permit. However, said structure shall comply with the bulk requirements of the zoning district in which it is constructed or placed.

8.097.020 APPLICATIONS FOR BUILDING PERMITS: All applications for a building permit shall be filed with the *Development Director* on approved forms, together with the filing fee as specified in Chapter 8.099 and shall be accompanied by such documentation as may be necessary for the *Development Director* to make an appropriate determination on the application.

.01 This documentation shall include a plot plan, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any buildings or structures to be erected or altered; the existing and intended use of each building or structure or part thereof; the number of families, dwellings or housekeeping units the building is designed to accommodate; and when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for enforcement of this Ordinance. *(Ordinance #2007-10/12-7-07)*

.02 Whenever a lot is not provided with and is not proposed to be provided with public water and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by an application for a private water well and/or onsite wastewater treatment and disposal system. *(Ordinance #2007-10/12-7-07)*

.03 A grading permit application, as required by Chapter 10.15, Grading and Excavation Code, shall accompany the building permit application. *(Ordinance #2015-05/12-18-2015)*

8.097.030 Reserved

8.097.040 CERTIFICATE OF OCCUPANCY: No person shall use or permit the use of any structure or premises or part thereof hereafter created, erected, changed, converted, enlarged or moved,

wholly or partly, until a Certificate of Occupancy shall have been issued by the Development Director. Such certificate shall show that the structure or use, or both, or the premises, or the affected part thereof, are in conformity with the provisions of this Zoning Ordinance. It shall be the duty of the Development Director to issue such certificate if they find that all of the provisions of this Zoning Ordinance have been met, and to withhold such certificate unless all requirements of the Zoning Ordinance have not been met. Certificate of Occupancy shall also include Certificate of Use and Change of Use.

8.097.050 Reserved

8.097.060 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS, PERMITS AND CERTIFICATES OF OCCUPANCY: Building permits or Certificate of Occupancy issued on the basis of plans and application approved by the *Development Director*s authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance. *(Ordinance #2015-05/12-18-2015)*

# CHAPTER 8.098
# AMENDMENTS

8.098.010 *COUNTY BOARD* MAY AMEND ORDINANCE: Whenever the public necessity, convenience, general welfare or good zoning practice require, the *County Board* may by ordinance subject to the procedure provided in this Chapter, amend, supplement or change the regulations, *district* boundaries or zoning classifications of property, now or hereafter established by this Ordinance or amendments thereof. *(Ordinance #81-6/10-01-81)*

8.098.020 AUTHORIZATION FOR AMENDMENTS: An amendment to the text of this Ordinance or the Official Zoning Map may be initiated by action of the *County Board*, *Commission*, or *Adjustment Board*; or by application of an owner of property to be changed or affected by the proposed amendment or supplement; or by application signed by owners of fifty (50) percent of all property lying within the area proposed to be changed and also signed by owners of fifty (50) percent of all property lying within five hundred (500) feet of any part of the area proposed to be changed. *(Ordinance #81-6/10-01-81)*

8.098.030 APPLICATION FOR AMENDMENTS: An application for an amendment shall be filed, upon the form provided, with the *Development Director* for submission to the *Commission*. The application shall be accompanied by a fee as specified in Chapter 8.099 and by such data and information as may be prescribed by the *Commission* to assure the fullest practicable presentation of facts for the permanent record. An application for a zoning text amendment shall contain a statement setting forth the proposed amendment or supplement to the regulations of this Ordinance. An application for a zoning map amendment shall contain a legal description of the property for which the change is requested; the existing zoning classification and the proposed zoning classification; and a statement giving the names and addresses of the owners of all property lying within the area proposed to be changed who are not part of the application, and the names and addresses of the owners of all property lying within five hundred (500) feet of any part of the area proposed to be changed. If the applicant is the only owner of property within five hundred (500) feet of the property proposed to be changed, then the statement shall include the names and addresses of the next adjacent property owners. Each application shall be verified by the person or persons preparing the application, attesting to the truth and correctness of all facts and information presented with the application. *(Ordinance #81-6/10-01-81)*

8.098.040 PUBLIC HEARING BY COMMISSION: Before taking final action on a proposed amendment to the text of this Ordinance or the Official Zoning Map, the *Commission* shall hold a public hearing thereon. Notice of the public hearing shall include the time and place of said public hearing and the place where the contents of the amendment may be examined, and shall be given in the following manner: *(Ordinance #81-6/10-01-81)*

.01 For an amendment to the text of this Ordinance, a notice of the public hearing shall be given by one (1) publication in all of the official newspapers of the County not less than four (4) nor more than twenty (20) days prior to the public hearing. *(Ordinance #96-4/02-09-96)*

.02 For an amendment to the Official Zoning Map, a notice of the public hearing shall be given by one (1) publication in a newspaper having the circulation in the general area of the amendment and in a newspaper of general circulation in the County, not less than four (4) nor more than twenty (20) days prior to the date of the public hearing. *(Ordinance #96-4/02-09-96)*

.03 For an amendment to the Official Zoning Map, additional written notice shall be given to the property owners contained in the statement included as a required part of the application by placing said notice in the United States Mail, not less than ten (10) days prior to the date of the public hearing. *(Ordinance #81-6/10-01-81)*

A. For mailing purposes, the names and addresses of such property owners shall be taken from the records of the County Auditor. *(Ordinance #81-6/10-01-81)*

B. It shall be the intent of this Subsection to give as full and adequate notice as practicable to the persons substantially interested in the appeal; however, failure to send notice to a person as specified in this Subsection, or failure of a person to receive said notice shall not invalidate any decision of the *Commission* provided such failure was not intentional. *(Ordinance #81-6/10-01-81)*

C. The requirements of this Subsection shall not apply to a general revision of this Ordinance. *(Ordinance #81-6/10-01-81)*

.04 The *Commission* may recess a hearing in order to serve further notice upon other property owners or persons that the *Commission* determines may be interested in the amendment or to obtain additional information. Upon recessing for this purpose, the *Commission* shall announce the time and date when said hearing will be resumed. *(Ordinance #81-6/10-01-81)*

8.098.050 COMMISSION RECOMMENDATION: Following such hearing the *Commission* may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested, or it may recommend that the application be denied. *(Ordinance #81-6/10-01-81)*

It shall be the duty of the *Commission* to submit to the *County Board* its written recommendation on all applications for amendments, supplements, or changes to the regulations, *district* boundaries or zoning classifications of property as established by this Ordinance. *(Ordinance #81-6/10-01-81)*

8.098.060 PUBLIC HEARINGS BY *COUNTY BOARD*: After receipt of the written recommendation of the proposed amendment from the *Commission*, the *County Board* shall hold public hearings in accordance with Chapter 331.302, Code of Iowa, as amended.

8.098.070 *COUNTY BOARD* ACTION: Following both such public hearings, the *County Board* shall consider such recommendation by the *Commission* and vote upon the passage of the proposed amendment. *(Ordinance #81-6/10-01-81)*

Passage of the proposed amendment shall require an affirmative vote of not less than a simple majority of the entire *County Board*. *(Ordinance #81-6/10-01-81)*

.01 In case of protest against any changes or amendments signed by the owners of twenty (20) percent or more either of the area included in such proposed change, or of the area immediately adjacent thereof, such changes shall not become effective except

by favorable vote of at least sixty (60) percent of all the members of the *County Board*. *(Ordinance #81-6/10-01-81)*

.02 Whenever any application for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have been denied by the *County Board*, then no new application covering the same property or the same property and additional property shall be filed with or considered by the *County Board* or until one (1) year shall have elapsed from the date of the filing of the first application. *(Ordinance #81-6/10-01-81)*

8.098.080 RECORD OR AMENDMENT: In addition to the official ordinance number enacting the provisions of this Ordinance, all ordinances passed and approved by the *County Board* amending the text of this Ordinance or the Official Zoning Map shall be given individual supplemental numbers. The *Development Director* shall maintain a current, permanent record of all amendments to the text of the Ordinance and to the Official Zoning Map in a form convenient for public inspection. *(Ordinance #81-6/10-01-81)*

8.098.090 MAP CHANGE PENDING-BUILDING PERMIT: Whenever the *County Board* has taken under advisement a change or amendment of the Official Zoning Map from a less restricted district to a more restricted district classification, as evidence by an application on file or resolution of record, no Building Permit shall be issued within ninety (90) days from the date of such resolution which would authorize the construction of a building or the establishment of a use which would become nonconforming under the contemplated redistricting plan. *(Ordinance #2015-05/12-18-2015)*

8.098.100 REVOCATION OF MAP AMENDMENT: Unless any *lot,* tract or parcel of land hereafter zoned to a less restrictive classification as herein provided has been used or developed for such less restrictive classification within one (1) year from such rezoning or unless there exists an unexpired Building Permit for the development thereof, at the end of such one (1) year the *Commission* shall initiate, prior to the bona fide commencement of the use or development of said land in its less restrictive classification, and may recommend to the *County Board* that said land be rezoned to its zoning classification as established at the date of the passage of this Ordinance, after giving the official notice and holding a public hearing. *(Ordinance #81-6/10-01-81)*

# CHAPTER 8.099
# FEES

8.099.010 FILING FEE REQUIRED: A filing fee in accordance with the established fee schedule shall be charged for each application to assist in deferring the cost of administrative review and legal publication. The applicant shall be held responsible for submitted the required filing fee upon submission of the completed application. No action shall be taken on any application until the required fee is paid in full. *(Ordinance #81-6/10-01-81)*

8.099.020 FEE SCHEDULE: The fee schedule as set forth in Chapter 1.50 is hereby established for matters pertaining to this Ordinance. *(Ordinance #99-1/02-06-99)*

8.099.030 PAYMENT OF FEES: All fees mentioned above shall be paid to the County Treasurer for the rural services fund of Pottawattamie County, Iowa. *(Ordinance #2007-10/12-7-07)*

8.099.040 FEE REFUND: Fees shall not be entitled to be refunded. *(Ordinance #2009-05/06-05-09)*

# CHAPTER 8.100
# ADMINISTRATIVE, ENFORCEMENT AND LEGAL STATUS PROVISIONS

8.100.010 ENFORCEMENT: It shall be the duty of the *Development Director* to administer and enforce this Ordinance in accordance with its provisions. All departments, officials, and public employees of the County vested with the duty or authority to issue permits, licenses or certificates shall comply with the provisions of this Ordinance and shall issue no permit, license or certificate for any use, building or purpose in conflict with the provisions of this Ordinance. In the enforcement of this Ordinance, the *Development Director* shall exercise the following power and duties: *(Ordinance #81-6/10-01-81)*

.01 All questions of interpretation and enforcement of this Ordinance shall be first presented to the *Development Director* and such questions shall be presented to the *Adjustment Board* only on appeal of the decision of the *Development Director.* Any recourse from the decision of the *Adjustment Board* shall be to the courts as provided in Chapter 8.096. *(Ordinance #81-6/10-01-81)*

.02 Whenever a zoning violation occurs, or is alleged to have occurred, any person may file with the *Development Director* a written complain which states fully the causes and basis thereof. The *Development Director* shall record properly such complaint, immediately investigate and take appropriate action thereon. *(Ordinance #81-6/10-01-81)*

.03 Upon discovery of any zoning violation, the *Development Director* shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The *Development Director* shall order discontinuance of illegal use of land or *structures*; removal of illegal *buildings* or *structures* or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions. *(Ordinance #81-6/10-01-81)*

.04 The *Development Director* shall prepare reports of those zoning violations which continue unabated after exhaustion of reasonable administrative remedies towards their abatements and shall submit said reports to the County Attorney for such legal action as the facts of each report may require. *(Ordinance #81-6/10-01-81)*

.05 In the event the County Attorney after analysis of the report, institutes legal proceedings, the *Development Director* will cooperate fully with the County Attorney in the perfection of such proceedings. *(Ordinance #81-6/10-01-81)*

.06 In all cases where the county commences court action, the *Development Director* shall cooperate with the County Attorney by performing such additional investigative work as the County Attorney may reasonably require. *(Ordinance #81-6/10-01-81)*

8.100.020 VIOLATIONS AND PENALTIES: The penalty for violating the provisions of this Chapter shall be as set forth in Chapter 1.75. *(Ordinance #98-6/07-24-98)*