

CHAPTER 40

ZONING REGULATIONS

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40.01 TITLE. This chapter shall be known and may be cited and referred to as the “Wapello County, Iowa, Zoning Ordinance.”

40.02 JURISDICTION, SCOPE AND PURPOSE.

1. The jurisdiction of this chapter shall apply to all the unincorporated area inside the County limit boundaries.
2. Except as may be hereinafter specified, no land, building, structure, or premises shall be used and no structure shall be located, constructed, extended, converted, structurally altered or otherwise developed without full compliance with the terms of this chapter. Any structure or use lawfully existing at the effective date of this chapter but not in conformity with the regulations of the appropriate zoning district may be continued, subject to the regulations of Section 40.23 of this chapter.
3. The purpose of this chapter is to promote public health, safety, comfort and general welfare; to conserve and protect property values; to encourage the most appropriate use of land through orderly development to conserve and protect our natural resources; to facilitate adequate but economical provisions for public improvements; and to protect private property rights, all in accordance with and as permitted by the provisions of Chapter 335 of the Code of Iowa. The County Zoning Commission as referred to in Chapter 335.8 of the Code of Iowa shall hereinafter be known as the Wapello County Planning and Zoning Commission.

40.03 SPECIAL EXEMPTIONS.

1. Agricultural Land and Buildings. No regulation or restriction adopted under the provisions of this chapter shall be construed to apply to land, farm houses, farm barns, farm outbuildings or other buildings, structures or erections which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used.
 - A. Agricultural buildings and land uses are not exempt from complying with any Federal, State or local regulations concerning developing, depositing, or excavating in or on any flood plains.
 - B. The County reserves the right to require any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property and buildings are primarily adapted and used for agricultural purposes.

2. Utility Companies. A special exemption applies to utility companies that are regulated by the Iowa Commerce Commission. While the Zoning Ordinance cannot regulate the distributing equipment and structures of utility companies, Wapello County encourages such companies to comply voluntarily with the standards and the land use policies of Wapello County. This exemption does not apply to cable television companies.

40.04 INTERPRETATION OF STANDARDS. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, or restrictive covenants, the provisions of this chapter shall control. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this chapter, such restrictions shall apply.

40.05 DEFINITIONS. For the purpose of this chapter, the following terms and words are defined, and the words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”

1. “Accessory use or structure” means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. “Administrative officer” means the individual designated by the Board of Supervisors and this chapter who is responsible for the enforcement of the regulations imposed by the Zoning Ordinance. This person may also be referred to as the Zoning Administrator.
3. “Adult book store” or “adult theater” means an establishment having as a substantial or significant portion of its stock in trade, books, magazines, periodicals, or the display of motion pictures which are distinguished or characterized by their emphasis on matter depicting or describing or relating to “specific sexual activities” or “special anatomical areas” (as defined below), or an establishment with a segment or section devoted to the sale or display of such material.
4. “Agriculture” means the science or art of cultivating the soil, producing crops, and raising livestock, and in varying degrees the preparation of these products for man’s use and their disposal.
5. “Alley” or “lane” means a public or private way affording generally secondary means of access to abutting property and not intended for general traffic circulation.
6. “Animal feeding operation” means a lot, yard, corral, building, or other area in which animals are confined and fed and maintained for 45 days or more in any twelve-month period, and all structures used for the storage of manure from animals in the animal feeding operation. Two or more animal feeding operations under common ownership or management are deemed to be a single animal feeding operation if they are adjacent or utilize a common area or system for manure disposal. An animal feeding operation does not include a livestock market as defined in this section.
7. “Apartment house” - See “dwelling, multiple.”
8. “Basement” means a story having part, but not more than one-half, of its height below grade. A basement is counted as a story for the purpose of height regulations.
9. “Billboard,” as used in this chapter, includes 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 is 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.

10. "Boarding or lodging house" means a building other than a hotel or motel, occupied as a single housekeeping unit, where lodging or meals are provided for three or more, but not exceeding eight persons, for compensation, but not for public or transient use.
11. "Building" means any structure having a roof supported by walls or by columns designed or intended for enclosure, shelter or housing of persons, animals or chattels. When any portion thereof is separated by party walls without windows, doors, or other opening, each portion so separated shall be deemed a separate building, except residence dwellings.
12. "Building, height of" means the vertical distance from the average natural grade to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the height of the highest gable of a pitch or hip roof.
13. "Building Official" means the agent so designated by the Board of Supervisors.
14. "Bulk station" means distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.
15. "Cabin" means a permanent building designed for primary or temporary occupancy.
16. "Carport" means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purpose of this chapter, a carport attached to a principal building shall be considered part of the principal building and subject to all yard requirements herein.
17. "Cellar" (not to include an earth/bermed home) means that portion of a building having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
18. "Common sewer system" means a central sewer collecting system available to each platted lot and discharging into a treatment plant, the construction and location of which is approved by the appropriate County and/or State agency.
19. "Common water system" means a central water supply system available to each platted lot for one single source approved by the appropriate County and/or State agency.
20. "Development" means any manmade change to alter the existing land use of a parcel of land including, but not limited to: buildings, structures, mining, dredging, filling, grading, paving, excavating or drilling operations.
21. "District" means an area or areas for which the district regulations governing the use of buildings, and land or lot area and height of buildings are uniform.
22. " Dwelling" means any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin or travel trailer.
23. " Dwelling, single-family" means a detached residence designed for or occupied by one family only.
24. " Dwelling, two-family" means a residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.
25. " Dwelling, multiple" means a residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.
26. " Dwelling, condominium" means a multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the others; regulated by Chapter 499B of the Code of Iowa.

27. “Dwelling, row” means any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls, and may also be referred to as a “townhouse.”
28. “Dwelling, unit” means a room or group of rooms arranged, designed or used as living quarters for the occupancy of one family containing bathroom and/or kitchen facilities.
29. “Easement” means a grant by a property owner for the use of a strip of land by the public or any person for any specific purpose or purposes.
30. “Family” means one or more persons occupying a single dwelling unit. No such family shall contain over four (4) persons unless a majority of the members are related by blood, marriage or adoption (including foster children).
31. “Family home” means a family home as defined in Chapter 335.25 of the Code of Iowa.
32. “Farm” means land which is used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of poultry or livestock.
33. “Farmstead” means the farm house, associated farm buildings, and adjacent service areas of a farm.
34. “Feedlot” means:
 - A. Livestock feedlots as defined in Chapter 172D in the Code of Iowa: “Feedlot” means a lot, yard, corral, or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. The term does not include areas which are used for the raising of crops or other vegetation and upon which livestock are allowed to graze or feed.
 - B. Corporate or partnership farming as defined in Chapter 9H in the Code of Iowa: “Feedlot” means a lot, yard, corral, or other area in which hogs or cattle fed for slaughter are confined. The term includes areas which are used for the raising of crops or other vegetation and upon which hogs or cattle fed for slaughter are allowed to graze or feed.
35. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
36. “Floodway” means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement flood flows to the floodway will not result in substantially higher flood levels and flow velocities.
37. “Flood elevation, base of 100-year” means the elevation flood waters should reach at a particular site during the occurrence of a specific flood. A 100-year flood elevation is that elevation that flood waters would reach in a 100-year flood. There is a one in a one hundred (1 in 100) chance each year for such a flood.
38. “Flood hazard area” means the land within the County subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A on the Flood Insurance Rate Map.
39. “Flood insurance rate maps (F.I.R.M.)” means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
40. “Flood plain” means any land area susceptible to being inundated by water as a result of a flood.

41. "Floor area ratio" means the gross floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.
42. "Frontage" means all the property abutting upon one side of a street measured along the right-of-way line.
43. "Frontage road" means any public road.
44. "Garage, private" means an enclosed structure intended for the parking of the private motor vehicles of the families resident upon the premises.
45. "Garage, public" means any building or premises except those used as private or storage garages, used for equipping, refueling, servicing, repairing, hiring, selling, or storing motor-driven vehicles possessing current registration.
46. "Garage, storage" means any building or premises used for housing only of motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired, or sold. All vehicles so housed to possess current registration.
47. "Gasoline filling station" means any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles and may include such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicles accessories, and other items customarily associated with the sale of such products: for the rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing and polishing of motor vehicles, as incidental to other services rendered; the making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined to be spray painting, body, fender, or complete recapping or retreading of tires.
48. "Grade" means the average level of the finished surface of the ground adjacent to the exterior walls of the building.
49. "Home occupation" means a secondary use carried on entirely within the residence, or accessory building, where there is no evidence of such occupation being conducted on the premises by virtue of displays, excessive noise, odors, or electrical disturbances. The business shall be such that customer parking is provided inconspicuously on the premises. Only one sign is permitted under the following requirements:
 - A. Not larger than five (5) square feet; and
 - B. Placed flat against any one side of residence; or
 - C. Posted within two (2) feet and parallel with residence or;
 - D. If residence is located behind the building line, the sign must be located no closer than fifty (50) feet to the road right-of-way and must be parallel with the residence; and
 - E. Is not illuminated.

No more than one nonresident assistant shall be employed and not more than one-half the total floor area shall be devoted to such use.

50. "Home industry" means a secondary use of a light industrial nature carried on entirely within the residence or accessory building as a secondary occupation which complies with restrictions of "home occupation."
51. "Hotel" means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or lodging house.

52. “Junk or salvage” means old or scrap copper, brass, rope, rages, batteries, paper, trash, rubber debris, waste, appliances, furniture, equipment, building demolition materials or structural steel materials. This definition also includes junked, dismantled, or wrecked motor vehicles, or parts of motor vehicles, and iron, steel or other old or scrap ferrous or nonferrous material.

53. “Junk or salvage yard” means any area where junk or salvage is bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled. This definition also includes auto or other vehicle or machinery wrecking or dismantling activities. This definition does not include the processing of used, discarded or salvaged materials as part of a manufacturing operation located on the same property, and contractors’ storage yards. The presence on any lot, parcel or tract of land of three (3) or more wrecked, scrapped, ruined, dismantled or inoperative motor vehicles, including implements of husbandry not a part of a farming operation, shall constitute prima facie evidence of a junk or salvage yard. This does not include motor vehicles licensed for the current year as provided by law; and/or up to five (5) motor vehicles legally placed in storage; and/or more than five (5) legally stored vehicles if kept within a completely enclosed building or totally screened from view.

54. “Kennel” means any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. Kennel also means the keeping of six (6) or more adult dogs, cats, or other household pets of the mammal group over the age of six (6) months.

55. “Livestock” means cattle, horses, sheep, swine and poultry, and any other animals or fowl which are being produced primarily for use as food or food products for human consumption.

56. “Lot” means, for the purposes of this chapter, a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open space as are herein required. Such lot shall have frontage on a public road or street and may consist of: (i) a single lot of record; (ii) a portion of a lot of record; (iii) a combination of complete lots of record; and (iv) 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 chapter.

57. “Lot area” means total horizontal area within lot lines.

58. “Lot, corner” means lots conforming to the following specified conditions:

A. A lot fronting on two intersecting streets which form an interior angle of one hundred thirty-five (135) degrees or less, and which lot has a frontage of not less than forty (40) feet on such streets.

B. A lot located at the angle in a street where the interior angle formed by the interior angle of the street lines is one hundred thirty-five (135) degrees, or less, and which lot has a frontage of not less than forty (40) feet on each leg of such angle.

59. “Lot, depth of” means the mean horizontal distance between the front and rear lot lines.

60. “Lot, interior” means a lot other than a corner lot.

61. “Lot line” means the property line bounding a lot, exclusive of public easements for street or road purposes.

62. “Lot line, front” means the line separating the lot from the street on which it fronts.

63. “Lot line, rear” means the lot line opposite and most distant from the front lot line.

64. “Lot line, side” means any lot line other than a front or rear lot line.

65. “Lot, through” means a lot having frontage on two non-intersecting streets, as distinguished from a corner lot.

66. “Lot width” means the mean horizontal distance between the side lot lines.
67. “Lot of record” means a lot which is 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.
68. “Low quality agricultural land” means all land in Capability Class IV-VII and those soils not identified as prime in the soil conservation service technical guide entitled *Iowa Soil Map Units That Qualify as Prime Farm Land*, April 1984, and which boundaries are identified in the Wapello County Soil Survey issued September 1984.
69. “Manufactured home” means a factory-built structure, which is manufactured or constructed under the authority of 42 United States Code Sec. 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home, except as hereinafter provided.
70. “Mining” means the extraction of sand, gravel, rock, soil, coal, or other material from the land in the amount of 1,000 cubic yards or more and the removing thereof from the site including coal processing. The only exclusion from this definition shall be removal of materials associated with the construction of a building.
71. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicles to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is not a manufactured home unless it has been legally converted, prior to July 1, 1984, to real property and taxed as a site built dwelling as provided in Chapter 135D, Code of Iowa.
72. “Mobile home park” means any site, lot, or tract of land upon which two (2) or more occupied mobile homes are harbored, either free of charge, or for revenue purposes, and as regulated by Chapter 135D of the Code of Iowa.
73. “Motel or tourist home” means a permanent building, or group of buildings, designed or arranged primarily for temporary occupancy as a dwelling for transient guests and arranged to provide space for parking vehicles used by the traveling public. Such building, or group of buildings, may include quarters for the use of operating personnel.
74. “Nonconforming use” means any lawful use, whether of a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district in which it is located, either at the effective date of the Zoning Ordinance or as a result of a subsequent amendment thereto.
75. “Nuisance” means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstruction to the free use of property so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. This includes all definitions in Section 657.2 of the Code of Iowa.
76. “Nursing home” means a home for aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept and provided with food, or shelter and care for compensation.
77. “Overlay district” means a district which acts in conjunction with the underlying zoning district or districts. Development within the overlay district must conform to the requirements of both zones or the more restrictive of the two.

78. "Parking lot" means a parcel of land devoted to unenclosed parking space.
79. "Parking space" means an area of not less than two hundred (200) square feet plus necessary maneuvering space for the parking of a motor vehicle.
80. "Permanent dwelling unit" means any unit designed for residential use that is constructed or erected on the ground or attached to the ground, or placed on site for greater than 180 days. For the purpose of this chapter, "permanent dwelling units" includes: cabins, mobile homes (placed on site for greater than 180 days), and single family homes on existing parcels.
81. "Permanent foundation" means a structural component of masonry, steel or wood, or a combination thereof, that extends and is placed on footings situated below the frost line and to which a structure is attached and supported. Wood, when used as, or a part of, the foundation structure and placed below grade shall be so treated as to resist deterioration or decay. This permanent foundation shall be in the form of a solid wall located under the exterior walls of the supported structure or in the form of pilings of sufficient number and so spaced as to support and secure the structure. In all installations, the dwelling shall be attached to the permanent foundation in such a manner as to prevent lateral movement, settling or heaving. All buildings, identified by the terms of this chapter as dwellings, shall be placed on a permanent foundation.
82. "Porch, unenclosed" means a roofed projection which has not more than fifty percent (50%) of each outside wall area enclosed by a building or siding material other than meshed screens.
83. "Prime farmlands" means all land in capability Class I, most of Class II, and Class III that has an adequate water management system, and as identified in the soil conservation service technical guide entitled *Iowa Soil Map Units That Qualify as Prime Farm Land*, April 1984, and which boundaries are identified in the Wapello County soil survey issued September 1984.
84. "Principal use or structure" means the predominant use of land or structures as distinguished from an accessory use.
85. "Right-of-way" means the land area the right to possession of which is secured or reserved by the contracting authority for road purposes.
86. "Recreation unit" means any unit designed for residential use that is used for the primary purpose of recreation activities. For the purpose of this chapter, recreation units includes mobile homes, park trailers, travel trailers, and other similar vehicles placed on site for more than 14 but less than 180 consecutive days that are licensed and ready for highways use.
87. "Riverbank" means the top of the existing bank of a river.
88. "Rural residence" means a parcel of land on which is located the dwelling of a person not engaged in the production of agricultural commodities, excluding a person who is retired from the production of agricultural commodities or who leases agricultural land to a person engaged in the production of agricultural commodities. Farmsteads and parcels existing on July 1, 1999, are exempt from acreage requirement but shall consist of at least one acre.
89. "Sanitary landfill" means land utilized for disposing of solid wastes in accordance with the rules and regulations of the Department of Natural Resources.
90. "Sign" means any words, lettering, figures, emblems, pictures, trade names, or trade marks used by an individual, firm, or association, a corporation, a profession, a business, a service, a community, a church, or school and visible from any public street or right-of-way and designed to attract attention for commercial or non-profit purposes. This is not to be construed to include directional signs erected or required by governmental bodies, legal notices, signs bearing only property numbers or names of occupants of premises.

91. "Specified sexual activities" means: (a) human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse or sodomy; (c) fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.
92. "Specified anatomical areas" means: (a) less than completely and opaquely covered human genitals or pubic region; buttocks; and female breasts below a point immediately above the top of the areola; and (b) human male genitals in a discernible turgid state, even if completely and opaquely covered.
93. "Stable, private" means a building or structure used or intended to be used for housing horses belonging to the owner of the property for non-commercial purposes.
94. "Stable, public" or "riding academy" means a building or structure used or intended to be used for the housing of horses on a fee basis. Riding instruction may be given in connection with a public stable or riding academy.
95. "Story" means that portion of the building, other than a basement or 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, the space between the floor and the ceiling next above it.
96. "Story, half" means a space under a sloping roof which has a line of intersection of roof decking and wall face not more than four (4) feet above the top floor level.
97. "Street line" means a dividing line between a lot, tract or parcel of land and a contiguous street.
98. "Street, road, drive, or entrance (private)" means all property intended for use by vehicular traffic; but not dedicated to the public nor controlled and maintained by a political subdivision.
99. "Street, road, drive or entrance (public)" means all property intended for use by vehicular traffic which has been dedicated to the public or deeded to a political subdivision.
100. "Structural alterations" means 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 or maintenance.
101. "Structure" means anything constructed or erected on the ground or attached to the ground, or which requires attachment to something having a permanent location on the ground, including, but not limited to buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.
102. "Subdivision" means a tract of land divided into three or more lots.
103. "Substantial improvement" means any improvement to a structure which satisfies either of the following criteria:
 - A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (i) before the improvement or repair is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use.
 - B. Any addition which increases the original floor area of a building by 25 percent or more.

104. "Travel trailer" means a recreational vehicle, with or without motive power; designed as a temporary dwelling, not exceeding eight (8) feet in width and thirty-two (32) feet in length, exclusive of separate towing unit. Such vehicles are customarily and ordinarily used for travel or recreational purposes and not used for permanent habitation.

105. "Travel trailer park (camp)" means an area licensed and used or offered for use in whole or in part, with or without charge, for the parking of occupied travel trailers, pickup campers, converted buses, motor homes, tent trailers, tents, or similar devices used for temporary, portable housing. Unoccupied mobile homes, travel trailers, and similar devices may be stored in the park, but only in an area marked for storage. No repair, maintenance, sales, or servicing, or such devices are allowed in the park.

106. "Use" means the purpose or activity for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained.

107. "Use, accessory" means a use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

108. "Use, conditional" means a use classified as conditional may be appropriate or desirable in a specified zone, but requires special approval because if not carefully located or designed, it may create special problems such as excessive height, bulk or abnormal traffic congestion.

109. "Use, nonconforming" means use of land, buildings or structures legally existing at the effective date of the Zoning Ordinance which does not comply with all regulations of this chapter or any amendments hereto governing the zoning district in which such use is located.

110. "Use, permitted" means a public or private use which of itself conform with the purposes, objectives, requirements, regulations and performance standards of a particular district.

111. "Use, principal" means the main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.

112. "Variance" means a modification or variation of the provisions of this chapter where it is determined that by reason of special and unusual circumstances relating to a specific log, that strict application of the chapter would cause an undue or unnecessary hardship, or that strict conformity with the provisions of this chapter would be unreasonable, impractical or unfeasible under the circumstances.

113. "Yard" means an open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this chapter.

114. "Yard, front" means a yard across the full width of the lot extending from the front line of the principal building to the front line of the lot.

115. "Yard, rear" means a yard extending the full width of the lot between the principal building and the rear lot line.

116. "Yard, side" means a yard between the principal building and the side line of the lot, and extending from the front yard line to the rear yard line.

117. "Zoning amendment" means a change authorized by the governing body of a change in zoning district classification or the boundaries of a zoning district.

118. "Zoning permit" means a lawful permit issued by the Zoning Administrator for the erection, reconstruction or alteration of a building or structure or the use of land.

40.06 ESTABLISHMENT OF DISTRICTS. In order to carry out the purpose and intent of this chapter, the unincorporated area of the County is hereby divided into the following zoning district classifications:

- A-1 Agricultural District/Prime Farmland
- A-2 Agricultural/ Rural Resident District
- R-1 Single Family Residential District
- RMH Residential Mobile Home District
- C-1 Commercial District
- C-2 Highway Service Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- AP Airport Overlay District
- FP Flood Plain

40.07 BOUNDARIES AND OFFICIAL MAP. The boundaries of these districts are indicated upon the Official Zoning Map of Wapello County, Iowa, which map is made a part of this chapter by reference. The said Official Zoning Map and all the notations, references and other matters shown thereon shall be as much a part of this chapter as if the notations, references, and other matters set forth by said map were all fully described herein. The said Official Zoning Map shall be on file in the office of the Zoning Administrator and shall bear the signature of the Chairperson of the Board of Supervisors, attested by the County Auditor, under the certification that it is the Official Zoning Map referred to in the Zoning Ordinance. If, in accordance with the provisions of this chapter, changes are made in the district boundaries or other matters portrayed on the Official Zoning Map, the resolution number and date of said change shall be recorded by the County Auditor on the Official Zoning Map. The Board of Supervisors may from time to time adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map, in the event that the Official Zoning Map becomes damaged or destroyed; or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions; provided, however, any such adoption shall not have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries, indicated as approximately following the centerlines of streets, highways, alleys, or other public right-of-way shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Section lines, quarter lines, quarter Section lines, or quarter-quarter section lines shall be construed as following such lines.
4. Boundaries indicated as approximately to following corporate limits shall be construed as following corporate limits.
5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
6. Boundaries indicated as approximately following the centerlines of rivers, streams, creeks, or other waterways shall be construed to follow such centerlines.

7. Boundaries not capable of being determined in the previous paragraphs shall be as dimensioned on the Official Zoning Map or if not dimensioned shall be determined by the scale shown on the map.

40.08 AIRPORT OVERLAY MAP. The boundaries of the airport overlay district shall be the same as shown on the Ottumwa Municipal Airport Height Zoning Map. This map is hereby adopted by reference as the Official Airport Overlay Map. This map shall have the same force and effect as if it were fully set forth and described herein. The map is available for review in the office of the Zoning Administrator.

40.09 GENERAL REGULATIONS AND PROVISIONS.

1. Airborne Aircraft Interference. Notwithstanding any other provisions of this chapter, no use may be made of land or water within the County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to all zoning districts:

A. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Ottumwa Municipal Airport or in the vicinity thereof.

B. No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Ottumwa Municipal Airport.

C. No operations from any use in Wapello County shall produce electronic interference with navigation signals or radio communications between the airport and aircraft.

2. Building Lines On Approved Plats. Whenever the plat of a land subdivision on record in the office of the County Recorder shows a setback building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this chapter unless specific yard requirements in this chapter require a greater setback.

3. Buildings On Through Lots. Through lots extending from street to street shall provide the required front yard on both streets.

4. Conformance Required. Except as may be hereinafter specified, no land, building, structure, or premises shall hereafter be used and no building, or part thereof, or other structure shall be located, erected, reconstructed, extended, enlarged, or altered, except in conformity with the provisions of this chapter.

5. Corner Lots. The front yard regulation shall apply to each street side of corner lots.

6. Construction In Flood Hazard Areas. No person, firm or corporation shall initiate any development or cause the same to occur in any flood hazard area without first obtaining the necessary permits as required by any Federal, State or local agency. Any permitted construction shall be in conformance with all Federal, State and local regulations concerning development in flood hazard areas. Refer to Chapter 36 of this Code of Ordinances for local permitting and development requirements.

7. Disincorporation. All territory which may hereafter become part of the unincorporated area of Wapello County, Iowa, which is regulated by this chapter, by the disincorporation of any city, or any part thereof, shall automatically be classed as lying and being in the A-1 Agricultural District until such classification shall have been changed by amendment of this chapter as provided by law.

8. Fences and Walls. In any R-1 and RMH District, on any lot used for residential purposes, fences and walls not exceeding eight (8) feet in height are permitted within the limits of the side and rear yards. A fence or wall not exceeding four and one-half (4½) feet in height is permitted within the limits of the front yard. In the case of retaining walls or supporting embankments, the above requirements shall apply only to that part of the wall above ground surface of the retained embankment. In all other districts, fences and walls are permitted not exceeding eight (8) feet in height within the limits of the yard. In all cases, fences shall be constructed with the best side facing the neighboring land user.

9. Method of Yard Measurements. The setback of the building for front, rear, and side yards shall in all cases be measured at a right angle from the lot line or right-of-way to the nearest point of the adjacent building wall of the building.

10. Mobile/Manufactured Homes. All mobile and/or manufactured homes located in any zoning district shall comply with paragraphs 40.13(5)(C) through (E) of this chapter except where more restrictive standards are required.

11. One Principal Building To a Lot. Every building erected or structurally altered shall be located on a lot, as defined herein, and in no case shall there be more than one principal building on a residential lot, unless otherwise specified in this chapter.

12. Permits Previously Issued. Nothing herein contained shall require any change in the overall layout, plans, construction, size, or designated use of any building, or part thereof, for which approvals and/or required permits have been granted before the enactment of the Zoning Ordinance, the construction of which, in conformance with such plans, shall have been started prior to the effective date of this chapter and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.

13. Required Yard Cannot Be Reduced. No yard or lot existing at the time of passage of the Zoning Ordinance shall be reduced in dimension of area below the minimum required by this chapter. No part of a yard or other open space, or off-street parking or loading space provided about any building, structure, or use for the purpose of complying with the provisions of this chapter shall be included as part of a yard, open space, or off-street parking or loading space required under this chapter for another building, structure, or use.

14. Street Frontage Required. Except as otherwise permitted in this chapter, no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least forty (40) feet on at least one public street, or unless it has an exclusive unobstructed private easement of access or right-of-way at least twenty (20) feet wide to a street; and there shall be not more than one 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 two or more such single-family dwellings or for one or more two-family or multiple dwellings.

15. Subdivision Required. Every owner of any lot or tract of land on the effective date of the Zoning Ordinance who shall thereafter subdivide the same into three (3) or more parts, shall have the plat of such subdivision approved by the Board of Supervisors and County Engineer as provided in Chapter 41 of this Code of Ordinances, and recorded in the office of the County Recorder before a zoning permit for any of the lots in such subdivision may be issued by the Zoning Administrator.

16. Vacated Right-of-way. Whenever any street, road or other public way is vacated by official action of the Board of Supervisors, the zoning district adjoining each side of the street, road or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall be subject to all appropriate regulations of the extended districts. Whenever any railroad right-of-way is vacated or sold, the land involved shall revert to the bordering or adjoining zoning districts.

17. Vision Clearance. In all districts, no fence, hedge, wall, sign, or other obstruction shall be permitted which obstructs the view of approaching vehicles three and one-half (3½) feet above the traveled portion of a roadway within the area of a triangle formed by the center of the intersection and points one hundred fifty (150) feet from the center of the intersection when measured along the centerlines of the intersecting roads.

18. Water Supply and Sewage Disposal. Every residence, business, trade or industry hereafter established which require private water supply or sewage disposal facilities, shall provide facilities which conform with the current rules of the Iowa Department of Natural Resources and the County Board of Health.[†]

[†] NOTE: See Chapter 69, Iowa Administrative Code, as amended. Wapello County has adopted IAC 567, Chapter 69, in its entirety.

40.10 A-1 AGRICULTURAL DISTRICT/ PRIME FARMLAND. The A-1 Agricultural District/ Prime Farmland is intended and designed to serve the agricultural community and protect prime agricultural land from encroachment of urban land uses. This district is not intended to be used for non-farm residential developments, governmental facilities or commercial businesses.

1. Principal Permitted Uses.
 - A. Farms and farm houses and usual agricultural buildings or structures.
 - B. Rural Residents.
 - C. Specialized farms where the breeding and/or raising of other than common farm animals such as mink, chinchilla, rabbit and wild game animals is conducted.
 - D. Specialized horticultural operations, including; truck gardens, orchard and wholesale nurseries.
 - E. Sod farms.
 - F. Feedlots per Code of Iowa.
 - G. Stables.
 - H. Forest and wildlife preserves.
 - I. Animal Feeding Operation per Code of Iowa.
2. Conditional Uses. Temporary facilities for music events, sports events, commercial exhibitions and carnivals.
3. Permitted Accessory Uses.
 - A. Uses of land or structures customarily incidental and subordinate to one of the permitted uses, unless otherwise excluded.
 - B. Home occupations.
 - C. Temporary buildings for use incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
 - D. Roadside stands for the display or sale of agricultural products raised on the premises, provided such stands shall not exceed 400 square feet of floor area.
 - E. Church bulletin boards.
 - F. Living quarters of persons employed on the premises and not for rent or otherwise used as a separate dwelling.
 - G. Communication towers.
4. Performance Standards.
 - A. Minimum Lot Area, Lot Frontage and Yard Requirements.

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard	Side Yard	Rear Yard
Dwelling (farm)	No Requirements					
Rural Residential (single family)	10 acres	500 feet	10 acres	50 feet	10 feet	50 feet
Accessory Building				50 feet	10 feet	4 feet

B. Height Regulation. Any building erected or structurally altered may be erected to any height not in conflict with other existing or future ordinances of the County.

- C. Items number D and E under Accessory Uses are exempt from front yard setbacks.
- D. Accessory buildings, if located in the rear yard, may be placed within four (4) feet of a side lot line.
- E. Spaces for off-street parking and loading shall be as required in Section 40.21 of this chapter.

40.11 AGRICULTURAL/ RURAL RESIDENTIAL DISTRICT. The A-2 Agricultural/Rural Residential District is intended and designed to provide for those activities which are strongly interrelated with agricultural uses and must therefore be located in agricultural areas.

- 1. Principal Permitted Uses.
 - A. Any principal permitted use allowed in the A-1 Agricultural District/Prime Farmland.
 - B. Stables.
 - C. Grain elevators with the usual accessory structures.
 - D. Any public building or structure or facility erected and used by any department of the township, county, city or state government, including but not limited to public aircraft landing fields and facilities.
 - E. Livestock feed and grain sales.
 - F. Animal hospitals and veterinary clinics.
 - G. Seed Sales.
 - H. Public parks and playgrounds.
 - I. Anhydrous ammonia storage and/or pumping facilities.
 - J. Fertilizer and agricultural chemical, business, sales and storage.
 - K. Kennel.
 - L. Church or other place of worship, including parish house and Sunday School building.
 - M. Cemeteries, including mausoleums and crematoriums, provided that any mausoleum or crematory shall be distant at least 200 feet from any adjacent property, street and highway lines.
 - N. Funeral homes/mortuaries.
 - O. Minor Subdivision.
- 2. Conditional Uses.
 - A. Temporary facilities for music events, sports events, commercial exhibitions and carnivals.
 - B. Private non-commercial landing fields.
 - C. Golf courses (except miniature golf courses or practice driving range operated for commercial purposes), private gun clubs, skeet shooting ranges, and similar uses.
 - D. Salvage yards. (See Section 40.28 of this chapter for additional requirements.)
 - E. Hospitals, clinics (medical, dental and similar types).

- F. Mining. (See Section 40.28 of this chapter for additional requirements.)
 - G. Landfill, provided space is needed to meet the solid waste disposal waste needs of County residents and other jurisdictions with which they may choose to coordinate for reasons of economy. (See Section 40.28 of this chapter for additional requirements.)
3. Permitted Accessory Uses.
 - A. Accessory uses permitted in and as regulated by the A-1 district regulations.
 - B. Communication towers.
 - C. Temporary asphalt and concrete mixing plants.
 4. Performance Standards.
 - A. Minimum Lot Area, Lot Frontage and Yard Regulations.

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard	Side Yard	Rear Yard
Dwelling (farm)	No Requirements					
Rural Residential (single family)	2.5 acres*	150 feet	2.5 acres*	50 feet	10 feet	50 feet
Other Permitted Structures	2.5 acres*	150 feet		50 feet	10 feet	50 feet
Accessory Building				50 feet	10 feet	4 feet
* The Zoning Administrator may approve lot area smaller if required acres would consume agricultural land.						

- B. Height Regulation. Any building erected or structurally altered may be erected to any height not in conflict with other existing or future ordinances of the County.
- C. Accessory buildings, if located in the rear yard, may be placed within four (4) feet of a side lot line.
- D. Spaces for off-street parking and loading shall be as required in Section 40.21 of this chapter.

40.12 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT. The R-1 Single Family Residential District is intended and designed to provide for the development of low density single-family subdivisions in the rural areas. This district is not intended to permit isolated rural dwellings. Any land rezoned to “R-1” shall be located on adequately constructed and paved County/State roads.

1. Principal Permitted Uses.
 - A. Single-family detached dwellings.
 - B. Family homes.
 - C. Churches or other places of worship and Sunday School buildings.
 - D. Public and private non-commercial parks, playgrounds, recreation areas and facilities.
2. Conditional Uses.
 - A. Two-family dwelling units.
 - B. Schools, public and private educational institutions.
 - C. Public water supply and sewage treatment facilities.
 - D. Funeral homes, mortuaries.
3. Permitted Accessory Uses.

- A. Uses of land or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.
 - B. Church bulletin boards.
 - C. Temporary buildings for uses incidental to construction work, which buildings will be removed upon completion or abandonment of the construction work.
 - D. Home occupations.
4. Performance Standards.
- A. Minimum Lot Area, Lot Frontage and Yard Requirements.

Use	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
Rural Residential	1/2 acre*	100 feet	50 feet	10 feet	35 feet
Two-Family	1 acre*	100 feet	50 feet	10 feet	35 feet
Accessory Building				5 feet	5 feet

* Lot must be large enough to facilitate On-Site Wastewater Treatment and Disposal System..

- B. Height Regulation. No principal building shall exceed two stories or 35 feet in height. No accessory building shall exceed 15 feet or one story in height.
- C. Accessory buildings must be located in the rear yard.
- D. Spaces for off-street parking and loading shall be as required in Section 40.21 of this chapter.

40.13 RMH - RESIDENTIAL MOBILE HOME DISTRICT. The RMH - Residential Mobile Home District is intended and designed to provide for planned mobile home residential developments, including related recreational, commercial, and other service facilities.

- 1. Principal Permitted Uses.
 - A. Mobile home parks, but not including mobile homes sales and display areas. No part of any park shall be used for nonresidential purposes except such uses as 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 owner of a mobile home located on a home stand and connected to the pertinent utilities.
 - B. Public and private non-commercial parks, playgrounds, recreation areas and facilities.
- 2. Conditional Uses.
 - A. Public water supply and sewage treatment facilities.
 - B. Home occupations.
- 3. Permitted Accessory Uses.
 - A. Subordinate buildings or structures which are in addition to or supplement the facilities provided by a mobile home, such as awnings, cabanas, storage structures, carports, and porches.
 - B. Accessory uses may include common facility service buildings which provide laundry facilities, sanitary facilities, recreational facilities, or non-automotive commercial uses supplying essential goods or services primarily for the use of the mobile home park residents; also, park management buildings, maintenance buildings, community buildings, one dwelling unit to be occupied by the owner or administrator of the park, and

other uses similar in nature. All such buildings shall be located within the central park area.

4. Performance Standards.

A. Minimum Lot Area, Lot Frontage and Yard Requirements.

Use	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
Single Units	3,000 sq. ft.	45 feet	10 feet	15 feet	15 feet
Doublewide Units	4,500 sq. ft.	55 feet	10 feet	15 feet	15 feet

B. Height Regulation. No mobile home or accessory building shall exceed 15 feet in height.

C. Accessory buildings shall not be located in the front yard.

D. Spaces for off-street loading and parking shall be as required in Section 40.21 of this chapter.

5. Mobile Home Park Standards. The following are the minimum requirements for mobile home parks.

A. Recreation. A minimum of 250 square feet for each lot shall be provided for one or more recreational 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. Recreation areas may include space for community building and community use facilities, such as indoor recreation areas, swimming pools, hobby and repair shops, and similar uses.

B. Utilities. Sewer and water facilities shall be provided for each mobile home park space in accordance with all applicable State statutes and regulations. No mobile home shall be occupied unless it is served by common sanitary sewage and water supply. Any lagoons or other treatment facility constructed in conjunction with the development shall be located not less than 75 feet from any public road, street, or lot line (in the case of a lagoon, this distance shall be measured from the outside toe of the levee slope).

C. Mobile Home Stand. A stand shall be provided on every mobile home lot to accommodate the mobile home and its attached accessory structures. The stand shall provide an adequate foundation and anchoring facilities to secure the mobile home against any accidental movement. The mobile home stand shall react as a fixed support and shall as such remain intact without unsafe deformation and abnormal internal movement under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the structure. The mobile home stand shall be graded to obtain adequate surface drainage. The material used in constructing the stand should be durable and capable of supporting the expected load, regardless of the weather.

D. Ground Anchors. Ground anchors shall be installed at each mobile home stand prior to or when a mobile home is located thereon to permit tie-downs of mobile homes. Provisions for ground anchors shall be made in accordance with the current issue of the Iowa Administrative Code.

E. Skirting. Skirtings of a permanent type material and construction shall be installed within 60 days of installation 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. This skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the mobile home park.

F. Streets.

(1) Pavement Widths.

Entrance streets and all other streets with guest parking allowances: 34 feet.

Streets with no parking: 24 feet.

Minor streets serving less than 40 lots with parking on one side: 24 feet.

Minor or cul-de-sac streets serving less than 40 lots with no parking: 18 feet.

One-way minor streets serving less than 20 lots with no parking: 14 feet.

(2) Street Improvement. All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. The surface shall be maintained free of cracks and holes and its edges shall be protected by suitable means to prevent raveling and shifting of the base.

G. Common Storm Safety Facility. A common storm safety facility capable of providing adequate shelter from severe weather for all mobile home park residents shall be provided.

H. Lighting. Adequate lighting shall be provided for all streets, walkways, buildings, and other facilities subject to night-time use.

I. Fire Protection Access. Access for fire protection services shall be such as to permit fire apparatus to approach within at least 100 feet of each mobile home.

6. Site Development Plan. Prior to the issuance of a permit for the construction of a mobile home park, a comprehensive site plan shall be submitted for review and approval of the Board of Supervisors. The Board of Supervisors may approve said plan or require such changes thereto as are deemed necessary to carry out the spirit and intent of this chapter. The site plan shall be at a scale of not more than 100 feet to the inch, and shall show as a minimum the following:

A. Name and address of the owner and developer.

B. Location and legal description of the mobile home park.

C. The area and dimensions of the tract of land.

D. The number, location, and size of all mobile home lots, stands, and parking facilities.

E. The location and width of roadways and walkways.

F. The location of water and sewer lines.

G. Plans for and specifications of the water supply.

H. Plans and specifications of all buildings constructed or to be constructed within the mobile home park.

I. The location and details of lighting and electrical systems.

J. The location of recreation areas and facilities.

K. Approval of all applicable State agencies and departments.

L. Existing contours shown at intervals of not more than two (2) feet.

M. Screening and landscaping.

When the development is intended to be subdivided into individual lots, a description of the proposed restrictions, agreements, or other documents indicating the manner in which any land intended for common or quasi-public use, but not proposed to be in public ownership, will be held, owned and maintained in perpetuity for the indicated purposes.

40.14 OP OFFICE PARK DISTRICT.

1. Principal Permitted Uses. office complex, retail businesses, service establishments or recreational uses such as the following:

- A. Barber shop/parlor.
- B. Book, flower, and gift shops.
- C. Clinics (medical, dental and similar types).
- D. Offices, business and professional.
- E. Restaurants.

2. Conditional Uses.

- A. Public water supply and sewage treatment facilities.
- B. Any public building or structure or facility erected and used by any department of the township, county or city government, including but not limited to aircraft land fields and facilities.
- C. Any land or building used by a private utility service for the purpose of generating or converting power.

3. Permitted Accessory Uses. Uses of land or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

4. Performance Standards.

A. Minimum Lot Area, Lot Frontage and Yard Requirements.

Use	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
Any Permitted Use	no minimum required		25 feet	none required except adjoining any "R" district, in which case, not less than 15 feet	
Accessory Use				none required except adjoining any "R" district, in which case, not less than 5 feet	

B. Height Regulation. No principal building shall exceed three and one-half (3½) stories in height or 45 feet, whichever is lower. No accessory building shall exceed one story or 15 feet in height.

C. Spaces for off-street parking and loading shall be as required in Section 40.21 of this chapter.

40.15 C-1 COMMERCIAL DISTRICT. The C-1 Commercial District is intended and designed to provide for the normal business and commercial uses required to serve the daily local business/retail needs of the unincorporated towns of the County.

1. Principal Permitted Uses. retail businesses, service establishments or recreational uses such as the following:
 - A. Antique shops.
 - B. Art shops/galleries.
 - C. Barber shop/parlor.
 - D. Book, flower, and gift shops.
 - E. Clinics (medical, dental and similar types).
 - F. Clothing retail and service.
 - G. Confectionery stores, dairy stores including ice cream or snack bars.
 - H. Gas/service station.
 - I. Grocery stores.
 - J. Laundromat (coin operated).
 - K. Offices, business and professional.
 - L. Restaurants.
 - M. Taverns.
 - N. Theater.
2. Conditional Uses.
 - A. Public water supply and sewage treatment facilities.
 - B. Commercial microwave, radio and television towers.
 - C. Commercial campgrounds and travel trailer parks.
 - D. Any public building or structure or facility erected and used by any department of the township, county or city government, including but not limited to aircraft land fields and facilities.
 - E. Any land or building used by a private utility service for the purpose of generating or converting power.
3. Permitted Accessory Uses. Uses of land or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.
4. Performance Standards.
 - A. Minimum Lot Area, Lot Frontage and Yard Requirements.

Use	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
Any Permitted Use	no minimum required		25 feet	none required except adjoining any "R" district, in which case, not less than 15 feet	
Accessory Use				none required except adjoining any "R" district, in which case, not less than 5 feet	

B. Height Regulation. No principal building shall exceed three and one-half (3½) stories in height or 45 feet, whichever is lower. No accessory building shall exceed one story or 15 feet in height.

C. Accessory buildings must be located in the rear yard.

D. Spaces for off-street parking and loading shall be as required in Section 40.21 of this chapter.

40.16 C-2 HIGHWAY COMMERCIAL SERVICE DISTRICT. The C-2 Highway Commercial Service District is intended and designed to accommodate auto-oriented commercial establishments and agriculture commercial and service establishments.

1. Principal Permitted Uses.

A. Any principal permitted use allowed in A-1 Agricultural District/Prime Farmland, A-2 Agricultural Rural Resident District and C-1 Commercial District.

B. Retail businesses, service establishments or recreational uses such as the following:

- (1) Agricultural retail/service outlets.
- (2) Animal hospital/veterinary clinics.
- (3) Automobile, mobile home, motorcycle, snowmobile, boat and farm implement sales and/or service establishments.
- (4) Bowling alleys.
- (5) Car wash.
- (6) Commercial swimming pools, golf driving ranges, miniature golf courses and similar recreational uses and facilities.
- (7) Lumber yards, carpenter/cabinet shops.
- (8) Monument sales yards.
- (9) Motels.
- (10) Nurseries and green houses.
- (11) Office-business and professional.
- (12) Plumbing, heating, electrical contractor shops.
- (13) Blacksmith.
- (14) Vehicle impoundment yard, if screened from view.
- (15) Wholesale warehouse.

2. Conditional Uses.

- A. Any conditional use described in the “C-1” district.
 - B. Adult bookstore, theater, massage establishment.
 - C. Commercial microwave, radio and television towers.
3. Permitted Accessory Uses. Uses of land or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.
4. Performance Standards.
- A. Minimum Lot Area, Lot Frontage and Yard Requirements.

Use	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
Any Permitted Use	no minimum required		25 feet	none required except adjoining any “R” district, in which case, not less than 15 feet	
Accessory Use				none required except adjoining any “R” district, in which case, not less than 5 feet	

- B. Height Regulation. No principal building shall exceed three and one-half (3½) stories or 45 feet in height. No accessory building shall exceed one and one-half (1½) stories or 25 feet in height.
- C. Accessory buildings must be located in the rear yard.
- D. Spaces for off-street parking and loading shall be as required in Section 40.21 of this chapter.

40.17 I-1 LIGHT INDUSTRIAL DISTRICT. The I-1 Light Industrial District is intended and designed to accommodate light manufacturing and industrial activities that may suitably be located in areas of relatively close proximity to non-industrial development. This district is not intended for industries that generate excessive air pollution, odors, noise, vibration, etc. This district should be located only in sound industrial locations with direct access to highways, other needed transportation facilities and utilities.

- 1. Principal Permitted Uses.
 - A. Any principal permitted use allowed in the A-1 Agricultural District/Prime Farmland, A-2 Agricultural Rural Resident District, C-1, C-2 Commercial Districts.
 - B. Bakeries, wholesale.
 - C. Welding, metal working shops.
 - D. Carting, express, hauling, truck terminal, and storage yard.
 - E. Contractor’s equipment storage yard.
 - F. Creamery, bottle works, ice cream manufacturing (wholesale).
 - G. Enameling, lacquering, japanning.
 - H. Foundry, casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.
 - I. Laboratories.
 - J. Manufacture and/or assembly of electric/gas appliances, instruments, pottery, ceramic products, signs, light sheet metal products.

- K. Machine shops.
 - L. Office – business and professional.
 - M. Sawmill, planing mill.
 - N. Printing, publishing houses.
 - O. Woodworking, sheet metal, plumbing, sign painting shops.
 - P. Wholesale storage warehousing.
 - Q. Public water supply and sewage treatment facilities.
 - R. Any public building or structure or facility erected and used by any department or the township, county or city government, including but not limited to aircraft landing fields and facilities.
2. Conditional Uses.
- A. Chemical processing and storage.
 - B. Mineral processing and storage.
 - C. Grain processing and storage.
 - D. Bulk storage of petroleum products.
 - E. Commercial microwave, radio and television towers.
 - F. Private aircraft landing fields.
 - G. Salvage yards.
3. Permitted Accessory Uses. Uses of land or structures customarily incidental and subordinate to one of the principal permitted uses.
4. Performance Standards.
- A. Minimum Lot Area, Lot Frontage and Yard Requirements.

Use	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
Any Permitted Use	no minimum required	100 feet	50 feet	25 feet*	35 feet*
Accessory Use				5 feet	5 feet
* When adjacent to any "R" District or existing residence, side and rear yards shall be not less than 50 feet.					

- B. Height Regulation. No principal building shall exceed three and one-half (3½) stories or 45 feet in height. No accessory building shall exceed one and one-half (1½) stories or 25 feet in height.
- C. Spaces for off-street parking and loading shall be as required in Section 40.21 of this chapter.

40.18 I-2 HEAVY INDUSTRIAL DISTRICT. The I-2 Heavy Industrial District is intended and designed to accommodate uses of a heavy industrial nature. This district should be located only in sound industrial locations with direct access to highways, other needed transportation facilities and utilities.

1. Principal Permitted Uses.
 - A. Any principal permitted use allowed in the A-1 Agricultural District/Prime Farmland, A-2 Agricultural/ Rural Resident, C-1, C-2 Commercial Districts and I-1 Light Industrial District.
 - B. Chemical processing and storage.
 - C. Mineral processing and storage.
 - D. Grain processing and storage.
 - E. Bulk storage of petroleum products.
 - F. Anhydrous ammonia storage.
 - G. Brick, cement, lime gypsum and other similar materials manufacture.
 - H. Concrete mixing, concrete products manufacture.
 - I. Fat rendering, fertilizer, or glue manufacture.
 - J. Offal or dead animal reduction.
 - K. Slaughter houses, meat packing and processing plants, and stockyards.
2. Conditional Uses.
 - A. Commercial microwave, radio and television towers.
 - B. Private aircraft landing fields.
 - C. Salvage yards.
3. Permitted Accessory Uses. Any use of land or structures customarily incidental and subordinate to the principal permitted uses.
4. Performance Standards.
 - A. Minimum Lot Area, Lot Frontage and Yard Requirements.

Use	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
Any Permitted Use	no minimum required	100 feet	100 feet	25 feet*	25 feet*
Accessory Use				4 feet	4 feet
* When adjacent to any "R" District boundary or an existing residence, a front, side and/or rear yard setback of 300 feet shall be required.					

- B. Height Regulation: No height limitation; provided, however, no structure shall be permitted to extend into the approach zones, clear zones, or other restricted air space required for the protection of any public airport.
- C. Spaces for off-street parking and loading shall be as required in Section 40.21 of this chapter.
- D. Required Conditions. The proposed location, design, construction, and operation of the particular use shall adequately safeguard the health, safety, and general welfare of persons residing or working in adjoining or surrounding properties. The uses permitted in this District are subject to the limitation that the use is so operated that it does not emit an obnoxious or dangerous degree of heat, glare, radiation, smoke, gas, fumes, or dust beyond the boundary line of the lot upon which it is located; that all materials or waste which might cause fumes or dust, which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors in closed containers;

that flammable and explosive liquids stored above ground shall be enclosed in a walled area of sufficient volume to contain the entire contents of such tanks in the event of leakage or fire. The best practical means available for the disposal of refuse matter or water-carried wastes, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisances shall be employed. All facilities required for the discharge, collection and treatment of liquid, solid, or gaseous wastes shall be designed, constructed, and operated in accordance with all applicable statutes and regulations of the State of Iowa.

40.19 AIRPORT (OVERLAY) DISTRICT. The Airport (Overlay) District is intended and designed to place additional development restrictions upon the land encompassing the Ottumwa Municipal Airport and that land lying under the airspace zones required for safe aircraft operations, which are defined as; horizontal zones, conical zones, approach zones and transitional zones, in order to eliminate airport hazards.

1. Definitions.

A. "Airport" means the Ottumwa Municipal Airport.

B. "Airport elevation" means the highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be 845 feet.

C. "Airport hazard" means any structure or tree or use of land which would exceed the Federal obstruction standards as contained in 14 Code of Federal Regulations Sections 77.21, 77.23 and 77.25, as revised March 4, 1972, and which obstruct the airspace required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.

D. "Airport primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

E. "Airspace height": For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

F. "Control zone" means airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of 5 statute miles in radius, with extensions where necessary to include instrument approach and departure paths.

G. "Instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.

H. "Minimum descent altitude" means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

I. "Minimum en route altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

J. “Minimum obstruction clearance altitude” means the specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meet obstruction clearance requirements for the entire route segment and which assure acceptable navigational signal coverage only within 22 miles of a VOR.

K. “Runway” means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

L. “Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures.

2. **Airspace Zones and Airspace Height Limitations.** In order to carry out the provisions of this section, there are hereby created and established certain airspace zones which are depicted on the Ottumwa Municipal Airport Height Zoning Map. A structure located in more than one zone of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. **Horizontal Zone** – the land lying under a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by: swinging arcs of 10,000 feet radii from the center of each end of the primary surface of runways and connecting the adjacent arcs by lines tangent to those arcs. No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Ottumwa Municipal Airport Height Zoning Map.

B. **Conical Zone** – the land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Ottumwa Municipal Airport Height Zoning Map.

C. **Approach Zone** – the land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. (NOTE: An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.)

(1) The inner edge of the Approach Surface is:

1000 feet wide for runways 13 and 31.

500 feet wide for runways 4 and 22.

(2) The outer edge of the Approach Zone is:

4,000 feet for runway 13.

16,000 feet for runway 31.

3,500 feet for runways 4 and 22.

(3) The Approach Zone extends for a horizontal distance of:

10,000 feet at a slope of 34 to 1 for runways 4, 13 and 22.

10,000 feet at a slope of 50 to 1, and an additional 40,000 feet at a slope of 40 to 1 for runway 31.

No structure or natural growth shall exceed the approach surface to any runway, as depicted on the Ottumwa Municipal Airport Height Zoning Map.

D. **Transitional Zone** – the land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the Approach

Surfaces. No structure shall exceed the Transitional Surface, as depicted on the Ottumwa Municipal Airport Height Zoning Map.

No structure shall be erected in Wapello County that raises the published Minimum Descent Altitude for an instrument approach to any runway, nor shall any structure be erected that causes the Minimum Obstruction Clearance Altitude or Minimum En Route Altitude to be increased on any Federal Airway in Wapello County.

40.20 FLOOD PLAIN DISTRICT. The Flood Plain District is intended to manage the use and development of land in those areas which would be inundated during a 100-year flood and to minimize damage to property and threats to personal safety by (i) protecting floodways from developmental encroachment which would increase flood levels or impede the free flow of flood waters, and by (ii) requiring special site planning and construction standards in the flood district. The flood district is to be defined though the Flood Insurance Rate Maps (F.I.R.M.) for Wapello County. Any new or substantially improved structure located in the Flood Plain District must also comply with the existing standards of the State, including the Department of Natural Resources, and the Wapello County Flood Plain Ordinance (Chapter 36 of this Code of Ordinances).

1. Principal Permitted Uses.
 - A. Recreation units, to include: mobile homes, park trailers, travel trailers and other similar vehicles placed on site for greater than 14 but less than 180 consecutive days that are licensed and ready for highway use.
 - B. Permanent dwelling units, to include: mobile homes that are placed on site for greater than 180 consecutive days, cabins, and single family homes on existing parcels.
 - C. Agriculture, but not including clear cutting of naturally occurring tree cover.
 - D. Livestock grazing, but not including feedlots and poultry farms.
 - E. Wildlife preserves.
 - F. Soil and water conservation: drainage and water retention, water measurement, and water control facilities.
2. Conditional Uses.
 - A. Mining. (See Section 40.28 of this chapter for additional requirements.)
 - B. Forest and wild life preserves.
 - C. Temporary facilities for music and sporting events, commercial exhibits, and carnivals.
3. Permitted Accessory Uses. Accessory building with a required minimum setback of 10 feet from the existing riverbank, and 15 feet from the pubic road.
4. Performance Standards.
 - A. Recreation Units (minimum lot sizes).

Use	Lot Area	Lot Width	Frontage Road Setback	Side Yard Setback	Riverbank Setback
Recreation Units	4,500 sq. ft.	45 feet	15 feet	8 feet	10 feet

- B. Permanent Dwelling Units (minimum lot sizes).

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback
Mobile Homes, Single Family Homes, Cabins	4,500 sq. ft.	45 feet	15 feet	8 feet	10 feet

Any new or substantially improved structures must be designed in accordance with the Wapello County Flood Plain Ordinance (Chapter 36), regulations set by the Department of Natural Resources, and any State Regulations.

5. Utility and Sanitary Systems Requirements for All Dwellings and Recreation Units.

- A. All new and replacement sanitary sewage systems shall be designed to meet all State and local requirements.
 - B. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - C. Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the systems and the risks associated with such flood damage or impaired systems.
6. Flood Plain District Use Permit.
- A. Permit Required. A Use Permit issued by the Administrator shall be secured prior to any structure being placed or occupied in the flood zone district.
 - B. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:
 - (1) Name and address of the owner and applicant.
 - (2) Type of land to be used by applicant (leased or owned).
 - (3) If on leased land, name and address of owner of land, and signature of consent by owner.
 - (4) Location and legal description of the site.
 - (5) A drawing/sketch of the planned layout of the site.
 - (6) The area and dimensions of the track of land.
 - (7) Type of sewage treatment and water system to be used (must be in compliance with Chapter 36 of this Code of Ordinances and Department of Natural Resources).
 - (8) Type of dwelling/recreation unit to be used on site.
 - (9) Permits for recreation units will expire 180 days after issuance.
 - (10) Costs for permits issued will be as follows:
 - Permanent Structure: (Refer to Section 40.31 of this chapter.)
 - Recreation Units: New or Renewal Permit: \$5.00
 - C. Procedure for Acting on Permit. The Administrator shall make a determination as to whether the Use Permit Application meets the applicable provisions of this chapter as well as the Flood Plain Ordinance and shall approve or disapprove the application.
 - D. Recreation Unit Permit Display. Upon approval of recreation permit, the Administrator shall issue the applicant a display sticker that shall be placed in an area on the unit that faces the access road or driveway. This display sticker shall be visible from the outside of the unit all times when permit is in effect.

40.21 OFF-STREET PARKING AND LOADING REQUIREMENTS.

- 1. Off-Street Parking Requirements. In all districts in connection with every industrial, commercial, business, trade, institutional, recreational, or dwelling use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule. Required off-street parking facilities shall be primarily for the parking of private passenger automobiles of occupants, patrons or employees of the principal use served.
 - A. Automobile sales and service garages: 50% of gross floor area.

- B. Bowling alleys: 5 spaces for each lane.
 - C. Churches and schools: 1 parking space for every 80 square feet of principal auditorium, including balcony, if any, and 1 parking space for each staff member.
 - D. Dance halls, assembly halls: 200% of floor area used for dancing or assembly.
 - E. Dwelling: 2 parking spaces for each family or dwelling unit.
 - F. Funeral homes, mortuaries: 1 parking space for each 5 seats in the principal auditorium.
 - G. Furniture and appliance stores, household equipment, or furniture repair shops over 1,000 square feet of floor area: 50% of floor area.
 - H. Hospitals: 1 space for each 5 beds, plus 1 space for each 3 employees, plus 1 space for each 2 staff doctors.
 - I. Hotels, motels, tourist courts, sororities, fraternities, lodging houses: 1 space for each bedroom.
 - J. Manufacturing plants: 1 space for each 2 employees on the maximum working shift.
 - K. Mobile home park: 2 parking spaces for each mobile home lot.
 - L. Nursing, convalescent and retirement homes: 1 space per 8 beds, plus 1 space per 3 employees, plus 1 space for each resident staff member.
 - M. Restaurants, taverns, and nightclubs: 200% of gross floor area.
 - N. Retail stores, shops, grocery stores, etc., over 2,000 square feet gross floor area: 250% of gross floor area.
 - O. Retail stores, shops, grocery stores, etc., under 2,000 square feet gross floor area: 100% of gross floor area.
 - P. Schools, sports arenas: 1 space for each 4 seats in the principal auditorium.
 - Q. Theaters, assembly halls with fixed seats and sports arenas: 1 space for each 3 seats.
 - R. Wholesale establishments or warehouses: 1 space for each 2 employees, but in no case less than 1 space for each 1,000 square feet of gross floor area.
2. Additional Parking Requirements.
- A. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the parking requirements for a use which is mentioned and to which said use is similar shall apply.
 - B. Where a parking lot does not abut on a public or private street, road, alley or easement of access, there shall be provided an access drive not less than 10 feet in width in case of a dwelling, and not less than 20 feet in width in all other cases, leading to the loading or unloading spaces and parking or storage areas required hereunder in such a manner as to secure the most appropriate development of the property in question; provided, however, such easement of access or access drive shall not be located in any agricultural or residence district except where serving a permitted use in an agricultural or residence district.
 - C. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements.

(1) No part of any parking space shall be closer than 5 feet to any established highway, road, or street right-of-way line. In case the parking lot adjoins an “R” District, it shall be set back at least 5 feet from the “R” District boundary and shall be screened from adjacent property by a planting screen not less than 10 feet in width and 6 feet in height or by a fence, wall, berm or other comparable means.

(2) Any lighting used to illuminate any off-street parking area shall be arranged to reflect the light away from adjoining premises in any “R” District, and shall be directed so as to avoid glare and confusion for moving vehicular traffic.

D. Off-street parking areas in residential districts shall be provided on the same lot with the principal use. Off-street parking and loading areas may occupy all or part of any required yard or open space, subject to the provisions of this section.

3. Off-Street Loading Requirements. In any district in connection with every building or part thereof hereafter erected having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least 1 off-street loading space, plus 1 additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 10,000 square feet.

A. Each loading space shall be not less than 12 feet in width and 40 feet in length.

B. Such space may occupy all or part of any required yard or open space, except when adjoining an “R” District, it shall be set back 10 feet and screened from adjacent property by a planting screen not less than 10 feet in width and 6 feet in height or by a fence, wall, berm, or other comparable means.

40.22 SIGN AND BILLBOARD REGULATIONS. The following regulations govern permitted signs in the various zoning districts of the County.

Zoning District	Permitted Signs
All	<p>One board or sign not to exceed 40 square feet in area referring to the construction, lease, hire, or sale of a building, premises or lot, which sign shall refer to property upon which the sign is located and shall be removed as soon as the building or premises is sold or leased or construction completed.</p> <p>Temporary signs with political advertisements not to exceed an aggregate surface area of 32 square feet.</p>
A-1, A-2	Signs, not to exceed a combined total of 20 square feet in area, identifying the premises or indicating the product or material or equipment used on the premises.
RMH	One indirectly lighted sign, not to exceed 30 square feet in aggregate display area, may be erected at any main entrance to a mobile home park. Such sign may show the name of the mobile home park and other pertinent information.
C-1, C-2, I-1, I-2, A-2	<p>Exterior signs located on the street frontages of principal buildings referring only to a use or uses located within such building, and attached or integral thereto, provided that:</p> <ul style="list-style-type: none"> • Such signs shall not have an aggregate surface area in excess of 25% of the total of the building elevation to which they are attached. • Signs which project out from the building more than 18 inches must be at least 12 feet above grade and may project a maximum of 6 feet. • No sign shall project above the roof line or parapet, where one exists.
C-1, C-2, I-1, I-2	<p>One free standing or post sign referring only to a use or uses conducted on the premises may be erected in any yard abutting a public street, provided, however:</p> <ul style="list-style-type: none"> • Such signs shall not have a surface area in excess of 50 square feet on any one side, and not more than 2 sides of said sign shall be used for advertising purposes.

	<ul style="list-style-type: none"> • The bottom of the surface area of such sign shall not be less than 12 feet above the ground surface upon which it is erected. • The height of such sign shall not exceed 25 feet. • Such signs shall not extend over street or road right-of-way lines or otherwise obstruct or impair the vision or safety of pedestrians and motorists.
C-2	<p>Billboards meeting the following requirements:</p> <ul style="list-style-type: none"> • Shall be setback from any existing or proposed road or street at least as far as the required front yard depth for a principal building in the C-2 zoning district. • The bottom of the surface area of such sign shall not be less 12 feet above the ground surface upon which it is constructed. • The height of such sign shall not exceed 25 feet. • No such sign which faces a residential district shall be located within 100 feet of such district. • No such sign shall be located within 300 feet of any other such sign. • A zoning permit for such sign shall not be issued without IDOT approval.

40.23 NONCONFORMING USES. Within the various districts established by this chapter or by amendments that may later be adopted, there exist structures, uses of structures and uses of land which were lawful prior to the adoption of the Zoning Ordinance but which would be prohibited, regulated, or restricted under the provisions of this chapter. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that such nonconformities shall not be enlarged upon, expanded or extended.

1. Nonconforming Use of Land and Structures.
 - A. No nonconforming use of a structure, land, or structure and land in combination which remains idle or unused for a continuous period of one year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located.
 - B. The casual, intermittent, temporary, or illegal use of a structure, land, or structure and land in combination shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on part of a lot or tract shall not be construed to have established a nonconforming use on the entire lot or tract.
2. Nonconforming Use of Land. The lawful use of land upon which no building or structure is erected or constructed, which becomes nonconforming under the terms of the Zoning Ordinance as adopted or amended, may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - A. No such nonconforming use shall be enlarged or increased nor extended vertically or horizontally to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the Zoning Ordinance.
 - B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel which was not occupied by such use at the effective date of adoption or amendment of the Zoning Ordinance.
 - C. If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the district regulations for the district in which such land is located.
3. Nonconforming Use of Structures. If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of the Zoning

Ordinance, that would not be allowed in the district under the terms of this chapter, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted entirely or in part to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, reconstructed, moved or structurally altered except when required by law, unless the use is changed to a use permitted in the district in which such structure is located.
 - B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the Zoning Ordinance. No such use shall be extended to occupy any land outside such building.
 - C. If no structural alterations are made, 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 restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.
 - D. Any structure devoted to a use made nonconforming by this chapter that is destroyed by any means to an extent of sixty percent (60%) or more of its fair market value at the time of destruction, exclusive of the foundation, shall not be reconstructed and used as before such happening. If the structure is less than 60% destroyed above the foundation, it may be reconstructed and used as before provided this is done within one year of such happening, and the structure is built of like or similar materials.
4. Nonconforming Structures. Where a structure exists at the effective date of adoption or amendment of the Zoning Ordinance which could not be built under the terms of this chapter by reason of restrictions on area, lot, coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- A. No such structure may be enlarged or altered in a way which increases its nonconformity.
 - B. Should such structures be destroyed by any means to an extent of sixty percent (60%) or more of its fair market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
5. Required Repairs. Nothing in this chapter shall be deemed to prevent the restoration 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.

40.24 EXCEPTIONS AND MODIFICATIONS. The regulations specified in this chapter shall be subject to the following exceptions, modifications, and interpretations:

1. Use of Legally Established Nonconforming Lots. A legally established lot or plot of official record as of the effective date of the Zoning Ordinance, which becomes nonconforming as a result of amendments to this chapter, may be developed with structures or uses permitted within the district in which the lot is located subject to the following:
 - A. When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than that required for the intended use, then the lot may be used as proposed just as if it were conforming.
 - B. In any district where dwellings are permitted, a single family dwelling may be located on any legally established nonconforming lot irrespective of the lot area or width, provided however:

(1) The sum of the side yard widths of any such lot shall not be less than 30% of the width of the lot, but in no case less than 10% of the width of the lot for any one side yard.

(2) The depth of the rear yard of any such lot need not exceed 20% of the depth of the lot, but in no case shall be less than 20 feet.

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

3. Accessory Buildings. Accessory buildings located on corner lots shall conform to the setback regulations on the side street. Accessory buildings may be erected as a part of the principal building, or may be connected thereto by a breeze-way or similar structure, provided all yard requirements for a principal building are complied with. An accessory building which is not a part of the main building shall not occupy more than 30% of the rear yard. No accessory building shall be constructed upon a lot until the construction of the main building has actually commenced, and no accessory building shall be used unless the main building on the lot is also being used, and no accessory building shall be used for dwelling purposes except for a period not to exceed one year during the construction of the principal building.

4. Required Yards. Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the projection of sills, belt course, cornices, and ornamental features which are not to exceed 24 inches.

5. Cellars. No cellar shall be occupied for residential purposes until the first floor of the building has been substantially completed, except for a period not to exceed one year during construction of the principal building.

6. Required Yards.

A. Open-lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted for a distance of not more than 3½ feet and where the same are so placed as not to obstruct light and ventilation.

B. Unenclosed terraces, uncovered porches, platforms, and ornamental features which do not extend more than three feet above the floor level of the ground story may project into a required yard, provided these projections are distant at least two feet from the adjacent side lot line.

C. For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling shall be considered one building occupying one lot.

D. Where more than 30% of the frontage in a block has been built up with buildings having a front yard, then the building line of the building to be erected shall conform to the natural building lines of the block as determined by the existing buildings.

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

7. Temporary Buildings. Temporary buildings and uses that are used only in conjunction with construction work may be permitted in any district during the period of construction. Such temporary buildings shall be removed within eighteen months of the initial date of construction.

8. Number of Buildings on Lot. More than one industrial, commercial, multiple dwelling or institutional building or use may be established upon a single lot or tract in a district permitting these uses, provided that the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings; and provided further that there shall be no change in the intensity of use.

9. Existing Farmsteads. Within the A-1 Agricultural/ Prime Farm Land and A-2 Agricultural District/ Rural Resident, a farmstead in existence at the time of adoption of the Zoning Ordinance may be severed from the farm. A minimum of one acre for each dwelling unit of the farmstead is required, provided that side and rear yard requirements are met. An existing farmstead shall be defined as the combination of farm dwelling and any farm accessory buildings, well, or windbreak plantings used or previously used and occupied by a person or family employed, fully or partially, in the agricultural pursuits of the farm on which it is located. To qualify as an existing farmstead for the purpose of being severed from the farm, the following minimum criteria must be met:

A. The farm dwelling shall have been constructed prior to the effective date of the Zoning Ordinance.

B. Minimum evidence of the farmstead's existence shall include:

- (1) Previous tax records establishing existence of the farm dwelling; and
- (2) Existence of 75% of the farm dwelling's foundation.

10. Mobile Homes in A-1 and A-2. Within the A-1 and A-2 Districts on property containing a non-farm residence, a mobile home or manufactured home conforming to the tie down requirements as specified in Section 40.13, and provided with septic and water facilities and conforming to the regulations for an accessory building, shall be allowed adjacent but not closer than 10 feet to an established residential structure for the occupancy of a member of the immediate family living in the principal structure. A special accessory building permit shall be valid for only one year and may be renewed by reapplication for one-year increments thereafter. This permit shall expire upon the death or relocation of the occupant to another place of residency.

40.25 PLANNING AND ZONING COMMISSION. The Board of Supervisors shall appoint a commission, a majority of whose members shall reside within the County but outside the corporate limits of any city, to be known as the County Zoning Commission, to recommend the boundaries of the various original districts, and appropriate regulations and restrictions to be enforced therein. Such Commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report; and the Board of Supervisors shall not hold its public hearings or take action until it has received the final report of such Commission. After the adoption of such regulations, restrictions, and boundaries of districts, the Zoning Commission may, from time to time, recommend to the Board of Supervisors amendments, supplements, changes or modifications. The Zoning Commission, with the approval of the Board of Supervisors, may contract with professional consultants, regional planning commissions, the Iowa Department of Economic Development, or the federal government, for local planning assistance. The County Planning and Zoning Commission shall consist of at least five persons, each to be appointed by the County Board of Supervisors for the term of three (3) years.

40.26 ZONING ADMINISTRATOR.

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

- A. The Administrator shall issue all permits and certificates required by this chapter.
 - B. If the Administrator shall find that one of the provisions of this chapter is being violated, the Administrator 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 Administrator shall order the discontinuance of the illegal use of land, buildings or structures; the removal of illegal buildings or structures, or of additions, alteration or structural changes thereto; the discontinuance of any illegal work being done; or shall take any other action authorized by this chapter and the Board of Supervisors to insure compliance with or to prevent violation of its provisions.
 - C. The Administrator shall keep a record of all permits, appeals, variances and such other transactions and correspondence pertaining to the administration of this chapter.
- 2. All departments, officials, and public employees of the County who are vested with the duty or authority to issue permits shall insure conformance to the provisions of this chapter and shall issue no permit for any use, building or purpose if the same would be in conflict with the provisions of this chapter.
 - 3. The Board of Supervisors may, by resolution, delegate the powers and duties of the office of Zoning Administrator to any other officer or employee of the County, or of any city, town, or governmental subdivision within the County, or may combine the powers and duties of this office with any other office or position.

40.27 BOARD OF ADJUSTMENT.

- 1. Established. A Board of Adjustment, to be hereinafter referred to as the "Board" is hereby established. The Board shall consist of five (5) members, the majority of which reside outside the corporate limits of any city, each to be appointed by the County Board of Supervisors for the term of five (5) years. No member shall serve more than two (2) consecutive terms. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- 2. Chairperson and Meetings. The Board shall elect its own Chairperson, who shall serve for one year. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson, or in the absence of the Chairperson, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public and the presence of three (3) members shall constitute a quorum.
- 3. Procedures. The Board shall keep minutes of its proceedings, showing the vote of each member on every question, or if absent or failing to vote indicating such fact, and shall keep complete records of its examinations and other official actions. Every rule, regulation, every amendment or appeal thereof, and every order, requirement, decision or determination of the Board of Adjustment shall be immediately filed in the office of the Zoning Administrator and shall be public record. The Board of Adjustment shall adopt its own rules of procedure not to conflict with this chapter or with the Iowa Statutes. The Board of Adjustment shall not be compensated, except for necessary expense.
- 4. Appeals. The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter. Such appeal shall be taken within a period of not more than thirty (30) days following the date of the order, requirement, decision or determination, and in the manner prescribed in the Rules of the Board of Adjustment, by filing with the Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof, and by paying a

filing fee of twenty-five dollars (\$25.00) to the County Treasurer. When notice of the appeal is filed, the Administrator shall transmit all of the records regarding the appeal to the Chairperson of the Board of Adjustment, including a copy of the letter to an applicant who has been refused a zoning permit. The Board of Adjustment shall take action upon said appeal within sixty (60) days following the date of appeal. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Board, after notice of appeal shall have been filed, that by reason of the facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Administrator and on due cause shown.

5. Powers and Duties. The Board of Adjustment shall have the following powers, and it shall be its duty:

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

B. To hear and decide upon applications for variations and, subject to such standards, principles and procedures provided in this chapter, to vary the strict application of the height, area, parking or density requirements to the extent necessary to permit the applicant a reasonable use of the property in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances do not generally exist within the locality or neighborhood concerned. Special conditions shall include but not be limited to a property owner who can show that his/her property was acquired in good faith and where by reason of exceptional topographical conditions or other extraordinary or exceptional situations, the strict application of the terms of this chapter actually prohibits the use of the property in the district. The special conditions and circumstances shall not result from the actions of the applicant. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

C. Upon petition by a property owner to permit exceptions to the terms of this chapter as follows:

(1) To permit the extension of the district boundary line if a district divides a lot in single ownership, as shown of record or by existing contract or purchase, at the time of the passage of the Zoning Ordinance. In no case shall such extension of the district boundary line exceed 100 feet in any direction.

(2) To interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the several districts accompanying and made a part of this chapter, where the road layout actually on the ground varies from the road layout as shown on the Zoning Map aforesaid.

(3) To permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty percent (50%) of its fair market value, where the Board finds some compelling public necessity requiring the continuance of the nonconforming use.

The Board, in making any exception to this chapter, shall be guided by the general rule that the exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property; shall not impair an adequate supply of light and air to adjacent property; shall not

increase public danger of fire and other threats to safety, and shall not diminish or impair established property values in surrounding areas; provided that any exception granted is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable. It is not the intention to grant to the Board of Adjustment the power or authority to alter or change the Zoning Ordinance or the District Maps. Such power and authority rests solely with the Board of Supervisors. Exceptions and variances which have been granted in accordance with the provisions of this chapter shall be null and void at the end of six (6) months from the date of grant if substantial action has not been taken to accomplish the purpose for which the variance was granted. Completion must be within a reasonable length of time.

6. Vote. In exercising the above powers, the concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter. Every variation granted or denied by the Board of Adjustment shall be accompanied by a written finding of fact based on testimony and evidence, and specifying the reasons for granting or denying the variation.

7. Hearings. The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, and give written notice thereof to the parties and shall publish notice of the public hearing upon the appeal in a paper of general circulation within the County at least four (4) days, but not more than twenty (20) days before said date of public hearing and decide the same within a reasonable time. Notice of the hearing shall also be mailed to owners of property within 500 feet of the legal boundaries of the land to be affected by the application. Failure of the Board to notify all property owners by mail as described above shall not invalidate any action taken by the Board, provided such failure was unintentional. Upon the hearing any party may appear in person, or by agent, or by attorney. The Board of Adjustment may reverse or confirm, in whole or in part, or may modify the order, requirement, decision or determination as in its opinion ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. Any person or persons, jointly or separately, aggrieved by any decision of the Board of Adjustment under the provisions of this chapter, or any taxpayer, or any officer, department or bureau of the County may seek such relief through the Courts as provided by Statute.

40.28 CONDITIONAL USES. Conditional uses of land within the zoning districts as set fourth in this chapter may be permitted subject to approval of the Board of Adjustment after notice and public hearing.

1. In its determination upon a particular use at the location requested, the County shall consider all of the following conditions:

A. The proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.

B. Such use shall not impair an adequate supply of light and air to surrounding property.

C. Such use shall not unduly increase congestion in the streets, or public danger of fire and other threats to safety.

D. Such use shall not diminish or impair established property values in adjoining or surrounding property.

E. Such use shall be in accord with the intent, purpose, and spirit of this chapter and the Land Use Policies of the County.

2. Additional Requirements Covering the Extraction of Minerals.
 - A. The applicant for a conditional use permit shall submit to the Board of Adjustment a plan for the staged extraction, restoration and reuse of the land affected by the application.
 - B. A minimum setback of 100 feet from all property lines shall be maintained. The setback requirement may be waived on the sides adjacent to roadways to allow mining through roads if approved by the Board of Adjustment and the Board of Supervisors.
 - C. Appropriate fencing, as approved by the Board of Adjustment, shall limit the hazard.
 - D. Where mineral extraction occurs within 100 feet of a permanent water course, special provisions shall be made to ensure adequate protection from pollution, siltation, or damage to wildlife and wildlife habitats. Such provisions shall be clearly stated in the plan.
 - E. The best practical means available for the disposal of refuse matter or water-carried wastes, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisances shall be employed.
 - F. The developer shall post a bond with the County Auditor; such bond will ensure to the County that the restoration for reuse as provided in the approved plan shall be completed by the developer within one year of discontinuance of the extraction activities specified in the approved master plan. The amount of the bond shall not be less than the estimated cost of the restoration, and the amount of the estimate must be approved by the County Engineer. If the restoration is not completed within the specified time, the County may use the bond or any portion thereof to complete the restoration. Bond requirements may be waived or modified if the applicant can demonstrate that bonding under compliance with Chapter 83.A of the Code of Iowa will be sufficient to ensure restoration of the site as specified in the approved plan.
 - G. The Board of Adjustment will issue a special permit for mineral extraction for a specific period of time consistent with any State or Federal permit in effect, with the effective date and expiration date of the permit clearly stated.
3. Application for Conditional Use Permit.
 - A. The applicant for a conditional use permit shall complete and submit to the Zoning Administrator a conditional use permit application form and all supplemental information described therein. The appropriate permit fee shall be submitted by the applicant at the time of application.
 - B. The Zoning Administrator shall refer said application to the Board of Adjustment for review.
 - C. The Board of Adjustment shall hold a public hearing on the application. Notice of the public hearing shall be published in an official newspaper or a newspaper of general circulation at least four (4) days and not more than twenty (20) days before said date of public hearing. Notice of the hearing shall also be mailed to owners of property within 500 feet of the legal boundaries of the land to be affected by the application. Failure of the Board to notify all property owners by mail as described above shall not invalidate any action taken by the Board, provided such failure was unintentional.
 - D. The Board of Adjustment shall take action on said application within sixty (60) days following the date of application. The Board of Adjustment may impose additional

conditions upon the permit as it deems necessary to protect the public health, safety and welfare and such conditions may impose a time limit for the use to exist or operate.

E. No application for a conditional use permit shall be resubmitted for a period of three (3) months from the date of said order of denial.

F. In the event the applicant violates any of the conditions set forth in the permit, the Board of Adjustment shall have the authority to revoke the conditional use permit.

4. **Additional Requirements Covering Salvage Yards.** A conditional use permit for a rural salvage yard may not be issued for proposed location within a five-mile radius of any other lawfully existing rural salvage yard in the County. The Board shall consider the proposed use after being presented a report and recommendation from the Zoning Administrator and upon finding that the following standards have been met, where applicable:

A. **Compatibility.** The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious or offensive in appearance to abutting or nearby properties.

B. **Transition.** The development shall provide for a suitable transition, and if necessary, buffer, between the proposed buildings or use and surrounding properties.

C. **Vehicle Circulation.** The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

D. **Parking and Loading.** The development shall provide all off-street parking and loading areas as required by this chapter, and adequate service entrances and areas.

E. **Nuisance.** The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, offensive views, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

F. **Abandonment.** A statement in writing shall be provided by the owner, to become part of the public record, that the area will be cleaned up to the satisfaction of the Zoning Administrator should the salvage yard be abandoned, or moved in whole or in part. A salvage yard which remains idle or unused for a continuous period of one year whether or not fixtures or equipment are removed shall constitute abandonment. The casual, intermittent, temporary, or illegal operation of a salvage yard shall not be sufficient evidence to establish continuous use.

G. **Screening.** Screening shall be provided to eliminate the visual impact of the salvage yard contents by obscuring it from view from adjacent roadways and, as appropriate, adjacent property.

H. **Setbacks.** No salvage shall be stored within 100 feet of any property line.

5. **Additional Requirements Covering Sanitary Landfills.**

A. The applicant for a conditional use permit shall submit to the Board of Adjustment the following information:

(1) Evidence that the proposed site meets or exceeds all requirements for such activities as regulated by the Iowa Department of Natural Resources.

(2) Evidence that any additional permits required for solid waste disposal and landfill operations have been obtained from the appropriate County and/or State officials.

- B. A minimum setback of 100 feet from all property lines shall be maintained.
- C. Appropriate fencing as approved by the Board of Adjustment shall limit the hazard.

40.29 VARIANCES. A variance to the provision of this chapter may be issued to provide relief to the property owner in those zoning districts where this chapter imposes undue hardship or practical difficulties to the property owner in the use of this land, subject to approval of the Board of Adjustment after notice and public hearing.

1. No Use Variances Issued. A variance may be granted only in the event that the following circumstances exist:

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since the effective date of the Zoning Ordinance have had no control.

B. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

C. The special conditions or circumstances do not result from the actions of the applicant.

D. Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to owners of other lands, structures or buildings in the same district.

E. The variance requested is the minimum variance which would alleviate the hardship.

F. The variance would not be materially detrimental to the purposes of this chapter, or to property in the same zone.

2. Application for Variance.

A. The applicant for a variance shall complete and submit to the Zoning Administrator a variance application form and all supplemental information required therein the appropriate permit fee shall be submitted by the applicant at the time of application.

B. The Zoning Administrator shall refer said application to the Board of Adjustment for review.

C. The Board of Adjustment shall hold a public hearing on the application. Notice of the public hearing shall be published in an official newspaper or a newspaper of general circulation at least four (4) days and not more than twenty (20) days before said date of public hearing. Notice of the hearing shall also be mailed to owners of property within 500 feet of the legal boundaries of the land to be affected by the application. Failure of the Board to notify all property owners by mail as described above shall not invalidate any action taken by the Board, provided such failure was unintentional.

D. The Board of Adjustment shall take action on said application within sixty (60) days following the date of application.

E. No application for a variance shall be resubmitted for a period of three (3) months from the date of order of denial.

40.30 AMENDMENTS.

1. Authorized. The Board of Supervisors may from time to time, on its own action or on petition by the owner or authorized agent of the property affected, after public notice and hearings as provided by law and after report by the County Planning and Zoning Commission, amend, supplement or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote by a majority of all the members of the Board of Supervisors.
2. Application for Amendment.
 - A. The applicant for a zoning amendment shall complete and submit to the Zoning Administrator a zoning amendment application form and all supplemental information described therein. The appropriate permit fee shall be submitted by the applicant at the time of application.
 - B. The Zoning Administrator shall refer said application to the County Planning and Zoning Commission for review.
 - C. The County Planning and Zoning Commission shall hold a public hearing on the application within sixty (60) days of receiving said application. Notice of the public hearing shall be published in an official newspaper or a newspaper of general circulation at least four (4) days and not more than twenty (20) days before said date of public hearing. Notice of the hearing shall also be mailed to owners of property within 500 feet of the legal boundaries of the land to be affected by the application.
 - D. The County Planning and Zoning Commission shall forward said application and their recommendations to the County Board of Supervisors at which time the County Board of Supervisors shall schedule a public hearing. The public hearing shall be held on the application within thirty (30) days of receipt of said application. Notice of the hearing shall be published in an official newspaper or in a paper of general circulation at least four (4) days and not more than twenty (20) days before said date of hearing. Notice of hearing shall also be mailed to owners of property within 500 feet of the legal boundaries of the land to be affected by the application. Failure of the Board of Supervisors to notify all property owners by mail as described above shall not invalidate any action taken by the Board, provided such failure was unintentional.
 - E. Approval or denial of said application shall require a majority vote of all the members of the County Board of Supervisors.
 - F. No application for a zoning amendment shall be resubmitted for a period of six (6) months from the date of said order of denial.
 - G. The County Board of Supervisors may impose a time limit within which time the rezoned property must be used or developed according to its new zoning classification. If the property is not used or developed within said time period, the County Board of Supervisors may, upon fourteen (14) days' notice to the owner of record, revert said property to its previous zoning classification.

40.31 ZONING PERMITS.

1. No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Zoning Administrator stating that the building and use comply with the provisions of this chapter; provided however, no permit shall be required for agricultural uses.
2. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefor by the Zoning Administrator. No

permit shall be issued to make a change unless the changes are in conformity with the provisions of this chapter.

3. Nothing in this section shall prevent the continuance of a nonconforming use as herein authorized, unless a discontinuance is necessary for the safety of life or property.

4. Written application on approved forms shall be filed with the Zoning Administrator and shall be accompanied by plans in duplicate and 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 building or structure to be erected or altered; the existing and intended use of each building or structure or part thereof; the number of families or dwelling units the building is designed to accommodate; and when no buildings are involved, the location of the present use and the 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 the enforcement of this chapter. One (1) copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Administrator, together with such Zoning Certificate as may be granted.

5. The lot and the location of the building thereon or the proposed improvements shall be staked out on the ground before construction is started.

6. Fees will be established by resolution, by the County Board of Supervisors.

7. Zoning permits issued in accordance with the provisions of this section shall be null and void at the end of six (6) months from the date of issue if the construction, alteration, or change of use has not commenced during the six-month period. Proposed construction or alteration must be completed within eighteen (18) months.

40.32 COUNTY INFRACTION. Any person who violates any of the provisions of this chapter shall be deemed to have committed a county infraction. A person shall be deemed to have committed a separate offense for each day during which a violation of this chapter continues. Any officer authorized by the County to enforce this chapter may issue a civil citation to a person who commits a county infraction in accordance with the provisions of Iowa Code Section 331.307. A person who commits an offense under this section shall be assessed a civil penalty not to exceed \$100.00 per day.