

# Guthrie County Zoning Ordinance

## CHAPTER 8.001 GENERAL PROVISIONS

8.001.010 **TITLE:** This Ordinance shall be known and may be cited and referred to as the “Guthrie County, Iowa, Zoning Ordinance.”

8.001.020 **PURPOSES AND OBJECTIVES:** This Zoning Ordinance is adopted to preserve and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the citizens of Guthrie County, Iowa, all in accordance with and as permitted by the provisions of Chapter 335, Code of Iowa, as amended. More specifically, the Ordinance is adopted in order to achieve the following objectives identified in the County Comprehensive Plan:

- .01 To preserve and promote the general health, safety, and welfare of the County through strategic planning and development documents, regulations, and initiatives which provide for and utilize citizen involvement in order to provide a high quality of life for its population.
- .02 To allow only agricultural uses or those uses incidental to agriculture on designated agricultural land.
- .03 To allow residential and other non-agricultural uses to be developed only on land which is capable of supporting them.
- .04 To encourage commercial and industrial development within the incorporated areas of the county in order to utilize municipal infrastructure such as water and sewer.
- .05 To promote and preserve the conservation of all waterway, river, and drainage systems within the County as a means of preventing soil erosion, to promote passive recreation, to preserve wildlife habitat, and to regulate development within the county's designated floodplain areas.
- .06 To promote the preservation of critical areas of ecological, geological, historical, and environmental significance. This shall be achieved through the identification of such areas, informing the public of their significance and promoting private or public retention or acquisition for the sole purpose of their preservation and protection.
- .07 To promote the development of shelter belts, soil erosion stabilization methods and habitat areas and to preserve the natural areas of the county for future generations.
- .08 To encourage coordination and cooperation between Guthrie County and the incorporated cities located throughout the county, especially within a two mile radius of each corporate limit where powers and responsibilities are shared.

8.001.030 **JURISDICTION:** The provisions of this Ordinance shall apply to all of the unincorporated territory of Guthrie County, Iowa.

8.001.040 **APPLICATION OF REGULATIONS:** The regulations set by this Ordinance with each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- .01 No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located except agricultural uses as set forth in Section 8.001.050 are exempt.
- .02 No building or other structure shall hereafter be erected or altered to (a) change its use, (b) accommodate or house a greater number of families, (c) exceed the height, (d) occupy a greater percentage of lot area, (e) have a narrower or smaller rear yards, front yards, side yards or other open spaces or (f) reduce the number of off-street parking and loading spaces then herein required, or in any other manner contrary to the provisions of this Ordinance.
- .03 No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of the yard, open space or off-street parking or loading space similarly required for any other building.
- .04 No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance, except as set forth herein.

8.001.050 **AGRICULTURAL USES EXEMPT:** In accordance with the provisions of Chapter 335, Code of Iowa, as amended, no regulations or restrictions adopted under the provisions of this Ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature and area, for

use for agricultural purposes. WHILE SO USED; provided, however, that such regulations or ordinances which relate to any structure, building, dam, obstruction, deposits or excavation in or on the flood plains of any river or stream shall apply thereto.

- .01 No Zoning Permit or Certificate of Zoning Compliance shall be required for the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located.
- .02 If a tract of land is less than twenty (20) acres, it shall be presumed that the tract is not primarily used for agricultural purposes.
- .03 It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.
- .04 The following non-agricultural uses and buildings, though customarily found in the agricultural areas of the county, or conducted, built, or maintained by persons coincidentally engaged in agricultural pursuits, shall obtain a Construction Compliance Certificate or Occupancy Compliance Certificate, or both, in accordance with the provisions of this ordinance:
  - A. Private golf courses
  - B. Private lakes or ponds for recreational use by the general public, or a private club, lodge or association
  - C. Stables or kennels operated as a business, club or association
  - D. Sawmills
  - E. Gravel and sand pits and rock quarries
  - F. Tourist campgrounds
  - G. Private parks
  - H. Private or commercial hunting preserves
  - I. Farmstead home occupations
  - J. Roadside produce stands
  - K. Private dumps or waste disposal sites

8.001.060 **ADOPTION OF STATE BUILDING CODE AND HISTORICAL BUILDING CODE:** Guthrie County hereby adopts the Iowa State Building Code and Historical Building Code. The State Building Code and Historical Building Code shall apply to state-owned buildings; accessibility for the handicapped, which includes all public buildings and private buildings intended for the use by the general public and multiple-unit dwellings with four or more units; energy conservation requirements in residential and commercial construction; construction and installation of factory built structures (manufactured and modular); minimum plumbing facilities in theaters, auditoriums, convention halls, restaurants, pubs and lounges. The following codes and their editions are hereby included in this adoption (modified code versions will hold precedence over listed editions):

- .01 International Building Code, 2003 edition
- .02 International Mechanical Code, 2003 edition
- .03 International Residential Code, 2003 edition
- .04 International Existing Building Code, 2004 edition
- .05 National Electrical Code, 2005 edition
- .06 International Energy Conservation Code for Commercial Construction, 2004 supplemental edition

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

**CHAPTER 8.002  
DEFINITIONS**

- 8.002.010 **CONSTRUCTION OF TERMS:** For the purpose of this Ordinance, certain terms and words are hereby defined. The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Ordinance.
- .01 **TENSE:** Words used in the present tense include the future tense.
  - .02 **NUMBER:** Words used in the singular include the plural, and words used in the plural include the singular.
  - .03 **SHALL AND MAY:** The word "shall" is mandatory; the word "may" is permissible.
  - .04 **GENDER:** The masculine shall include the feminine and the neuter.
  - .05 **PERSON:** The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
  - .06 **USED OR OCCUPIED:** The word "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.
  - .07 **HEADINGS:** In the event that there is a conflict or inconsistency between the heading of a chapter, section or subsection of this Ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.
- 8.002.020 **ACCESSORY USE OR STRUCTURE:** A subordinate structure or use, which customarily is incidental to that of the principal or conditional use of the premises. Customary residential accessory uses include but are not limited to, tennis courts, swimming pools, detached garages, air conditioners, garden houses, children's play houses, barbecue ovens, fire places, patios and residential storage sheds; but under no circumstances including incomplete or inoperable motor vehicles. Garages or other accessory uses attached to the principal structure shall be considered a part thereof and meet the requirements of the principal structure.
- 8.002.030 **AGRICULTURE:** The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, aquatic farming, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of such accessory use shall be secondary to that of normal agricultural activities. If the tract of land is less than twenty (20) acres, it shall be presumed that the tract is not primarily used for agricultural purposes.
- 8.002.040 **ALLEY:** A dedicated public right-of-way, other than a street which provides only a secondary means of access to abutting property.
- 8.002.050 **BASEMENT:** That portion of a building having part, but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purpose of height requirements.
- 8.002.060 **BED AND BREAKFAST HOME:** A private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than two guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.
- 8.002.070 **BOARD:** The Board of Adjustment of Guthrie County, Iowa.
- 8.002.080 **BOARDING OR LODGING HOUSE:** A building other than a hotel where, for compensation and by pre-arrangement for definite periods, lodging and/or meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons. Individual cooking facilities are not provided.
- 8.002.090 **BUILDING, ATTACHED:** A building which is joined to another building at one or more sides by a common wall, except that an accessory building, including a garage, shall be considered attached to the principal building if connected by a roof.
- 8.002.100 **BUILDING:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
- 8.002.110 **BUILDING HEIGHT:** The vertical dimension measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the average height between the plate and ridge of a gable, hip or gambrel roof.
- 8.002.120 **CAMPGROUND, COMMERCIAL AND RECREATIONAL VEHICLE PARK:** Any premises where two (2) or more camping units are parked/placed for camping purposes, or any premises used or set apart for supplying to the public, camping space for two (2) or more camping units for camping purposes, which include any buildings, structures, vehicles, or enclosure used or intended wholly or in part for the accommodation of transient campers.
- 8.002.130 **CAMPING UNIT:** Any recreational vehicle or other vehicle, tent, or other movable shelter used for camping purposes.

- 8.002.140 **CELLAR**: That portion of a building consisting of less than ¼ area of a basement that is primarily used for housing of heating, cooling, water heater, water softener, and related items not intended as a living space.
- 8.002.150 **COMMISSION**: The Planning and Zoning Commission of Guthrie County, Iowa.
- 8.002.160 **COMMON LAND OR OPEN SPACE**: An area of land or water or combination thereof planned for passive or active recreation, but does not include area utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
- 8.002.170 **COMMON SEWER SYSTEM**: A central sewer collecting system available to each platted lot and discharged into a treatment plant, the construction and location of which is approved by the appropriate County and/or State agency, and which does not include individual septic systems.
- 8.002.180 **COMMON WATER SYSTEM**: A central water system available to each platted from one single source approved by the appropriate County and/or State agency.
- 8.002.190 **CONDITIONAL USE**: A conditional use is the main use of the premises that would not be appropriate generally or without restrictions throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as conditional uses, if specific provisions for such conditional use is made in this Ordinance.
- 8.002.200 **CONSTRUCTION AND DEMOLITION WASTE**: Waste building materials including wood, metals and rubble which result from construction and demolition of structures. Such waste shall also include trees.
- 8.002.210 **CONSTRUCTION AND DEMOLITION WASTE DISPOSAL SITE**: A sanitary landfill which accepts only construction and demolition wastes.
- 8.002.220 **CONVALESCENT, NURSING AND RETIREMENT HOMES**: A building or structure having accommodations and where care is provided for at least three (3) unrelated, invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane or other mental cases, inebriate, or contagious cases for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.
- 8.002.230 **COUNTY**: Unincorporated areas of Guthrie County, Iowa.
- 8.002.240 **COUNTY BOARD**: The Board of Supervisors of Guthrie County, Iowa.
- 8.002.250 **COUNTY INFRACTION**: A civil offense punishable by a civil penalty and issued by means of a citation.
- 8.002.260 **COUNTY ROAD**: Any street, other than a highway.
- 8.002.270 **DAY CARE NURSERY OR NURSERY SCHOOLS**: Any public or private agency, institution, establishment or place which provides supplement parental care and/or educational work, other than lodging overnight, for six (6) or more unrelated children of pre-school age, for compensation.
- 8.002.280 **DEMOLITION RUBBLE WASTE**: Stone, brick or similar inorganic matter.
- 8.002.290 **DEMOLITION RUBBLE WASTE DISPOSAL SITE**: Any land, premises or property used for the storage of rubble for a period of fourteen (14) days or more. The Planning Director may, at his/her discretion, allow materials other than "Demolition Rubble Waste" to be placed in the "Demolition Rubble Waste Disposal Site"; however, these non-rubble materials may never exceed five (5) percent of the total volume of the individual loads of materials being placed in any "Demolition Rubble Waste Disposal Site".
- 8.002.310 **DISTRICT**: A section or sections of the County within which certain regulations and requirements of this Ordinance covering the use, height, area, size and intensity of the use of buildings, land, and open spaces about buildings are uniform.
- The term Class "A" District shall mean any agricultural district; the term Class "R" District shall mean any residential district; the term Class "C" District shall mean any commercial district; and the term Class "I" District shall mean any industrial district.
- 8.002.320 **DISTRICT, OVERLAY**: A district which acts in conjunction with the underlying zoning district or districts.
- 8.002.330 **DWELLING**: Any building or portion thereof which is designed or used exclusively for residential purposes, but not including tent, recreational vehicle, both as defined in this Ordinance and in the Floodplain Management Ordinance, or trailer. Tents

and/or recreational vehicles shall not be utilized as a permanent place of abode, dwelling or business. Continuous occupancy shall be presumed to be permanent occupancy.

- .01 **CONDOMINIUM DWELLING:** A multi-family dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the other.
- .02 **COOPERATE DWELLING:** A multi-family dwelling as defined herein whereby the fee title to each dwelling unit is held jointly by owners of all the dwelling units.
- .03 **MULTI-FAMILY DWELLING:** A dwelling containing three (3) or more dwelling units, designed for and occupied by an equal number of families.
- .04 **ROW DWELLING OR TOWNHOUSE:** A multi-family dwelling as defined herein whereby each dwelling unit is designed and erected as a unit on a separate lot and separated from other units by an approved wall or walls.
- .05 **SINGLE-FAMILY DETACHED DWELLING:** A detached dwelling unit designed for and occupied by not more than one (1) family.
- .06 **TWO-FAMILY DWELLING:** A dwelling containing two (2) dwelling units, designed for and occupied by not more than two (2) families.
- .07 **FARMSTEAD DWELLING:** A dwelling located on a farm and occupied by a person or family employed fully or partially in the agricultural pursuits of the farm on which it is located.

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

8.002.350 **EASEMENT:** Is a grant by the property owner to the public, a corporation, or persons of the use of a tract of land for a specific purpose or purposes.

8.002.360 **ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including *buildings*.

8.002.370 **ETHANOL OR BIODIESEL PRODUCTION PLANT:** A set of buildings or plant site used for the processing of a gasoline or diesel additive and its by-products.

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

8.002.390 **FAMILY, MEMBER OF THE IMMEDIATE:** Shall mean a person's parents, spouse, child, mother-in law, father-in-law, brother, sister, grandparents, or grandchild.

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

8.002.410 **FARM:** A tract or area of land which is primarily used for agricultural purposes and the growing and production of all farm products thereon, and their storage on the area, or for the raising thereon of poultry or livestock.

8.002.420 **FARMSTEAD:** The buildings and adjacent service areas of a farm.

8.002.430 **FEED LOT OR LIVESTOCK CONFINEMENT FACILITY:** A feed lot shall mean the confined feeding of food of animals in buildings, lots, pens, pools, or ponds, which normally are not used for the raising of crops or for grazing animals. The term

feed lot shall include dairies, livestock feed lots, livestock confinement facilities, poultry farms, and poultry confinement facilities.

8.002.440 **FENCE, SIGHT-OBSCURING**: A fence or planting arranged in such a way as to obstruct vision.

8.002.450 **FRONTAGE**. All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting streets and the dead end of the street.

8.002.460 **GRADE**: The average level of the finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade.

8.002.470 **GRAIN ELEVATOR OR GRAIN DISTRIBUTION PLANT**: A structure or group of structures whose purpose is limited to the receiving, processing, storage, drying and transporting of bulk grain.

8.002.480 **GARAGE, PRIVATE**: An accessory building designed or used for the storage of not more than four (4) motor vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle.

8.002.490 **GARAGE, COMMERCIAL**: A building or portion thereof, other than a private *garage*, designed or used for equipping, repairing, hiring, servicing, selling or storing motor vehicles.

8.002.500 **HIGHWAY**: An officially designated federal or state numbered highway, or other major street or road designated by the County as a thoroughfare.

8.002.510 **HOTEL**: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradiction to a board house or lodging house.

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

8.002.530 **JUNK**: Shall mean all old or scrap copper, brass, lead, or other nonferrous metal; old rope, rags, batteries, paper, trash, rubber debris, water; dismantled or inoperable vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old discarded glass, tinware, plastic, or old discarded household goods or hardware.

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

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

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

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

.03 Grooming and training services of such animals.

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

8.002.570 **LOADING SPACE, OFF-STREET**: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. The space shall have a minimum dimension of twelve (12) feet by thirty-five (35) feet and vertical clearance of at least

fourteen (14) feet. Required off-street loading space is not to be used as off-street parking in computation of required off-street parking spaces.

8.002.580 **LOT**: For the purpose of this Ordinance, a lot is a parcel of land at least sufficient size to meet the minimum zoning requirements for use, coverage and area to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or on a private street approved prior to the effective date of this Ordinance and may consist of (a) a single lot of record; (b) a portion of a lot of record; (c) a combination of complete lots of record, of complete lots of record; and (d) a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance. In no case shall a parcel of land conveyed under a lease be construed as a lot, unless said lot has been platted as a lot in an approved subdivision.

8.002.590 **LOT FRONTAGE**: That portion of a lot or parcel of land which abuts a street. Each side of a lot so abutting a public street shall be considered as a separate lot frontage. The frontage of a lot or lots shall be measured along the street right-of-way line.

8.002.600 **LOT LINES** the property lines bounding a lot.

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

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

.03 **SIDE LOT LINE**: Any lot line other than a front or rear lot line. A side lot line separating a lot from a front or rear lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

8.002.610 **LOT MEASUREMENTS**: For the purposes of this Ordinance the following lot measurements apply:

.01 **LOT AREA**: The gross horizontal area within the lot lines of a lot, exclusive of any area contained within a street or highway right-of-way or easement of access.

.02 **LOT DEPTH**: The mean horizontal distance between the front and rear lot lines. In the case of an irregular, triangular or odd shaped lot, the depth shall be the horizontal distance between the midpoints of the front and rear lot lines.

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

8.002.620 **LOT OF RECORD**: A lot which is a part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

8.002.630 **LOT TYPES**: For the purpose of this Ordinance the following types of lots are defined:

.01 **CORNER LOT**: A lot located at the intersection of two (2) or more streets, having the street right-of-way abut the front and one (1) or more side lines of the lot. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

.02 **DOUBLE FRONTAGE LOT**: A lot, other than a corner lot, having frontage on two (2) or more non-intersecting streets.

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

.04 **INTERIOR LOT**: A lot, other than a corner lot, having frontage on only one (1) street.

8.002.640 **MAJOR RECREATIONAL EQUIPMENT**: Includes recreational vehicles, boats and boat trailers, and the like, and equipment used for transporting recreational equipment, whether or not occupied by such equipment.

- 8.002.650 **MANUFACTURED HOME:** A factory-built structure built under authority of 42 U.S.C. § 5403, is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976. If a manufactured home is placed in a mobile home park, the home must be titled and is subject to the mobile home square foot tax. If a manufactured home is placed outside a mobile home park, the home must be assessed and taxed as real estate.
- 8.002.660 **MINI-WAREHOUSE:** A building or group of buildings not more than one (1) story or twenty (20) feet in height and not having any dimension greater than one hundred fifty (150) feet per building, containing varying sizes of individualized, compartmentalized, and controlled access stalls or lockers for the dead storage of customer's goods or wares, excluding junk, explosive, or flammable materials, and other noxious or dangerous materials, including, if any, caretaker or supervisors' quarters as an accessory use. No business activities other than rental of storage units shall be conducted on the premises.
- 8.002.670 **MOBILE HOME:** Any vehicle which at any time was used or maintained for use as a conveyance upon highways or public streets, or waterways, and duly licensed as such; and so designed and constructed as to permit occupancy thereof as a dwelling unit or sleeping place for one (1) or more persons.
- .01 This definition shall refer to and include portable and potentially portable contrivances used or intended to be used generally for living and sleeping quarters and which is capable of being moved by its own power, towed, or transported by another vehicle.
- .02 This definition shall also include and apply to such vehicles or structures that are located on a permanent or temporary foundation but shall not include manufactured homes converted to real estate as defined herein.
- 8.002.680 **MANUFACTURED HOME CONVERTED TO REAL ESTATE:** A manufactured home which is located outside a mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes. Manufactured homes converted to real estate shall not be considered as portable or potentially portable structures, but rather shall be considered single-family dwellings for the purpose of this Ordinance.
- 8.002.690 **MOBILE HOME PARK OR TRAILER PARK:** Any lot or portion of a lot which two (2) or more mobile homes or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.
- 8.002.700 **MOBILE HOME SUBDIVISION.** A subdivision created for the purpose of and restricted to the sale or lease of individual lots for occupancy by independent mobile homes or mobile homes converted to real estate and having public streets, utilities, and other public facilities installations approved by the Board of Supervisors in accordance with the Subdivision Regulations of Guthrie County.
- 8.002.710 **MODULAR HOME:** (Does not include double-wide mobile homes); Any prefabricated structure of conventional construction used for dwelling purposes moved onto a site in essentially complete constructed condition, in one (1) or more parts and when completed is a single-family unit on a permanent foundation, attached to the foundation with permanent connections. Modular homes shall not be considered as portable or potentially portable structures, but rather shall be considered single-family dwellings for purposes of this Ordinance.
- 8.002.720 **MOTEL OR MOTOR HOTEL:** A building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with parking facilities conveniently located to each such unit, and may include such accessory facilities such as swimming pools, restaurant, meeting room, and etc.
- 8.002.730 **NOISE DISTURBANCE:** Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.
- 8.002.740 **NONCONFORMING STRUCTURE:** Any structure or building lawfully constructed prior to the effective date of this Ordinance (or amendment thereto) which does not conform with the bulk regulations of the district in which it is located.
- 8.002.750 **NONCONFORMING USE:** The lawful use of any structure or land that was established prior to the effective date of this Ordinance (or amendment thereto) which does not conform with the regulations of the district in which it is located.
- 8.002.760 **OBJECTIONABLE ODOR:** An odor that is of such frequency, duration, quality, and intensity as to be harmful or injurious to human health and welfare, or so as the unreasonably interfere with the comfortable use and enjoyment of life and property of individuals or the public.
- 8.002.770 **PARKING SPACE, OFF-STREET:** An area which includes the parking plus the maneuvering space required for the parking of motor vehicles. Space for maneuvering incidental to parking or unparking, shall not encroach upon any public right-of-way. For purposes of rough computation, an off-street parking space and necessary access and maneuvering may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when

actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the County.

- 8.002.780 **PERMANENT FOUNDATION:** A pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. Said foundation system shall have visual compatibility with the permanent foundation systems of the surrounding residential structures. A permanent foundation shall not under any circumstances be construed as a conventional mobile home skirting.
- 8.002.790 **PORCH, UNENCLOSED:** A roofed projection which has no more than fifty (50) percent of each outside wall area enclosed by a building or siding material other than meshed screens.
- 8.002.800 **PRINCIPAL USE:** A principal use is the main use of the premises permitted outright in a particular zoning district as distinguished from a conditional use.
- 8.002.810 **PRIVATE NONCOMMERCIAL CLUB:** A non-profit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building or premises, or portion thereof, the use of such building or premises being restricted to members and their guests. The affairs and management of such private clubs are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objectives by the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable Federal, State, County and Municipal laws.
- 8.002.820 **QUARTER-QUARTER SECTION:** The northeast, northwest, southeast or southwest quarter of a quarter section delineated by the United States Government system of land survey and which is approximately forty (40) acres in size.
- 8.002.830 **RECREATIONAL VEHICLE:** A vehicular type camping unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Temporary occupancy shall be considered no more than two (2) weeks when the recreational vehicle is not located in a commercial campground and recreational vehicle park. The basic entities are: travel trailer, camping or tent trailer, truck camper, and motor home or coach.
- 8.002.840 **RECREATIONAL VEHICLE SITE:** A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.
- 8.002.850 **REPEAT OFFENSE:** A recurring violation of the same section of the Guthrie County, Iowa, Zoning Ordinance.
- 8.002.860 **RIGHT-OF-WAY:** The land area, the right to possession of which is secured or reserved for public purposes.
- 8.002.870 **ROADSIDE STAND:** A structure used seasonally for the sale of neighborhood agricultural products or other products grown or produced on the premises.
- 8.002.880 **ROOFLINE:** The juncture of the roof and the perimeter wall of the structure.
- 8.002.890 **SERVICE STATION:** Any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories and other items customarily associated with the sale of such products; for the rendering of service and making of adjustments and replacements to motor vehicles, and the washing, waxing, and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires. A service station is not a commercial garage, nor a body or fender shop.
- 8.002.900 **SETBACK:** The required minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building respectively for a particular zoning district. Setback may also be referred to as required yard.
- 8.002.910 **SIGNS:** Any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation use as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization or business but shall not include any display of official notice.
- .01 **FREESTANDING SIGN:** A sign which is supported by structures or supports in or upon the ground and independent of support from any building or wall.
- .02 **PORTABLE SIGN:** A freestanding sign which is not permanently anchored secure to the ground.

- .03 **PROJECTING SIGN:** A sign, other than a wall sign, which is supported or attached to any building or wall and which extends more than one (1) foot out from the building or wall.
- .04 **ROOF SIGN:** A sign which is erected upon or above the roof or parapet of any building.
- .05 **TEMPORARY SIGN:** A sign which is intended only for a limited period of display.
- .06 **WALL SIGN:** A sign which is painted on or attached to and erected parallel to the face of the outside wall of any building and supported by such building or wall and which displays only one (1) advertising surface.
- 8.002.920 **SIGN, AREA:** The sign area shall be that area determined by the Zoning Administrator using actual dimensions where practicable, or approximate dimensions when irregularity of sign shape warrants. Such area shall include the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display. The area of a sign composed of characters or words attached directly to a building or wall surface shall be the smallest rectangle which encloses the whole group. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than twenty-four (24) inches from one another. In this instance the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.
- 8.002.930 **SIGN, ON-SITE:** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.
- 8.002.940 **SIGN, OUTDOOR ADVERTISING AND BILLBOARDS:** "Outdoor Advertising Sign" and "Billboard" as used in this Ordinance shall include all structures, regardless of the material used in the construction of the same, that are erected, maintained, or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
- 8.002.950 **SPECIAL PLACEMENT RESIDENCE:** Any building or premises occupied by three (3) or more persons not related to the owner, lessee or operator by blood, marriage or adoption, who upon their release as patients from any recognized mental institution, treatment ward for alcoholism, treatment center for narcotic addicts or as an inmate of any correctional penal institution, uses such building or premises as living facilities in order to secure noninstitutionalized care in their attempt to re-enter society as healthy, happy and useful human beings. The operator must reside at such premises.
- 8.002.960 **STABLE, COMMERCIAL AND RIDING ACADEMY:** A building or structure used or intended to be used for the housing of horses which are let, hired, used or boarded on a commercial basis and for compensation. Riding instruction may be given in connection with a commercial stable or riding academy.
- 8.002.970 **STABLE, PRIVATE:** An accessory building or structure used or intended to be used for the housing of horses owned by the occupant of the property or temporary guests of the occupant on a noncommercial basis and not for compensation.
- 8.002.980 **STABLE, RIDING CLUB:** A building or structure used or intended to be used for the housing of horses owned by a group of persons a noncommercial basis.
- 8.002.990 **STORY:** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.
- 8.002.1000 **STORY, HALF:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than a half-story above the top floor level.
- 8.002.1010 **STREET:** The entire width between the boundary lines of every way intended for public use for the purpose of vehicular and pedestrian traffic and for the placement of utilities. The term "street" shall include avenue, circle, drive, highway, lane, place, thoroughfare, or any other similar designation.
- 8.002.1020 **STREET, HARD SURFACE:** A street which has a full-depth surfacing consisting of concrete, or asphalt with a structural capacity equivalency of concrete, constructed in accordance with appropriate local, county or state regulations.
- 8.002.1030 **STREET RIGHT-OF-WAY LINE:** A dividing line between a lot, tract or parcel of land and the contiguous street. The boundary line of a street.
- 8.002.1040 **STRUCTURAL ALTERATIONS:** Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

8.002.1050 **STRUCTURE**: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures including buildings, mobile homes, billboards, signs, towers, sheds, storage bins, and gas and liquid storage tanks, but excluding driveways, parking areas, patios, and public items such as utility poles, street light fixtures, street signs, sidewalks and paving on streets.

8.002.930 **SUBTERRANEAN HOME**: A dwelling which has all but one (1) wall completely covered and landscaped with earth including the roof.

For the purposes of this Ordinance, a cellar or basement shall not be defined as a subterranean home.

8.002.932 **SUMMER COTTAGE**. A single-family dwelling or mobile home, including houseboats, intended for seasonal or temporary occupancy only, and not permanently occupies as a family residence for more than 180 days during any calendar year.

8.002.934 **TAVERN**: An establishment in which the primary function is the public sale and serving of alcoholic beverages for consumption on the premises, including establishments commonly known as key clubs, which are open and in which alcoholic beverages are served only to members and their guests.

8.002.936 **TRAVEL TRAILER OR CAMPING TRAILER**. A 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 to permit the vehicles to be used as a place of human habitation by one or more persons. Said vehicle may be up to eight (8) feet in width and any length. Such vehicle shall be customarily or ordinarily used for vacation or recreation purposes; if used as a place of human habitation for more than 90 days in a twelve month period, it shall be classified as a mobile home. This definition shall also include house cars and camp cars having motive power and designated for temporary occupancy as herein defined.

8.002.938 **TRAILER CAMP OR TOURIST CAMP**. An area providing spaces for two or more travel trailers, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public.

8.002.940 **VARIANCE**: A variance is a relaxation of the terms of the Zoning Ordinance where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance a variance is authorized only for height, area, and size of structures or size of yards and open spaces; establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district or because of conditions created by the landowner.

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

.01 **FRONT YARD**: A yard extending between side lot lines and measured horizontally and at right angles from the front lot line to the nearest point of the principal building or structure.

.02 **REAR YARD**: A yard extending between side lot lines and measured horizontally and at right angles from the rear lot line to the nearest point of the principal building or structure.

.03 **SIDE YARD**: A yard extending between the front and rear yard and measured horizontally and at right angles from the side lot line to the nearest point of a permitted building or structure.

8.002.960 **ZONING ADMINISTRATOR**: The Zoning Administrator of Guthrie County, Iowa.

**DISTRICT REGULATIONS**  
**CHAPTER 8.003**  
**ESTABLISHMENT AND DESIGNATION OF ZONING DISTRICTS**

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

.01 **AGRICULTURAL AND CONSERVATION DISTRICTS**

A. Agricultural Production A-1

.02 **RESIDENTIAL DISTRICTS**

A. Single Family Residential R-1

B. Multi-Family Residential R-2

.03 **COMMERCIAL DISTRICTS**

A. Highway Commercial C-1

B. Planned Commercial C-4

.04 **INDUSTRIAL DISTRICTS**

A. Light Industrial M-1

B. Industrial Park or Heavy Industrial M-2

.05 **URBAN TRANSITIONAL DISTRICT** UT

.06 **GOVERNMENT EXEMPT** G-1

.07 **CENTRALLY ASSESSED UTILITY** U-1

8.003.020 **OFFICIAL ZONING MAP:** The boundaries of these districts are hereby designed as shown on the atlas of maps which is entitled "Official Zoning Map" and which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

.01 The Official Zoning Map shall be identified by the signature of the Chairman of the County Board, attested by the County Auditor, and bearing the seal of the County under the certification that the Official Zoning Map referred to in Section 8.003.020 of the Guthrie County, Iowa Zoning Ordinance, together with the ordinance number and the date of adoption of this Ordinance.

.02 Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map shall be maintained on file in the Office of the Zoning Administrator and shall be the final authority as to the current zoning of the unincorporated territory of the County.

8.003.030 **ZONING MAP AMENDMENTS:** If in accordance with the provisions of this Ordinance, as provided in Chapter 8.098, amendments are made in the district boundaries or other matter portrayed on the Official Zoning Map, such amendments together with the ordinance number and date of adoption of said amendment shall be recorded by the Zoning Administrator on the Official Zoning Map, and shall be signed by the Chairman of the County Board and attested by the County Auditor. No amendment to this Ordinance, which involves matter portrayed on the Official Zoning Map, shall become effective until such amendment has been recorded on said map.

.01 No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be deemed a violation of this Ordinance.

.02 The County Board 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 the purposes of clarity due to a number of boundary changes, or to correct drafting error or omissions; provided however, that any such adoption shall not have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to their adoption or amendment.

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

- .01 Boundaries indicated as approximately following the centerline of roads, streets, highways, or alleys shall be construed to follow such centerline.
- .02 Boundaries indicated as approximately following platted lot lines or recorded property lines shall be construed to follow such lines.
- .03 Boundaries indicated as approximately following section, half-section, quarter-section, or other fractional section lines of U.S. Public Land surveys, as established by law, shall be construed to follow such lines.
- .04 Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
- .05 Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- .06 Boundaries indicated as approximately following the centerlines of rivers, streams, creeks, or other waterways shall be construed to follow such centerlines.
- .07 Boundaries indicated as parallel to or extension of features indicated in Subsection .01 through .06 shall be so construed.
- .08 Where no other indication of the district boundary is made and no dimensions are shown, the location of the boundary shall be determined by the use of the scale appearing on the Official Zoning Map.
- .09 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsection .01 through .08 above, the Board shall interpret the district boundaries, as provided in Chapter 8.096.

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

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

8.003.070 **ZONING OF ADDITIONAL TERRITORY:** Any addition to the unincorporated territory of the County resulting from disconnection by municipalities or otherwise shall automatically be designated as a Class A-1 District until otherwise classified by amendment.

**CHAPTER 8.004**  
**GENERAL DISTRICT REGULATIONS AND EXCEPTIONS**

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

8.004.020 **ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT:** Every building hereafter erected or structurally altered shall be located on a lot as defined herein and in no case shall there be more than one (1) principal building on one (1) lot, provided that more than one (1) industrial, commercial, multi-family dwelling or institutional building may be erected upon a single lot or tract in a district permitting these uses, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any buildings nor shall there be any change in the intensity of use regulations.

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

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

- .01 The ability to situate a private water well on the lot in compliance with the Guthrie County Environmental Health Department;
- .02 The ability to situate two (2) onsite wastewater treatment and disposal systems on the lot;
- .03 The ability to meet the appropriate setback requirements for the zoning district, and
- .04 The ability to provide adequate off-street parking and off-street loading.

In the event the above-referenced features can be accommodated in the minimum lot area outlined in the various districts, said lot area shall be accepted as stated. However, in the event the above-referenced features cannot be accommodated in the specified minimum lot area for that zoning district, said lot area shall be increased to a size that can accommodate the above-referenced features.

8.004.040 **LOT FRONTAGE REQUIRED:** No lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least twenty-five (25) feet on at least one (1) street, or unless it has an exclusive unobstructed private easement of access or right-of-way at least twenty-five (25) feet wide to a street; and there shall be not more than one (1) single-family dwelling for such frontage or easement, except that a common easement of access at least fifty (50) feet wide may be provided for no more than two (2) such single-family dwellings or for no more than one (1) two-family or multiple dwellings. The driveway surface shall be constructed within the boundaries of the frontage or easement. There shall be a minimum separation distance, along the street, of one hundred fifty (150) feet between such frontage or easement.

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

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

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

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

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

- .01 Accessory buildings may be erected as an integral part of the principal building or may be connected thereto by a breezeway or similar structure; or may be erected detached from the principal building. Any accessory building attached to the principal building shall be considered as part of the principal building and shall meet the requirements as specified for the principal building in said district.
- .02 Detached accessory buildings may be erected as provided below:
  - A. Detached accessory buildings may be located in the side yards but shall not be located in the required side yards.
  - B. Detached accessory buildings may be located in the rear yard and shall not occupy more than thirty (30) percent of the required rear yard; provided however, that this regulation shall not be interpreted as to prohibit the construction of a four hundred forty (440) square foot private garage on a minimum rear yard. Such buildings erected in a rear yard shall not be located closer than four (4) feet to any property line and on corner lots shall also comply with the setback requirements for side street yards as specified in Section 8.004.050.
  - C. Unless otherwise specifically permitted, any detached accessory building requiring direct access from an alley shall be located a minimum of fifteen (15) feet from the said alley line.
  - D. Regardless of its location, a detached accessory building shall maintain a distance of eight (8) feet (wall to wall) from any principal building or structure, or other detached accessory building situated on the same lot.
- .03 No accessory building shall be used for dwelling purposes unless specifically permitted.
- .04 Mobile homes and manufactured homes, whether converted to real estate or not, shall not be utilized as an accessory building.

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

- .01 Cornices, canopies, eaves, wing walls and other architectural features, may project a distance not exceeding setback distances.
- .02 Bay windows, balconies, unenclosed porches and chimneys may project a distance not exceeding setback distances.
- .03 An uncovered stair and necessary landings may project a distance not to exceed setback distances.
- .04 Air conditioning units may project a distance not exceeding five (5) feet.

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

- .01 Antennas; barns, silos and other accessory agricultural structures; belfries, chimneys, church steeples; conveyors; cooling towers and ventilators; cupolas; derricks; domes; elevator bulkheads; fire and hose towers; flagpoles; grain elevators; monuments, ornamental towers and spires; observation towers; radio and television towers, mast and aerials; smokestacks; stage towers or scenery lofts; tanks; transmission towers; water towers; windmills; or necessary mechanical apparatus may be erected to any safe height not in conflict with existing or hereafter adopted regulations of Guthrie County, Iowa.
- .02 Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building setback from side and rear yard lines heretofore established an additional foot for

each two (2) feet of building height above the height limit otherwise imposed in the district in which the building is located.

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

8.004.120 **TEMPORARY BUILDINGS:** Temporary buildings and structures incidental to construction work are permitted in all districts but only for the period of such work; provided however, basements and cellars shall not be occupied for dwelling purposes until the building is completely enclosed.

- .01 No commercial business shall be carried on in a mobile home or trailer constructed as a mobile home except when used as a temporary office upon obtaining a permit from the Zoning Administrator for a period not to exceed one hundred eighty (180) days.

8.004.130 **CARETAKERS QUARTERS:** Caretaker's quarters are permitted in all districts, if included in the principal structure, providing said use is incidental to the principal use. This provision shall not be construed to allow two (2) dwellings to be located on one (1) parcel.

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

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

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

- .01 Customary home occupations shall be deemed to include the following: millinery, dressmaking; tailoring; laundering; preserving and home cooking; handicraft; barber and beauty shops; and studios, such as painting, sculpture, instrumental or vocal music, dance and literature, including teaching and practice.
- .02 Occupations of a professional nature shall be deemed to include the following: accountancy, architecture, art, dentistry, engineering, industrial design, insurance brokerage, medicine, music, planning, psychology, science, teaching, theology, writing or other related professions.
- .03 No persons other than people residing on the premises, shall be engaged in such occupation or office; and no colleagues or associates shall use such office.
- .04 The use shall be operated entirely within the resident's dwelling unit or permitted accessory structure on the property. On site sales, service and training is allowed by appointment only and shall be limited to twelve (12) customer visits to the premises daily. Since the applicant is limited to two (2) on-site parking spaces, only two (2) concurrent appointments may be allowed at any one time.
- .05 The use shall be limited to no more than six hundred (600) square feet of area of either the dwelling or an accessory structure. However, if the home occupation or home professional office is located in the dwelling it shall consume no more than thirty (30) percent of the floor area of the living unit. Living area may include a finished basement.
- .06 There shall be no change in the outside appearance of the building or premises, or other visible evidence of a home occupation or home professional office other than one (1) sign, as provided in Chapter 8.090.
- .07 A home occupation or home professional office shall be situated entirely within the principal dwelling or an accessory structure.
- .08 No traffic shall be generated by such home occupation or home professional office in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such occupation or office shall be met off the street and other than in a required front yard. There shall be no more than two (2) on-site parking spaces provided for patrons.
- .09 No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or

process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.

- .10 No mechanical or electrical equipment shall be used other than that which is normally used for purely domestic or household purposes.
- .11 No outdoor storage of materials or equipment used in the occupation shall be permitted.
- .12 Occupations shall not include the use or storage of tractor-trailers, semi-trucks or heavy equipment such as construction equipment.
- .13 There shall be no advertising for the business that includes the address of the occupation. Post Office boxes, telephone numbers and city name may be identified.
- .14 More than one occupation is allowed per property; however, the sum of the total area, signage, parking and employee limitations of the property shall not exceed the limitations set by this Chapter for a single occupation.
- .15 The home occupation-zoning permit will automatically be discontinued if the property is sold, leased, rented or transferred to another party or entity.
- .16 A home occupation permit may be issued by the Guthrie County Zoning Administrator.

8.004.165 **RURAL ENTERPRISE BUSINESS:** Rural enterprise businesses are intended to be clearly incidental and secondary to the use of the premises as a single-family dwelling. The establishment and continuance of a rural enterprise business shall be subject to the following requirements:

- .01 Any new rural enterprise business established after the effective date of this Section shall be situated on a property where there is a single-family dwelling occupied by the owner/operator of the rural enterprise business.
- .02 Rural enterprise businesses may include the following: assembly, processing, fabrication, repair of cars, light trucks, agricultural equipment and household appliances, lawn service, contractor's equipment storage, auto body shops.
- .03 There shall be no evidence that a rural enterprise business is being conducted on the premises due to outdoor displays or storage, excessive noise, obnoxious odors, electrical disturbances, or considerable increase in vehicular traffic.
- .04 The establishment of a rural enterprise business shall not have a negative impact on the public road servicing the property by causing increased dust problems or damage to the roads. The County Engineer and the Zoning Administrator shall determine this impact after analyzing the proposed business.
- .05 The total area devoted to the rural enterprise business shall not exceed one (1) acre, including the building, parking areas and any outside storage area. All work performed on the property must occur within the building situated on the property.
- .06 The total square footage of the dwelling or accessory building dedicated to the business shall be limited as follows:
  - A. Up to 1.99 acres                      600 square foot
  - B. 2 to 2.99 acres                        1,000 square foot
  - C. 3 to 4.99 acres                        1,200 square foot
  - D. 5 to 9.99 acres                        1,500 square foot
  - E. 10 acres plus                         2,000 square foot
- .07 More than one occupation is allowed per property; however, the sum of the total area, signage, parking and employee limitations of the property shall not exceed the limitations set by this Chapter for a single occupation. That portion of the business located in the dwelling is limited to twenty-five percent (25%) of the living area of the dwelling. Living area may include a finished basement.
- .08 The number of outside employees and patron parking spaces shall be limited a follows:

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

- .09 The rural enterprise business shall provide one (1) parking space for each employee. No on-street parking shall be permitted in connection with a rural enterprise business. Patrons and employees shall park in the designated parking area.
- .10 Any items that are to be stored outside shall be stored in the rear yard of the rural enterprise business and the items shall be enclosed within a sight-obscuring fence and shall not be visible from an adjoining parcel or from the private or public road. This shall not be construed to prohibit parking spaces for employees and patron's operable vehicles.
- .11 All hazardous wastes, by-products and emissions must be stored and/or disposed of in conformance with Federal, State and local regulations.
- .12 One (1) on-site sign shall be allowed as provided in Chapter 8.090.030.

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

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

- .01 Storage, accumulation, keeping, or allowing to remain of trash, garbage, junk, scrap and wrecked, worn out, broken or inoperative or partially destroyed or disassembled personal or real property of any kind, including motor vehicles, tractors, trailers, machinery and equipment.
- .02 Open privies, vaults or cesspools.
- .03 Accumulation of any matter which produces a foul or noxious odor, or serves as a haven for rats, or is so unsightly as to depreciate property values or create a fire hazard.
- .04 Owning, possessing or harboring any dog or other animal which frequently or for continued duration, howls, barks, meows, squawks, or makes other sounds which creates noise disturbances across a boundary between the hours of 11:00 P.M. and 6:00 A.M.

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

- .01 The standards and controls designated by the Iowa Air Pollution Control Commission concerning air emission shall be followed.
- .02 No electrical disturbance shall be tolerated which affects adversely the operation at any point of any equipment other than that of the creator of such disturbance.
- .03 All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard to the industry. All flammable substances involved in any activity established in the district shall be handled in conformance with the latest edition of the "Fire Protection Code published by American Insurance Association" and the relevant provisions of State and local laws and regulations shall also apply.
- .04 Every use shall be so operated that there is no emission of heat, glare or radiation visible or discernible beyond the boundary of the site.
- .05 No liquid or solid wastes shall be discharged at any point into any public sewer, private sewage disposal system, or stream, or into the ground, except in accordance with standards approved by the County Health Department or the Iowa State Health Department, as the case may be, or standards equivalent to those approved by said authorities for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with the orderly operation of public sewage collection and treatment systems, or otherwise cause the emission of dangerous or offensive elements.
- .06 When it has been demonstrated that an odor is an objectionable odor, the Zoning Administrator and at least two other non-interested persons must evaluate the odor to determine if it complies with this Subsection. No operation or person



- B. One way, with parking on one side 18 feet
  - C. Two way, no parking 24 feet
  - D. Two way with parking on one side 26 feet
  - E. Two way with parking on both sides 31 feet
- .15 Entrances and exits to recreational vehicle parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrances or exits shall require a turn at an acute angle for vehicles moving in the direction intended and radii of curbs and pavements at intersections shall be such to facilitate easy turning movements for vehicles with trailers attached. No entrance or exit from a park shall discharge traffic into any Class "R" District or platted residential subdivision nor require movement of traffic from the park through a Class "R" District or platted residential subdivision. The location and design of all intersections of such entrances or exits with public streets shall be approved by the County Engineer. If turning lanes or other forms of traffic controls are deemed necessary by the Board, the developer shall provide the necessary improvements, subject to approval of their location and design by the County Engineer.
  - .16 Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion of the park subject to flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.
  - .17 Exposed ground surface in all parts of the park shall be paved, covered with stone screening, or other solid material, or protected with a vegetative growth capable of preventing soil erosion and objectionable dust. All areas not used for access, parking circulation, buildings or service shall be completely and permanently landscaped and the entire site maintained in good condition. Planting of trees and shrubs is required to the extent needed to provide for (a) screening of objectionable views, (b) adequate shade, (c) a suitable setting for the park as well as neighboring uses.
  - .18 Management headquarters, recreational facilities, toilets, dumping stations, showers, laundry facilities, and other uses and structures customarily incidental to operation of a commercial campground and recreational vehicle park are permitted as accessory uses to the park. In addition, stores, restaurants, beauty parlors, barber shops, recreational vehicle storage areas and other convenience establishments may be permitted as accessory uses in commercial campgrounds and recreational vehicle parks where such uses are specifically approved by the Board, subject to the following restrictions:
    - A. Such establishments and the parking areas primarily related to the operations shall not occupy more than ten (10) percent of the gross area of the park.
    - B. All buildings shall be constructed in compliance with state and local codes and regulations.
    - C. The structures housing such facilities shall not be directly accessible from any public street, but shall be accessible only from a street within the park.
  - .19 Cooking shelters, barbecue pits, and fireplaces shall be located, constructed, maintained and used so as to minimize fire hazards and smoke nuisances both on the property on which it is used, and on neighboring property. No open fire shall be permitted except in facilities provided; no open fire shall be left unattended, and no fuel shall be used or material burned which emits dense smoke or objectionable odors.
  - .20 In recreational vehicle parks where recreational vehicle sites are leased or otherwise assigned on a long term basis, the limits of each site shall be clearly marked on the ground by permanent steel or iron rods driven into the ground with the top of the of said rods being flush with the finish lot grade. Location of site limits on the ground shall be approximately the same as shown on the approved plans. The degree of accuracy obtainable by working with a scale on the plan and then a tape on the ground is acceptable. Precise engineering of site limits is not required either on the plans or on the ground. This is not to be construed as permitting sites of lesser size than the required minimum, or permitting lesser yard or separation dimensions than set forth elsewhere in this Section.
  - .21 Recreational vehicle sites intended solely for tent camping units shall be located in separate areas designated for tent camping only.
  - .22 The layout of a park shall be such the "destruction" of the natural vegetation and topography of the area is minimized.
  - .23 In addition to the foregoing, other conditions, requirements or limitations concerning the design, development and operation of a recreational vehicle park may be imposed as may be deemed necessary for the protection of adjacent properties and the public interest.

8.004.200 **BED AND BREAKFAST HOME:** The establishment and continuance of a bed and breakfast home shall be subject to the following requirements:

- .01 A water analysis of the source of water for human usage shall be prepared to determine that the bacteriological and chemical condition of the water is classified as "safe" for human consumption. The analysis shall be prepared by a licensed testing laboratory. A copy of the analysis shall be presented to the Office of Planning and Zoning for verification of the condition of the water prior to the occupancy by the public, as well as annually on the date of issuance of the conditional use permit, as is required by Section 8.010.030.15.
- .02 The private sewage disposal system for the bed and breakfast home shall be brought into compliance with the current standards set forth by the Guthrie County Board of Health for the structure prior to being opened to the public.
- .03 Smoke detectors shall be operable in every room occupied by the public, as well as in all corridors of the areas of the structure utilized by the public. A centralized fire alarm system may be substituted for the aforementioned smoke detectors.
- .04 In the event the bed and breakfast home provides facilities for the public on the second or higher level of the structure, one of the following shall be provided as an area of refuge or secondary egress on each level. There shall be a sign in each room occupied by the public denoting the emergency escape route and the area of refuge or secondary egress provided.
  - A. One or more balcony areas.
  - B. A fire ladder to the ground level.
  - C. A fire escape to the ground level.
  - D. An interior secondary stairway to the main floor of the structure. Said secondary stairway should be remote from the location of the primary stairway.

8.004.210 **GRADING AND EXCAVATING:** The removal, addition or relocation, in any twelve (12) month period, of soil or other fill materials from any single parcel owned or controlled by any single entity, including joint tenants or co-tenants, is subject to the following submittals, when the following thresholds of area disturbed are exceeded: Up to 14% slope, one (1) or more acres; 14 to 30% slopes, 5,000 or more square foot; and 30 to 50%, 1,000 or more square foot:

- .01 An Erosion and Sediment Control Plan that demonstrates how the development of the site will:
  - A. Keep erosion on site to allowable soil loss limits as per NRCS Soil Survey;
  - B. Prevent siltation of waterways and loss of sensitive soils;
  - C. Prevent deterioration/damage to man made structures;
  - D. Protect wildlife habitat and protective vegetation;
  - E. Erosion and Sedimentation Plan must meet NPDES requirements;
  - F. Plan must minimize excessive cut and fill. Use phased grading techniques where applicable.
- .02 A Storm Water Control Plan that demonstrates how the development of the site will:
  - A. Avoid alteration of existing drainage patterns. See Iowa Drainage Rules.
  - B. Prevent increase in storm runoff or velocity from site that would exceed waterway capacity or damage to natural/human-made environment.
- .03 Existing sites shall not be expanded without first obtaining the required approvals denoted above.

8.004.220 **TOWER AND ANTENNA PLACEMENT:** The following standards and requirements shall govern the design, development and placement of towers and antennas:

- .01 The following information shall, in addition to other required information, accompany the conditional use permit application form:
  - A. A site plan, drawn to scale, identifying the site boundary; tower location, tower height; guy wires and anchors; existing and proposed structures, including accessory structures; photographs or elevation drawings depicting design of proposed structures, parking, fences, and landscape plan; as well as existing uses on abutting parcels.
  - B. A report from a structural engineer containing the following:
    - a. A description of the tower, including a description of the design characteristics and materials;
    - b. Documentation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location and meets the minimum safety requirements in Electronics Industries Association (EIA) Standard 222;
    - c. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.
  - C. Evidence that the applicant contacted owners of all existing or approved towers within one-half (1/2) mile radius of the proposed new tower site, including county-owned property, and that the equipment for which the tower is being constructed cannot be technologically or structurally accommodated on an existing or approved tower.

- D. Evidence that a valid FCC license for the proposed activity has been issued;
  - E. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts; A written agreement to remove the tower and/or antenna within one hundred eighty (180) days after cessation of use;
  - F. Documentation that the proposed tower site and height have been approved by the appropriate Airport authority.
- .02 Any applicant must show that all of the following applicable conditions are met:
- A. Prior to consideration of a permit for location on private property which must be acquired, application must shown that available publicly owned sites, and available privately owned sites, and unsuitable for operation of the facility under applicable telecommunication regulations and the applicant's technical design requirements. A tower is not allowed if technically suitable space can be found on an existing telecommunications tower within one-half (1/2) mile radius of the proposed new tower site.
  - B. Applicant must show that the new tower is designed to accommodate applicant's future demand for additional antennas.
  - C. All towers and telecommunication facilities shall be of camouflage design standards. Examples of camouflage facility include, but are not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, telecommunication towers designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles and trees. At a minimum, all towers not required by FAA, painting or markings shall have an exterior finish which is galvanized or painted dull blue, gray or black.
  - D. The setbacks for towers on all sides shall be a distance equal to the height of the tower.
  - E. All towers shall be located a minimum distance of equal to or greater than the height of the tower from adjacent dwellings or structures other than those associated with the tower facility.
  - F. The base of any tower shall be screened from view with a solid screening fence a minimum of six (6) feet in height.

**8.004.225 PLACEMENT OF TOWERS AND ANTENNAS:**

- .01 **CONDITIONAL USE.** A tower may be permitted upon determination that all of the applicable conditions in this ordinance are met.
- .02 **HEIGHT LIMITATIONS.** Towers are a permitted conditional use in the following district with the specified height limitations:
- A. Residential (R-1, R-2,) Free-standing tower with height not exceeding 100 feet is a permitted conditional use; height exceeding 100 feet requires a special exception.
  - B. Commercial (C-1, C-2), Free-standing or guyed tower with heights not exceeding 180 feet is a permitted conditional use; height exceeding 180 feet required a special exception.
  - C. Industrial (M-1, M-2) Free-standing or guyed tower with height not exceeding 360 feet is a permitted conditional use; height exceeding 360 feet requires a special exception.
  - D. Agricultural (A-1) Free-standing or guyed tower with height not exceeding 500 feet is a permitted conditional use; height exceeding 500 feet requires a special exception.
  - E. If a special exception for additional tower height is required, total height will not exceed 150% of the maximum height permitted in the county as a conditional use. Applicant must demonstrate that additional height above that permitted by this ordinance is necessary for service to residents of the county.
  - F. Telecommunication towers erected on existing structures other than telecommunication towers shall be allowed in any district, provided the height of the tower does not exceed one-third of the height of the existing structure and the total of the existing structure and the tower does not exceed 200 feet.
  - G. All tower height allowances outlined in the preceding sections are subject to approval from the municipal Airport Commission if f located within the airport flight path.
- .03 **APPLICATION REQUIREMENTS:** The applicant for a conditional use permit for construction of a tower or placement of a commercial telecommunication antenna on an existing structure other than a tower previously permitted shall file an application with the county zoning administrator accompanied by a fee of \$200. The application shall include the following documents:
- A. A site plan, drawn to scale, identifying the site boundary; tower location; tower height; guy wires and anchors; existing and proposed structure, including accessory structure; photographs or elevation drawing depicting design of proposed structure, parking, fences, and landscape plan; and existing uses on abutting parcels. A site plan is not required if antenna is to be mounted on an approved existing structure;
  - B. A current map showing locations of applicant's antennas, facilities, existing towers and proposed towers which are reflected in public in public records, serving any property within the county;
  - C. A report from a structural engineer containing the following:
    - a. A description of the tower, including a description of the characteristics and material;
    - b. Documentation to establish that the tower has sufficient structure integrity for the proposed uses at the proposed location and meets the minimum safety requirements in Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures."
    - c. The general capacity of the tower is terms of the number and Type of antennas it is designed to accommodate.

- D. If applicant is other than the site owner, written authorization from site owner; there shall be in the form of a written lease, easement, licenses or other agreements between the site owner and the applicant and written authorization from the site owner for the applicant for the application:
    - a. Identification of the owners of all antennas and equipment to be located at the site;
    - b. Evidence that the applicant contacted owners of all existing or approved towers within a one-half radius of the proposed new tower site, including county-owned property, and that the equipment for which the tower is being constructed cannot be technologically or structurally accommodated on and existing or approved landowner towers;
    - c. Evidence that a valid FCC license for the proposed activity has been issued, if required.
    - d. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts; if locations near urban area are dictates necessary.
    - e. A written agreement to remove the tower and/or antenna within 365 days after cessation of use;
    - f. Additional information as required to determine that all applicable conditions of this ordinance have been met.
  - E. Documentation that the proposed tower site and height have been approved by the appropriate Airport Commission, if the tower is within a defined flight path and exceeds height limitations associated with the airport that could be impacted.
- .04 APPLICABLE CONDITIONS. A applicant must show that all of the following applicable conditions are met:
- A. Applicant must show that the new tower is designed to accommodate applicant's future demand for additional antennas.
  - B. Applicant must show that all applicable health, nuisance, noise, fire, safety code requirements are met.
  - C. Reserved
  - D. For towers on county property, applicant must file with the county zoning administrator a written indemnification of the county and proof of liability insurance or other proof of financial ability to respond to claim up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, in form approved by the county attorney. This information shall be updated annually by the applicant.
  - E. Land use regulations, visibility, fencing, screening, landscaping, parking access, lot size, exterior illumination, sign, storage, and all other general zoning regulations except setback and height, shall apply to the tower.
  - F. For free-standing or guyed towers, setback on all sides shall be a distance equal to the height of the tower.
  - G. To limit climbing access to the tower, a fence six (6) feet in height with a locking portal, or an anti-climbing device may be required around the tower base. Fencing around the tower base is not required if the tower is a self contained, lattice, or tubular tower;
  - H. All equipment used for installation shall follow an approved route to the site. The route shall be approved by the County Engineer.
  - I. The wind energy system operation shall not cause interference to the radio and television reception on adjoining property.
  - J. The placement of all Wind Turbine Generators (WTG's) shall comply with the following:
    - a. Setback distance with respect to property lines shall not apply to wind turbines located within a wind farm where the property line nearest to any given wind turbine define and separate properties belonging to two or more participating landowners.
    - b. With respect to a wind turbine all setback and separation distance shall be defined relative to the nearest surface of the wind turbine support tower as measured at the ground level.
    - c. Notwithstanding any other consideration including calculated sound levels no commercial wind turbine shall be located at a distance less than 1000 feet from the nearest occupied dwelling. Wind generator towers may be setback less than 1000 feet from a dwelling if the property owner signs a wavier agreeing to the reduced setback distance. However, the wind generator tower shall not be located closer than the distance equal to the height of the tower.
    - d. 10-(1) thru 10-(3) should be contained in agreement with property owners, (See Previous Page).
  - K. The following setback and separation distance shall apply to Wind Turbine Generators.
    - a. Any wind turbine within a wind farm shall be located not less than 1000 feet, as measured from the nearest dwelling to the nearest wind turbine tower, from a dwelling as located at the time that the wind turbines "are constructed. Wind generator towers may be setback less than 1000 feet from a dwelling if the property owner signs a wavier agreeing to the reduced distance. However the wind generator tower shall not be located closer than the distance equal to the height of the tower.
    - b. Any wind turbine within a wind farm shall be located not less than 500 feet from the nearest non-dwelling, principal or secondary structure.
    - c. Any wind turbine within a wind farm shall be located not less than the total height from a road right-a-way line.
    - d. Any wind turbine within a wind farm may be located straddling the property lines separating two participating properties.
    - e. Any wind turbine within a wind farm shall be located not less than the total height from property lines abutting nonparticipating properties.
- .05 INSPECTION. At least every 24 months, every tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of towers. At a minimum, this inspection shall be conducted in accordance with

- the tower inspection check list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standard for Steel Antenna Support Structures." A copy of such inspection record shall be provided to the county.
- .06 ABANDONMENT. In the event the use of any tower has been discontinued for a period of 365 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the County Zoning Administrator. Upon such abandonment, the tower owner shall have an additional 365 days within which to (1) reactivate the use of the tower, or (2) dismantle and remove the tower. If the tower is not dismantled and removed as required, the county may do so and assess the costs against the property for collection in the same manner as a property tax, pursuant to Iowa Code 331.384.1; Exceptions to this standard shall include circumstances associated with (1) Forced majeure (i.e. extraordinary events, circumstances beyond control, acts of nature, etc.) or (2) Submittal of a certification of non-abandonment by turbine owner of the county.
- .07 DEFINITIONS:
- A. WIND FARM: One or more wind turbine generators which are connected to the transmission of a local distribution grid. Wind farms shall include but not limited to wind turbine generators, operations and maintenance building, meteorological towers, collector grids, roads and substations.
  - B. WIND TURBINE GENERATOR (WTG): A wind turbine generator is a device designed to extract kinetic energy from the wind and supply it in the form of electrical energy that is suitable for use by the electrical grid.
  - C. BLADE: An element of a wind turbine which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
  - D. WIND TOWER: The tubular structure, above grade, that supports the nacelle and rotor assembly.
  - E. TOWER FOUNDATION: The tower support structure, below grade, that supports the entire weight of the wind turbine.
  - F. TOTAL HEIGHT. The height from grade to the highest vertical point of the swept rotor arc. In the case of a wind turbine with a horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter.
  - G. SUB-STATION: An electrical construction designed to collect and modify electrical energy produced by the wind turbines for the purpose of supplying it to the local electrical utility.

**CHAPTER 8.010**  
**AGRICULTURAL PRODUCTION DISTRICT (A-1)**

8.010.010 **INTENT:** The Class A-1 District is intended to preserve the land best suited for agricultural production by protecting prime agricultural lands in farmable tracts from the encroachment of scattered residential, commercial and industrial development; to promote efficiency and economy in the delivery of public services by restricting non-farm development in unincorporated areas of the County and to encourage development in areas where services are provided or can efficiently be provided.

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

- .01 Any customary agricultural use.
- .02 Single-family dwellings at a maximum density of two (2) dwellings per quarter-quarter section.
- .03 Sanitary landfills, such to approval by the Iowa Department of Natural Resources and the County Board, provided that no such use or structure shall be located closer than one thousand three hundred twenty (1,320) feet to any Class "R" District or platted residential subdivision or dwelling other than that of the lessee or owner of the site.
- .04 Construction and demolition waste disposal sites, subject to approval of the Iowa Department of Natural Resources and the County Board.

8.010.030 **CONDITIONAL USES:** The following conditional uses shall be permitted in a Class A-1 District, when authorized in accordance with the requirements of Chapter 8.096:

- .01 Commercial composting facilities, subject to approval of the Iowa Department of Natural Resources standards and administrative rules.
- .02 Essential governmental structures and uses, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances.
- .03 Transformer stations, booster stations, utility stations, and radio or television transmitter and towers, and broadcasting stations, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum *lot area* and setback may be waived by the Board only on finding that the waiver will not create a detrimental effect on adjacent properties.
- .04 Sewage disposal facilities, subject to approval by the Iowa Department of Natural Resources, provided that no such structure shall be located closer than seven hundred fifty (750) feet to any Class "R" District or platted residential subdivision or dwelling other than that of the lessee or owner of the site.
- .05 Commercial stables, riding academies and clubs, provided that not more than one (1) animal and its immature offspring per acre of pasture for the first two (2) acres of pasture and two (2) animals per each additional acre of pasture shall be permitted and further provided that no such structure shall be located closer than fifty (50) feet to any property line, nor closer than twenty-five (25) feet to any dwelling on the site. The area devoted to such uses shall be kept in a clean and sanitary condition, and shall be maintained so as drainage will not affect the health and safety of adjacent property owners.
- .06 Commercial kennels and veterinary hospitals or clinics, provided that no such structure or exercising runway shall be located closer than two hundred (200) feet from any Class "R" District or platted residential subdivision or dwelling other than that of the lessee or owner of the site.
- .07 Churches and other places of worship, including parish houses and Sunday school buildings.
- .08 Cemeteries, including mausoleums and crematories, provided that no such mausoleum and crematory shall be located closer than two hundred (200) feet from any property line, and further provided that any new cemetery shall contain an area of five (5) acres or more.
- .09 Public schools and colleges, and private schools and colleges having equivalent curriculum.

- .10 Day care nurseries and nursery schools, provided that for each child there shall be a minimum of thirty-five (35) square feet of usable floor space, exclusive of wash rooms, toilets, kitchens and hallways; and further provided that for each child there shall be a minimum of one hundred (100) square feet of usable outdoor play space, which space shall be confined to the rear yard of the property and be completely enclosed by a fence.
- .11 Mines, quarries, sand and gravel pits, portable sawmills and related facilities required for obtaining, processing, storing and transporting minerals, raw materials and timber at their point of origin, subject to approval of the Iowa Natural Resources Council and the Iowa Department of Natural Resources; provided the no such use shall be located closer than five hundred (500) feet from any Class "R" District or platted residential subdivision, or dwelling other than that of the lessee or owner of the site. Any such use existing at any time prior to the adoption of the Ordinance may be reopened, expanded or extended, and continue to operate provided that where any part of the operation is closer than the distance specified above, the operation may be extended parallel to such other uses, but such extension shall not become closer than such other uses. Where any such use is closer than twenty-five (25) feet to a street, and has a depth of greater than thirty (30) feet, and the side adjacent to the street has a slope steeper than two (2) feet horizontally for each foot of depth, a fence, retaining wall, embankment or other suitable protective barrier approved by the County Engineer shall be constructed along that portion of the excavation parallel to the street.
- .12 Private light plane landing strips including crop dusting strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Agency and when situated on a site containing not less than thirty (30) acres.
- .13 Temporary establishments or enterprises involving large assemblages of people or automobiles including, but not limited to, carnivals, circuses, rodeo grounds, show rings, livestock auction barns and yards, music festivals, sports festivals and similar uses.
- .14 Bed and breakfast homes, subject to the provisions of Section 8.004.200.
- .15 Rural enterprise businesses, subject to the provisions of 8.004.165.
- .16 Demolition rubble waste disposal sites.
- .17 Grading and excavating when development exceeds five thousand (5,000) square feet on a site containing 14 to 30% slopes and/or when development exceeds one thousand (1,000) square feet on a site containing 30 to 50% slopes, subject to the provisions of Section 8.004.210.

8.010.040 **ACCESSORY USES**: The following accessory uses shall be permitted in a Class A-1 District:

- .01 Accessory uses and structures normally incidental and subordinate to one of the permitted principal or conditional uses, unless otherwise excluded.
- .02 Agricultural buildings and structures including dams, equipment sheds, outbuildings and other buildings, structures or erections which are primarily adopted for use for agricultural purposes.
- .03 Private recreational facilities including swimming pools, tennis courts, and other recreational facilities commonly accessory to a dwelling.
- .04 Private parking facilities including garages, carports and other parking spaces.
- .05 Private stables, kennels, and other structures for raising and keeping animals and fowl, provided that not more than one (1) animal and its immature offspring per acre of pasture for the first two (2) acres of pasture and two (2) animals per each additional acre of pasture shall be permitted and further provided that no such structure shall be located closer than fifty (50) feet to any property line, nor closer than twenty-five (25) feet to any dwelling on the site. The area devoted to such uses shall be kept in a clean and sanitary condition, and shall be maintained so as drainage will not affect the health and safety of adjacent property owners.
- .06 All-weather school bus shelters permitted in the front yard subject to the provisions of Section 8.004.070 and 8.004.080.
- .07 Bathhouses, tool or storage sheds, and non-habitable playhouses when located in the rear yard.
- .08 Fences, walls and hedges, subject to the provisions of Section 8.004.070 and 8.004.080.
- .09 Display signs, outdoor advertising signs and billboards subject to the provisions of Chapter 8.090.
- .10 Home occupations and home professional offices, subject to the provisions of Section 8.004.160.

.11 Roadside stands for the sale of agricultural produce grown on the site, but only when adequate off-street parking is provided.

8.010.050 **OFF-STREET PARKING AND LOADING:** Off-street parking and loading spaces shall be provided in accordance with Chapter 8.080 for permitted principal and conditional uses in a Class A-1 District.

8.010.060 **HEIGHT REQUIREMENT:** No maximum height is established for buildings and structures in a Class A-1 District, however, attention shall be directed to the equipment limits of the various fire protection jurisdictions in respect to stream heights and elevation assistance, and the obligation of any designer to accommodate these limitations in the design of any building.

8.010.070 **SETBACK REQUIREMENTS:** The setback requirement for dwellings and structures in a Class A-1 District shall be as follows:

	USE	Setback Requirement			
		Front	Rear	Side	Side street, corner lot
.01	Single-Family Dwelling	40'	30'	10'	30'
.02	Churches, Schools, other public or institutional buildings	50'	40'	40'	40'
.03	Other permitted structures and uses	50'	40'	40'	40'

8.010.080 **LOT SIZE AND COVERAGE REQUIREMENTS:** The minimum lot size and maximum lot coverage for uses in a Class A-1 District shall be as follows, except as provided in Section 8.004.030:

	USE	MINIMUM LOT	
		AREA	WIDTH
.01	Single-Family Dwelling	45,000 sq.ft.	150
.02	Churches, Schools, other public or institutional buildings	2.0 Acres	200'
.03	Other permitted structures and uses	2.0 acres	175'

**CHAPTER 8.020**  
**SUBURBAN RESIDENTIAL DISTRICT (R-1)**

8.020.010 **INTENT:** The Class R-1 District is intended to provide for the development of single-family, non-farm residential dwellings. It is also intended to provide adequate space for the installation of private well systems and wastewater treatment facilities if access to public or common facilities is not available.

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

- .01 Single-family dwellings, including summer cottages.
- .02 Platted subdivisions for single-family only, provided the development of lots conforms to the density limits specified herein.
- .03 Churches and other places of worship, including parish houses and Sunday school buildings.
- .04 Public schools and private schools having equivalent curriculum.
- .05 Public recreational areas and facilities including parks, playgrounds, golf courses, community centers and similar uses.
- .06 Mobile homes converted to real estate.

8.020.030 **CONDITIONAL USES:** The following conditional uses shall be permitted in a Class R-1 District, when authorized in accordance with the requirements of Chapter 8.096:

- .01 Essential governmental structures and uses other than sanitary landfills or uses similar in their scope or effects, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances.
- .02 Railroads, transformer stations, booster stations, utility stations, and radio or television transmitter and towers, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than twenty-five (25) feet, and that two (2) parking spaces per substation or one (1) per employee at the site be provided, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and front yard setback may be waived by the Board only on finding that the waiver will not create a detrimental effect on adjacent properties.
- .03 Private noncommercial recreational areas and facilities including parks, playgrounds, golf courses, country clubs, tennis clubs, swim clubs and similar uses. Miniature golf courses or driving ranges operated for a profit are excluded.
- .05 Day care nurseries and nursery schools, provided that for each child there shall be a minimum of thirty-five (35) square feet of usable floor space, exclusive of wash rooms, toilets, kitchens and hallways; and further provided that for each child there shall be a minimum of one hundred (100) square feet of usable outdoor play space, which space shall be confined to the rear yard of the property and be completely enclosed by a fence.
- .06 Grading and excavating when development exceeds five thousand (5,000) square feet on a site containing 14 to 30% slopes and/or when development exceeds one thousand (1,000) square feet on a site containing 30 to 50% slopes, when not associated with a major or minor subdivision plat, subject to the provisions of Section 8.004.210.
- .07 Mobile home park provided that the installation complies with Chapter 435 of the Code of Iowa, as amended; has a water supply and sanitary sewage collection and treatment system approved by the State Board of Health; has a minimum area of 3,500 square feet for each mobile home space; has a maximum density of ten (10) units per acre; provides at least ten (10) parking spaces plus two (2) parking spaces for each mobile home site, that no mobile home shall be closer than 25 feet to any property line of the mobile home park, and that no mobile home shall be closer than 20 feet to another mobile home. Any person, firm, or corporation constructing, expanding, remodeling or altering a mobile home park within Guthrie County and outside the limits of any incorporated city, shall be required to provide a concrete area of not less than one hundred twenty (120) square feet per mobile unit for patio. Necessary sidewalks shall be provided from patio to parking area on each mobile home site. It shall be further required that any person, firm, or corporation constructing, expanding, remodeling or altering a mobile home park in Guthrie County shall, when the mobile home park reaches a population of forty (40) mobile homes or within five (5) years, provide adequate storm protection for residents of said park with a minimum of five (5) square feet per person occupying said mobile home park.

8.020.040 **ACCESSORY USES:** The following accessory uses shall be permitted in a Class R-1 District:

- .01 Accessory uses and structures normally incidental and subordinate to one of the permitted principal or conditional uses, unless otherwise excluded.
- .02 Private recreational facilities including swimming pools, tennis courts, and other recreational facilities commonly accessory to a dwelling.
- .03 Private parking facilities including garages, carports and other parking spaces.
- .04 All-weather school bus shelters permitted in the front yard subject to the provisions of Section 8.004.070 and 8.004.080.
- .05 Bathhouses, tool or storage sheds, and non-habitable playhouses when located in the rear yard.
- .06 Fences, walls and hedges, subject to the provisions of Section 8.004.070 and 8.004.080.
- .07 Display signs, subject to the provisions of Chapter 8.090.
- .08 Home occupations and home professional offices, subject to the provisions of Section 8.004.160.
- .09 Gardening and private greenhouses, but not on a scale that would be obnoxious to adjacent lots because of noise, odor or dust.
- .10 Parking and storage of major recreational equipment, when located in a completely enclosed building or within a side or rear yard enclosed on all sides with a sight obscuring fence; provided that such equipment may be parked anywhere on the premises for a period not to exceed twenty-four (24) hours during loading and unloading; and further provided, that such equipment shall not be used for dwelling purposes.

8.020.050 **OFF-STREET PARKING AND LOADING:** Off-street parking and loading spaces shall be provided in accordance with Chapter 8.080 for permitted principal and conditional uses in a Class R-1 District.

8.020.060 **HEIGHT REQUIREMENT:** The maximum height of buildings and structures in a Class R-1 District, shall be thirty-five (35) feet or two and one-half (2 1/2) stories, whichever is lower, and an accessory building shall not exceed a height of sixteen (16) feet or one and one-half (1 1/2) stories, whichever is lower.

8.020.070 **SETBACK REQUIREMENTS:** The setback requirement for buildings and structures in a Class R-1 District shall be as follows or a special exception may be required:

	USE	Setback Requirements				
		Front	Rear	Side	Side street, corner lot	Yard abutting highway or county road
.01	Dwellings and other non-institutional uses	30'	30'	10'	25'	50'
.02	Churches, schools, other public or institutional buildings	40'	40'	30'	35'	50'

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

	USE	MINIMUM LOT**		MAXIMUM LOT COVERAGE
		AREA	WIDTH	
.01	Single-Family Dwellings			
	A. Lots with community water and/or sewer	8,400 sq. ft.	70	35%
	B. Lots with private septic systems	15,000 sq. ft.*	70'	35%
.02	Churches, schools, other public or institutional buildings			
	A. Lots with community water and/or sewer	8,400 sq. ft.	70	35%
	B. Lots with private septic systems*	15,000 sq. ft.*	70'	35%

\*Shall be increased by amount as determined by Guthrie County Environmental Health Department to provide an adequate absorption field for a septic tank installation.

\*\*Minimum lot size for suburban residential areas now existing (farm buildings either sold off or retained) shall be not less than one (1) acre or existing farmsteads; provided they shall not have been abandoned for five (5) years and subject to the regulations of the Guthrie County Board of Health. If less than one (1) acre, a special exception must be obtained either administratively or through the Board of Adjustment.

**CHAPTER 8.021**  
**SINGLE FAMILY RESIDENTIAL DISTRICT (R-2)**

8.021.010 **INTENT:** The Class R-2 District is intended to provide for the development of single-family, two-family, and multi-family non-farm residential dwellings. It is also intended to provide adequate space for the installation of private well systems and wastewater treatment facilities if access to public or common facilities is not available.

8.021.020 **PRINCIPAL USES:** The following *principal uses* shall be permitted in the Class R-2 District:

- .01 Single-family dwellings, including summer cottages.
- .02 Churches and other places of worship, including parish houses and Sunday school buildings.
- .03 Public schools and private schools having equivalent curriculum.
- .04 Public recreational areas and facilities including parks, playgrounds, golf courses, community centers and similar uses.
- .05 Mobile homes converted to real estate.
- .06 Funeral Parlors.

8.021.030 **CONDITIONAL USES:** The following conditional uses shall be permitted in a Class R-1 District, when authorized in accordance with the requirements of Chapter 8.096:

- .01 Hospitals, sanitariums, rest, nursing and convalescent homes; homes for orphan and aged on sites of one (1) acre or more; off-street parking and yards comparable for other institutional uses of this ordinance to be provided.
- .02 Railroads, transformer stations, booster stations, utility stations, and radio or television transmitter and towers, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than twenty-five (25) feet, and that two (2) parking spaces per substation or one (1) per employee at the site be provided, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and front yard setback may be waived by the Board only on finding that the waiver will not create a detrimental effect on adjacent properties.
- .03 Private noncommercial recreational areas and facilities including parks, playgrounds, golf courses, country clubs, tennis clubs, swim clubs and similar uses. Miniature golf courses or driving ranges operated for a profit are excluded.
- .05 Day care nurseries and nursery schools, provided that for each child there shall be a minimum of thirty-five (35) square feet of usable floor space, exclusive of wash rooms, toilets, kitchens and hallways; and further provided that for each child there shall be a minimum of one hundred (100) square feet of usable outdoor play space, which space shall be confined to the rear yard of the property and be completely enclosed by a fence.
- .06 Public housing developments.
- .07 Mobile home park provided that the installation complies with Chapter 435 of the Code of Iowa, as amended; has a water supply and sanitary sewage collection and treatment system approved by the State Board of Health; has a minimum area of 3,500 square feet for each mobile home space; has a maximum density of ten (10) units per acre; provides at least ten (10) parking spaces plus two (2) parking spaces for each mobile home site, that no mobile home shall be closer than 25 feet to any property line of the mobile home park, and that no mobile home shall be closer than 20 feet to another mobile home. Any person, firm, or corporation constructing, expanding, remodeling or altering a mobile home park within Guthrie County and outside the limits of any incorporated city, shall be required to provide a concrete area of not less than one hundred twenty (120) square feet per mobile unit for patio. Necessary sidewalks shall be provided from patio to parking area on each mobile home site. It shall be further required that any person, firm, or corporation constructing, expanding, remodeling or altering a mobile home park in Guthrie County shall, when the mobile home park reaches a population of forty (40) mobile homes or within five (5) years, provide adequate storm protection for residents of said park with a minimum of five (5) square feet per person occupying said mobile home park.
- .08 Two and multiple family dwellings provided that such use shall be in character with other dwellings in the surrounding area and that two (2) off-street parking spaces per unit be provided.

8.021.040 **ACCESSORY USES:** The following accessory uses shall be permitted in a Class R-2 District:

- .01 Accessory uses and structures normally incidental and subordinate to one of the permitted principal or conditional uses, unless otherwise excluded.
- .02 Private recreational facilities including swimming pools, tennis courts, and other recreational facilities commonly accessory to a dwelling.
- .03 Private parking facilities including garages, carports and other parking spaces.
- .04 All-weather school bus shelters permitted in the front yard subject to the provisions of Section 8.004.070 and 8.004.080.
- .05 Bathhouses, tool or storage sheds, and non-habitable playhouses when located in the rear yard.
- .06 Fences, walls and hedges, subject to the provisions of Section 8.004.070 and 8.004.080.
- .07 Display signs, subject to the provisions of Chapter 8.090.
- .08 Home occupations and home professional offices, subject to the provisions of Section 8.004.160.
- .09 Gardening and private greenhouses, not operated for commercial purposes.

8.021.050 **OFF-STREET PARKING AND LOADING:** Off-street parking and loading spaces shall be provided in accordance with Chapter 8.080 for permitted principal and conditional uses in a Class R-2 District.

8.021.060 **HEIGHT REQUIREMENT:** The maximum height of buildings and structures in a Class R-1 District, shall be thirty-five (35) feet or two and one-half (2 1/2) stories, whichever is lower, and an accessory building shall not exceed a height of sixteen (16) feet or one and one-half (1 1/2) stories, whichever is lower.

8.021.070 **SETBACK REQUIREMENTS:** The setback requirement for buildings and structures in a Class R-2 District shall be as follows:

	USE	Setback Requirements					
		Front	Rear	Side (one story)	Side (two or more stories)	Side street, corner lot	Yard abutting highway or county road
.01	Dwellings and other non-institutional uses	30'	30'	8'	10'	25'	50'
.02	Churches, schools, other public or institutional buildings	40'	40'	25'	25'	30'	50'

8.021.080 **LOT SIZE AND COVERAGE REQUIREMENTS:** The minimum lot size and maximum lot coverage for uses in a Class R-2 District shall be as follows or a special exception may be required:

	USE	MINIMUM LOT**		MAXIMUM LOT COVERAGE
		AREA	WIDTH	
.01	Single-Family Dwellings			
	A. Lots with community water and/or sewer	9,600 sq. ft.	80'	35%
	B. Lots with private septic systems	15,000 sq. ft.*	70'	35%
.02	Two-Family Dwellings			
	A. Lots with community water and sewer	10,000 sq. ft.	80'	
	B. Lots with private septic systems	15,000 sq. ft.*	70'	
.03	Multi-Family Dwellings			
	A. Lots with community water and/or sewer	7,600 sq. ft. for first unit, plus 1,500 sq. ft. for each additional unit up to 12, and 750 sq. ft. for each additional unit over 12.	80'	
	B. Lots with private septic systems	15,000 sq. ft.*	70'	
.02	Churches, schools, other public or institutional buildings			
	A. Lots with community water and/or sewer	8,400 sq. ft.	70'	35%
	B. Lots with private septic systems*	15,000 sq. ft.*	70'	35%

\*Shall not be less than 15,000 square feet and shall be increased by amount as determined by Guthrie County Environmental Health Department to provide an adequate absorption field for a septic tank installation.

\*\*Minimum lot size for suburban residential areas now existing (farm buildings either sold off or retained) shall be not less than one (1) acre or existing farmsteads; provided they shall not have been abandoned for five (5) years and subject to the regulations of the Guthrie County Board of Health. If less than one (1) acre, a special exception must be obtained either administratively or through the Board of Adjustment.

**CHAPTER 8.030  
HIGHWAY COMMERCIAL DISTRICT (C-1)**

8.030.010 **INTENT:** The Class C-1 District is intended to provide for travel-related businesses and services in rural areas of the County along major highways where controlled access to the highway is afforded for the convenience and safety of the highway user by the provisions of frontage roads, interchanges and channelized intersections.

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

- .01 Automobile and other vehicle washing establishments, including the use of mechanical conveyors, blowers and steam cleaning, and including self-service facilities.
- .02 Convenience stores, including package foods and picnic supplies, souvenirs, novelties, toiletries, and similar merchandise.
- .03 Automotive display, sales, service and repair.
- .04 Governmental structures and uses including fire stations, libraries, police stations, post offices, substations, and roadside rest areas; but excluding sanitary landfills or uses similar in their scope or effects.
- .05 Motels, hotels, tourist camps, and motor hotels, but only when serviced with public or common water and sewer facilities.
- .06 Restaurants, cafes, and drive-in eating and dining places.
- .07 Service stations, including dispensing of diesel fuels and complete truck service.
- .08 Transformer stations, booster stations and utility stations; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices.
- .09 Transportation passenger terminals, including bus stations, railroad passenger stations, or other passenger terminals, provided that buses or other transit vehicles shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site.
- .10 Dry cleaners or laundry.
- .11 Monument and marker display and sales.
- .12 Greenhouse and plant nursery.
- .13 Dance hall and skating rink.
- .14 Bowling alley.
- .15 Drive-in bank.
- .16 Dwelling unit above a store or shop.
- .17 Funeral parlor.
- .18 Farm implement display, sales, service and repair
- .19 Railroads and public utilities, but not including storage or maintenance yards or buildings.
- .20 Boats, motors, travel trailers and mobile home display, sales, services, and repair.

8.030.030 **CONDITIONAL USES:** The following conditional uses shall be permitted in a Class C-1 District, when authorized in accordance with the requirements in Chapter 8.096:

- .01 Body and fender repair shops, including overall painting and upholstering, but not including motor vehicle wrecking or used parts yards or outside storage of component parts.
- .02 Cocktail lounges, provided they are operated as incidental and subordinate activities in motels and restaurants.

- .03 Grading and excavating when development exceeds five thousand (5,000) square feet on a site containing 14 to 30% slopes and/or when development exceeds one thousand (1,000) square feet on a site containing 30 to 50% slopes, when not associated with a major or minor subdivision plat, subject to the provisions of Section 8.004.210.
- .04 Transmitting stations and towers.
- .05 Sexually oriented businesses, subject to the terms of Ordinance # 8.101, Sexually Oriented Businesses Ordinance, Guthrie County, Iowa.

8.030.040 **ACCESSORY USES:** The following accessory uses shall be permitted in a Class C-1 District:

- .01 Accessory uses and structures normally incidental and subordinate to one of the permitted principal or conditional uses, unless otherwise excluded.
- .02 Display signs, outdoor advertising signs and billboards subject to the provisions of Chapter 8.090.
- .03 Private parking facilities including garages, carports, and other parking spaces.
- .04 Storage of material or merchandise incidental to a permitted use, but not to exceed forty (40) percent of the floor area used for such use.
- .05 Temporary roadside stands and Christmas tree lots, when approved by the Zoning Administrator for a specified time period, after which they all shall be disassembled and removed at the end of the authorized period each year.
- .06 Storage warehouses in conjunction with the permitted principal uses or structures of this district.

8.030.050 **OFF-STREET PARKING AND LOADING:** Off-street parking and loading spaces shall be provided in accordance with Chapter 8.080 for permitted principal and conditional uses in a Class C-1 District.

8.030.060 **HEIGHT REQUIREMENTS:** The maximum height of buildings and structures in a Class C-1 District shall be fifty (50) feet or four (4) stories, whichever is lower.

8.030.070 **SETBACK REQUIREMENTS:** The setback requirements for buildings and structures in a Class C-1 District shall be as follows:

- .01 The front yard setback shall be a minimum of fifteen (15) feet.
- .02 The side yard setback shall be a minimum of ten (10) feet when such yard abuts a Class "A" District or Class "R" District or platted residential subdivision.
- .03 The rear yard setback shall be a minimum of twenty (20) feet when such yard abuts a Class "A" District or Class "R" District or platted residential subdivision.
- .04 The minimum setback between buildings situated on the same site shall be ten (10) feet.
- .05 Where apartment units are above a store or shop, a rear yard of twenty (20) feet shall be provided.

8.030.080 **LOT SIZE AND COVERAGE REQUIREMENTS:** The minimum lot size and maximum lot coverage for uses in a Class C-1 District shall be as follows, except as provided in Section 8.004.030 for lots not having common water and/or sewer facilities:

	USE	MINIMUM LOT	MAXIMUM LOT
		AREA	COVERAGE
.01	Any Permitted Use	1.0 Acres	50%

**CHAPTER 8.031  
PLANNED COMMERCIAL DISTRICT (C-4)**

8.031.010 **INTENT:** The Class C-4 District is intended primarily to provide for those business and commercial establishments serving the general retail shopping needs of those persons living in the unincorporated areas of the County.

8.031.020 **PRINCIPAL USES:** The following principal uses shall be permitted in a Class C-4 District:

- .01 Retail, office, recreational and service establishments. These uses shall be wholly contained within a building.
- .02 Minimum side yard and rear yard setbacks of 50 feet shall be required when the following permitted principal uses abut a Class "R" District or platted residential subdivision:
  - .01 Bars, cocktail lounges, nightclubs and taverns;
  - .02 Entertainment and recreational uses, including billiard and pool halls, bowling alleys, ballrooms and dance halls, gymnasiums and other indoor recreational uses and buildings;
  - .03 Restaurants, tearooms, cafeterias, cafes, and soda fountains, including outdoor cafes and drive-in eating and dining places.

8.031.030 **CONDITIONAL USES:** The following *conditional uses* shall be permitted in a Class C-4 District, when authorized in accordance with the requirements of Chapter 8.096:

- .01 Auction halls, barns, and yards.
- .02 Body and fender repair shops, including overall painting and upholstering, but not including motor vehicle wrecking or used parts yards or outside storage of component parts.
- .03 Drive-in theaters.
- .04 Exterminator sales when located within a completely enclosed *building*.
- .05 Grading and excavating when development exceeds five thousand (5,000) square feet on a site containing 14 to 30% slopes and/or when development exceeds one thousand (1,000) square feet on a site containing 30 to 50% slopes, when not associated with a major or minor subdivision plat, subject to the provisions of Section 8.004.210.
- .06 Tire shops, including vulcanizing, retreading and recapping.
- .07 Transmitting stations and towers.
- .08 Outdoor entertainment and recreational uses, but only in conjunction with a principal use of entertainment and recreation as listed in 8.031.020.33.
- .09 Sexually oriented businesses, subject to the terms of Ordinance # 8.101, Sexually Oriented Businesses Ordinance, Guthrie County, Iowa.

8.031.040 **ACCESSORY USES:** The following accessory uses shall be permitted in a Class C-4 District:

- .01 Accessory uses and structures normally incidental and subordinate to one of the permitted principal or conditional uses, unless otherwise excluded.
- .02 Display signs, outdoor advertising signs and billboards subject to the provisions of Chapter 8.090.
- .03 Storage of material or merchandise incidental to a permitted use, but not to exceed forty (40) percent of the floor area used for such use.
- .04 Temporary roadside stands and Christmas tree lots, when approved by the Zoning Administrator for a specified time period, after which they shall be disassembled and removed at the end of the authorized period each year.
- .05 Storage warehouses in conjunction with the permitted principal uses or structures of this district.

8.031.050 **OFF-STREET PARKING AND LOADING:** Off-street parking and loading spaces shall be provided in accordance with Chapter 8.080 for permitted principal and conditional uses in a Class C-4 District.

8.031.060 **HEIGHT REQUIREMENT:** The maximum height of buildings and structures in a Class C-4 District shall be three (3) stories, or a special exception may be required.

8.031.070 **SETBACK REQUIREMENTS:** The setback requirements for buildings and structures in a Class C-4 District shall be as follows or a special exception may be required:

- .01 The front yard setback shall be a minimum of forty (40) feet.
- .02 The side yard setback shall be a minimum of twenty-five (25) feet, except when such yard abuts a Class “A” or “R” District or platted residential subdivision, as provided in Subsection 8.031.020.02.
- .03 The rear yard setback shall be a minimum of thirty (30) feet, except when such yard abuts a Class “A” or “R” District or platted residential subdivision, as provided in Subsection 8.031.020.02.
- .04 The minimum setback between buildings situated on the same site shall be ten (10) feet.

8.031.080 **LOT SIZE AND COVERAGE REQUIREMENTS:** The minimum lot size and maximum lot coverage for uses in a Class C-4 District shall be as follows, except as provided in Section 8.004.030 for lots not having common water and/or sewer facilities:

	USE	MINIMUM LOT			MAXIMUM LOT
		AREA	WIDTH	DEPTH	COVERAGE
.01	Any Permitted Use	None	None	None	None

8.031.090 **SPECIAL REQUIREMENTS:**

1. **Procedures.** The owner or owners of any tract of land comprising an area of not less than five (5) acres may submit to the Board of Supervisors a plan for the commercial use and development of such tract for the purpose of meeting the requirements of this section. Said plan shall be accompanied by evidence concerning the feasibility of the project and its effects on the surrounding property and shall include:
  - a. A site plan defining the areas to be developed for buildings, the areas to be developed for parking, the location of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and height of walls, the location and type of landscaping and the location, size and number of signs.
  - b. Where the tract is not served by a public or community sanitary sewer system, provisions shall be made for the disposal of sanitary sewage in such a manner as approved by the County Environmental Health Department and by the Iowa Department of Public Health.
  - c. Said development plan shall be referred to the Zoning Commission for study and for report. The Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan, and with recognized principles of civic design, land use planning and landscape architecture. The Commission may approve the plan as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the plan as the Commission deems necessary to the end that it preserves the intent and purpose of this ordinance to promote public health, safety, morals, and general welfare. The development plan as approved by the Commission shall then be reported or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this ordinance. Upon approval of this plan, the Board shall then initiate a change in zoning of the subject tract of land in accordance with the provisions of Section 8.098 of this ordinance to the “C-4” district designation.

**CHAPTER 8.040  
LIGHT INDUSTRIAL DISTRICT (M-1)**

8.040.010 **INTENT:** The Class M-1 District is intended primarily to provide for those activities and used of a light industrial nature which are either free of objectionable influences in their operations and appearance or which can, through the use of appropriate abatement devices, readily prevent or control any such objectionable be influences. Land requirements for most light industrial uses generally dictates its application along major streets and highways of the County which generally lie close to commercial and industrial districts.

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

- .01 Warehouse type building for commercial or industrial storage, completely enclosed within a building except as provided in 14.11.030.05.
- .02 Lumber and building supply yards.
- .03 Plumbing, heating, and air conditioning shops.
- .04 Automobile Repair shops.
- .05 Carpenter and Cabinet shops.
- .06 Any business, professional, retail, or service establishment permitted in Districts "C-1" and "C-4".
- .07 Other compatible uses as determined by the Zoning Administrator or Board of Adjustment after consultation with the Planning and Zoning Commission.
- .08 Essential Services.

8.040.030 **CONDITIONAL USES:** The following conditional uses shall be permitted in a Class M-1 District, when authorized in accordance with the requirements of Chapter 8.096:

- .01 Agricultural grain and seed, stock feed and alfalfa drying, processing and storage.
- .02 Foundry casting of light-weight non-ferrous metals produced in an electric foundry not causing noxious fumes or odors.
- .03 Grading and excavating when development exceeds five thousand (5,000) square feet on a site containing 14 to 30% slopes and/or when development exceeds one thousand (1,000) square feet on a site containing 30 to 50% slopes, when not associated with a major or minor subdivision plat, subject to the provisions of Section 8.004.210.
- .04 Transmitting stations and towers.
- .05 Multi-family dwellings.
- .06 Boarding, lodging and rooming houses.
- .07 Hotel/Motel
- .08 Sexually oriented businesses, subject to the terms of Ordinance # 8.101, Sexually Oriented Businesses Ordinance, Guthrie County, Iowa

8.040.040 **ACCESSORY USES:** The following accessory uses shall be permitted in a Class M-1 District:

- .01 Accessory uses and structures normally incidental and subordinate to one of the permitted principal or conditional uses, unless otherwise excluded.
- .02 Display signs, outdoor advertising signs and billboards subject to the provisions of Chapter 8.090.
- .03 Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants.

8.040.050 **OFF-STREET PARKING AND LOADING:** Off-street parking and loading spaces shall be provided in accordance with Chapter 8.080 for permitted principal and conditional uses in a Class M-1 District.

8.040.060 **HEIGHT REQUIREMENTS:** The maximum height of buildings and structures in a Class M-1 District shall be one hundred ninety-five (195) feet, provided that no building or structure within two hundred (200) feet of any Class "R" District or platted residential subdivision shall exceed forty-five (45) feet in height.

8.040.070 **SETBACK REQUIREMENTS:** The setback requirements for buildings and structures in a Class M-1 District shall be as follows:

- .01 The front yard setback shall be a minimum of twenty-five (25) feet.
- .02 The side yard setback shall be a minimum of twenty (20) feet, but shall be a minimum of fifty (50) feet when such yard abuts a Class "A" District and shall be a minimum of seventy-five (75) feet when such yard abuts a Class "R" District or platted residential subdivision.
- .03 The rear yard setback shall be a minimum of twenty-five (25) feet, but shall be a minimum of fifty (50) feet when such yard abuts a Class "A" District and shall be a minimum of seventy-five (75) feet when such yard abuts a Class "R" District or platted residential subdivision.
- .04 The side street, corner lot setback shall be a minimum of twenty-five (25) feet.
- .05 The minimum setback between buildings situated on the same site shall be ten (10) feet.
- .06 If the above setback requirements cannot be met, a special exception may be required.

8.040.080 **LOT SIZE AND COVERAGE REQUIREMENTS:** The minimum lot size and maximum lot coverage for uses in a Class M-1 District shall be as follows, except as provided in Section 8.004.030 for lots not having common water and/or sewer facilities:

	USE	MINIMUM LOT			MAXIMUM LOT
		AREA	WIDTH	DEPTH	COVERAGE
.01	Any Permitted Use	None	None	None	None

8.040.090 **SPECIAL REQUIREMENTS:** The following requirements shall be followed by permitted uses in the M-1 District:

- .01 No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building nor shall any other debris or waste product be permitted to accumulate on the site.
- .02 All uses shall provide at least one (1) loading space for each 10,000 square feet of floor area.

**CHAPTER 8.041  
INDUSTRIAL PARK OR HEAVY INDUSTRIAL DISTRICT (M-2)**

8.041.010 **INTENT:** The Class M-2 District is intended primarily for those activities and uses of a heavy industrial nature. Since this is the least restrictive of any district, many uses are permissible which involve hazardous operations or circumstances, or create conditions of effects which, if not properly managed, could be unhealthy, offensive or injurious to workers or the public-at-large. For this reason and because of the performance standards set forth in this Ordinance provide only limited control, it is necessary that any application of a Class I-2 District be examined for the appropriate spatial relationship to adjoining districts in respect to prevailing winds, traffic routes, railway facilities and similar considerations.

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

- .01 All principal uses of the "I-1" District.
- .02 The manufacturing, assembling, compounding, packaging, processing, or treatment of products or raw materials.
- .03 The storage of raw materials to be used in production, goods in process, or manufactured items.
- .04 Wholesaling and warehousing, but not including the bulk storage of liquid fertilizer or petroleum products under pressure.
- .05 Lumber yard and building material sale and storage.
- .06 Truck and freight terminal.
- .07 Grain storage bins, grain elevator, and feed mill.
- .08 Tool, die, gauge and machine shops.
- .09 Railroads and public utilities including storage and maintenance yards.
- .10 Public utility and public service installations and facilities including repair and storage facilities.
- .11 Large equipment display, sales, storage, service and repair.
- .12 All other medium and heavy industrial uses as determined by the Commission.
- .13 Essential Services.

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

- .01 Concrete mixing plants, and concrete product manufacturing; fertilizer manufacture or blending; iron and steel fabrication; provided that such use is located not closer than 500 feet to any existing dwelling unit or any park, school, church or place of public assembly; that it is located so that prevailing winds will not cause dust, smoke, odors to create a nuisance for developed properties in the vicinity; that one (1) parking space for each employee and one (1) space for each vehicle used by the industry be provided and at least one (1) loading space shall be provided for each 10,000 square feet of floor area.
- .02 Bulk storage of liquid fertilizer, petroleum products, or flammable liquids or gases under pressure, not to exceed 50,000 gallons per storage unit, provided that such uses shall not be located within 500 feet of any existing dwelling, park, school or place of public assembly; and that it is located so that prevailing winds will not cause fumes, odors, or gases to be carried toward developed properties in the vicinity; that one (1) parking space for each employee and one space for each vehicle or trailer used by the industry be provided.
- .03 Auction halls, barns, rendering works, buying stations, livestock truck washes, loading pens, and stockyards, commercial feedlots, and commercial poultry raising, provided that it is not closer than one-fourth (1/4) mile to any dwelling unit other than that of the owner or operator, or any park, school, church, or place of public assembly; that the provisions for drainage, sanitation, waste disposal, and fly control are approved by the Local Health Officer, that it is located so that prevailing winds will not cause dust or odors to create a nuisance for developed properties in the vicinity; that one (1) parking space for each employee and one (1) space for each vehicle used by industry be provided.
- .04 Sanitary landfill or waste disposal area, provided it is not listed for disposal of dead animals, that refuse shall be covered with dirt daily if it contains raw garbage, that a nuisance due to smoke, odor or blowing of trash and debris shall not be

created, and that the site shall be restored to a condition compatible with the adjacent area upon conclusion of the dump operation. An access road having at least a graveled surface and five (5) parking spaces shall be provided. No landfill or wasted disposal area shall be located closer than one-fourth (1/4) mile to any dwelling, park, school, or place of public assembly.

- .05 Auto wrecking and junkyards on sites of two (2) acres or more provided that the front yard be maintained as an open space free of weeds and debris; that the site be enclosed with a six (6) foot high fence or a suitable landscape planting that will screen the operation from the view of adjacent public streets and places of public assembly, parks, recreation areas and residential properties; and that a minimum of one (1) parking space for each employee and one (1) space for each vehicle used by the facility be provided.
- .06 Sewage lagoons
- .07 Junk yards and automotive wrecking yards.
- .08 All special uses of the I-1 District.

8.041.040 **ACCESSORY USES:** The following accessory uses shall be permitted in a Class M-2 District:

- .01 Accessory uses and structures normally incidental and subordinate to one of the permitted principal or conditional uses, unless otherwise excluded.
- .02 Display signs, outdoor advertising signs and billboards subject to the provisions of Chapter 8.090.
- .03 Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants.

8.041.050 **OFF-STREET PARKING AND LOADING:** Off-street parking and loading spaces shall be provided in accordance with Chapter 8.080 for permitted principal and conditional uses in a Class M-2 District.

8.041.060 **HEIGHT REQUIREMENTS:** The maximum height of buildings and structures in a Class M-1 District shall be one hundred ninety-five (195) feet, provided that no building or structure within two hundred (200) feet of any Class "R" District or platted residential subdivision shall exceed forty-five (45) feet in height.

8.041.070 **SETBACK REQUIREMENTS:** The setback requirements for buildings and structures in a Class M-2 District shall be as follows:

- .01 The front yard setback shall be a minimum of forty (40) feet.
- .02 The side yard setback shall be a minimum of twenty-five (25) feet ,but shall be a minimum of fifty (50) feet when such yard abuts a Class "A" District and shall be a minimum of seventy-five (75) feet when such yard abuts a Class "R" District or platted residential subdivision.
- .03 The rear yard setback shall be a minimum of forty (40) feet, but shall be a minimum of fifty (50) feet when such yard abuts a Class "A" District and shall be a minimum of seventy-five (75) feet when such yard abuts a Class "R" District or platted residential subdivision. No rear yard setback shall be required when the rear yard adjoins a railroad right-of-way.
- .04 The side street, corner lot setback shall be a minimum of twenty-five (25) feet.
- .05 The minimum setback between buildings situated on the same site shall be ten (10) feet.

8.041.080 **LOT SIZE AND COVERAGE REQUIREMENTS:** The minimum lot size and maximum lot coverage for uses in a Class M-2 District shall be as follows, except as provided in Section 8.004.030 for lots not having common water and/or sewer facilities:

	USE	MINIMUM LOT			MAXIMUM LOT
		AREA	WIDTH	DEPTH	COVERAGE
.01	Any Permitted Use	None	None	None	None

8.041.090 **SPECIAL REQUIREMENTS:** The following requirements shall be followed by permitted uses in the M-2 District:

- .01 Exterior storage other than the display of finished products for retail sale shall be enclosed with a six (6) foot high fence or a suitable landscape planting that will screen the stored materials from the view of adjacent public streets, places of public assembly, parks, recreation areas and residential properties. No raw material, finished product or waste product

which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building nor shall any other junk, debris or waste product be permitted to accumulate on the site.

- .02 All required yards shall be open landscaped area and not utilized for parking, storage or other structures other than a trade, business or industry identification sign for the firm located on the site.
- .03 All uses shall provide at least one (1) loading space for each 10,000 square feet of floor area.

**Chapter 8.050**  
**AIRPORT HAZARD ZONE (AH)**

8.050.01 **INTENT:** The Airport Hazard Zone is established pursuant to the Authority conferred by the State of Iowa in Section 329.3 of the Iowa Code. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Guthrie County Regional Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Airport and the public investment therein. Accordingly, it is declared:

1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Airports;
2. That it is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
3. That the prevention of incompatible land uses, and obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

8.050.02 **PURPOSE:** The Airport Hazard Zone is established in order to:

1. Prevent the establishment of airspace obstructions in public airport approaches and surrounding areas.
2. Minimize potential dangers from, and conflicts with, the use of aircraft at the Airports.
3. Address Federal Aviation Regulation (FAR) Part 77 and all other applicable federal and state laws regulating hazards to air navigation.

8.050.03 **DEFINITIONS**

.01 **ADMINISTRATIVE AGENCY:** The incorporated city or unincorporated county underlying the Airport Hazard Zones as defined in this Chapter.

- Guthrie County

.02 **AIRCRAFT APPROACH CATEGORY:** A grouping of aircraft based on 1.3 times their stall speed in their landing configuration at their maximum certified landing weight. The categories are as follows:

- Category A: Speed less than 91 knots.  
Category B: Speed 91 knots or more but less than 121 knots.  
Category C: Speed 121 knots or more but less than 141 knots.  
Category D: Speed 141 knots or more but less than 166 knots.  
Category E: Speed 166 knots or more.

.03 **AIRPLANE DESIGN GROUP:** A grouping of airplanes based on wingspan. The groups are as follows:

- Group I: Up to but not including forty-nine (49) feet.  
Group II: Forty-nine (49) feet up to but not including seventy-nine (79) feet.  
Group III: Seventy-nine (79) feet up to but not including one hundred and eighteen (118') feet.  
Group IV: One hundred and eighteen (118) feet up to but not including one hundred and seventy one (171) feet.  
Group V: One hundred and seventy one (171) feet up to but not including two hundred and fourteen (214) feet.  
Group VI: Two hundred and fourteen (214) feet up to but not including two hundred and sixty-two (262) feet.

.04 **AIRPORT:** The Guthrie County Regional Airport.

.05 **AIRPORT ELEVATION:** One thousand two hundred twenty-one (1,221) feet above sea level.

.06 **AIRPORT OWNER:** The Guthrie County Regional Airport Authority

.07 **BUILDING RESTRICTION LINE (BRL):** A line which identifies suitable building area locations on airports. The BRL should encompass the runway protection zones, the runway object free area, the runway visibility zones, NAVAID critical areas required for terminal instrument procedures, and areas addressed under 14 CFR Part 77 Subpart C (Airport Imaginary Surfaces) to a point where the surfaces obtain a height of at least thirty-five (35) feet above the primary surface.

.08 **HAZARD TO AIR NAVIGATION** - An object which, as a result of an aeronautical study, the FAA determines will have a substantial adverse affect upon the safe and efficient use of navigable airspace by aircraft, operation of air navigation facilities, or existing or potential airport capacity.

- .09 **HEIGHT:** For the purpose of determining the height limits in all zones set forth in this Chapter, and shown on the Airport Hazard Zone Map, the datum shall be mean sea level elevation unless otherwise specified.
  - .10 **LARGE AIRPLANE:** An airplane of more than twelve thousand five hundred (12,500) pounds maximum certified takeoff weight.
  - .11 **LARGER THAN UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.
  - .12 **NONCONFORMING USE:** Any pre-existing structure, object of natural growth, or use of land that is inconsistent with the provisions of this Chapter or an amendment thereto.
  - .13 **NONPRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure providing course guidance without vertical path guidance utilizing VOR, NDB, LDA, GPS, or other authorized RNAV system, for which a straight-in non-precision instrument approach procedure has been approved or planned.
  - .14 **NONPRECISION INSTRUMENT RUNWAY HAVING APPROACH PROCEDURE WITH VERTICAL GUIDANCE:** A runway having an existing instrument approach procedure providing course and vertical path guidance that does not conform to Instrument Landing System (ILS) or Microwave Landing System (MLS) system performance standards, or a precision system that does not meet TERPS alignment criteria, utilizing WAAS and authorized barometric VNAV, for which a straight-in non-precision instrument approach procedure has been approved or planned.
  - .15 **NOTICE TO THE FAA OF PROPOSED CONSTRUCTION** - 14 CFR Part 77, Objects Affecting Navigable Airspace, requires persons proposing any construction or alteration described in 14 CFR Section 77.13 (A) to give thirty (30) day notice to the FAA of their intent. This includes any construction or alteration of structures more than two hundred (200) feet in height above the ground level or at a height that penetrates defined imaginary surfaces located in the vicinity of a public use airport as well as construction or alteration of greater height than an imaginary surface extending outward and upward at one hundred to one (100 to 1) foot for a horizontal distance of twenty thousand (20,000) feet from the nearest point of the nearest runway.
  - .16 **OBSTRUCTION TO AIR NAVIGATION** - An object of greater height than any of the heights or services presented in Subpart C of Code of Federal Regulation (14 CFR), Part 77. (Obstruction to air navigation is presumed to be hazards to air navigation until an FAA study has determined otherwise).
  - .17 **PERSON** - An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
  - .18 **PRECISION INSTRUMENT RUNWAY** - A runway having an existing instrument approach procedure providing course and vertical path guidance conforming to Instrument Landing System (ILS) or Microwave Landing System (MLS), precision system performance standards, utilizing ILS, LAAS, WAAS, MLS, and other precision systems. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning documents.
  - .19 **RUNWAY** - A defined area on an airport prepared for landing and takeoff of aircraft along its length.
  - .20 **SMALL AIRPLANE** - An airplane of twelve thousand five hundred (12,500) pounds or less maximum certified takeoff weight.
  - .21 **STRUCTURE** - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
  - .22 **TREE** - Any object of natural growth.
  - .23 **VISUAL RUNWAY** - A runway without an existing or planned straight-in instrument approach procedure.
- 8.050.04 **AIRPORT ZONES:** In order to carry out the provisions of this Chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Guthrie County Regional Airport. Such zones are shown on the Airport Hazard Zone Map, and is made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive standard. The various zones are hereby established and defined as follows:
- .01 **Runway Visual Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of runway.

- .02 **Runway With A Visibility Minimum Of One (1) Mile Non-precision Instrument Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
  - .03 **Horizontal Zone** - The horizontal zone is established by swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
  - .04 **Conical Zone** - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of four thousand (4,000) feet.
- 8.050.05 **AIRPORT ZONE HEIGHT LIMITATIONS:** Except as otherwise provided in this Chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:
- .01 **Runway With Visual Approach Zone** - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
  - .02 **Runway With A Visibility Minimum Less Than One (1) Mile Non-precision Instrument Approach Zone** - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended centerline.
  - .03 **Transitional Zones** - Slope seven feet (7 feet) outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven feet (7 feet) outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet (7 feet) outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to the extended runway centerline.
  - .04 **Horizontal Zone** - Established at one hundred fifty (150) feet above the airport.
  - .05 **Conical Zone** - Slopes twenty feet (20 feet) outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.
  - .06 No Structure shall be erected in Guthrie County that raises the published Minimum Descent Altitude or Decision Height for an instrument approach to any runway, nor shall any structure be erected that causes the Minimum Obstruction Clearance Altitude or Minimum Enroute Altitude to be increased on any Federal Airway in Guthrie County.
  - .07 **Excepted Height Limitations.** Nothing in this ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.
- 8.050.06 **USE RESTRICTIONS:** Notwithstanding any other provisions of this Chapter, no use may be made of land or water within any zone established by this Chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- 8.050.07 **NONCONFORMING USES:**
- .01 **Regulations Not Retroactive.** The regulations prescribed in this Chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Chapter and is diligently prosecuted.
  - .02 **Marking and Lighting.** Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Guthrie County Regional Airport. Any permit granted may be conditioned to require

the owner of the structure in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary.

- .03 **Alteration or Change of Nonconforming Use.** No permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Chapter or any amendments thereto or than it is when the application for a permit is made.
- .04 **Nonconforming Uses Abandoned or Destroyed.** Whenever the Administrative Agency or its designee determines that a nonconforming structure is abandoned for one (1) year or destroyed, by any means, to the extent of more than sixty (60) percent of the replacement cost, said structure shall not be rebuilt, restored, or re-occupied for any purpose unless it shall thereafter conform to all regulations of this Chapter.

8.050.08 **VARIANCES:**

- .01 Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Chapter, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Chapter. Additionally, no application for variance to the requirements of this Chapter may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Guthrie County Regional Airport Authority for advice as to the aeronautical effects of the variance. If the Guthrie County Regional Airport Authority does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

In addition, all applications for height variance within the airport zones shall be accompanied by Federal Aviation Administration Form 7460-1, which has been completed by the applicant and processed by the FAA regional office.

- .02 **Obstruction Marking and Lighting.** Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Airport Board of Adjustment, this condition may be modified to require the owner to permit the Guthrie County Regional Airport Authority at its own expense, to install, operate, and maintain the necessary markings and lights.

8.050.09 **CONFLICTING REGULATIONS:** Where there exists a conflict between any of the regulations or limitations prescribed in this Chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirements shall govern and prevail.

8.050.10 **PERMITS**

- .01 **Existing Uses** - No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Chapter or any amendment thereto or than it is when the application for a permit is made.
- .02 **Future Uses** - Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit or variance therefore shall have been applied for and granted. Each application for a permit or variance shall indicate the purpose for which the permit or variance is desired, with sufficient particularity to permit or variance to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit or variance shall be granted. No permit or variance for a use inconsistent with the provisions of this Chapter shall be granted unless a variance or permit has been approved in accordance with Section 8.050.08 of this Chapter.
  - a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
  - b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
  - c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Chapter except as set forth in Section 8.050.05.

- .03 **Nonconforming Uses Abandoned or Destroyed.** Whenever the Guthrie County Zoning Administration determines that a nonconforming tree or structure has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

8.050.11 **ENFORCEMENT:** It shall be the duty of the Guthrie County Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Guthrie County Zoning Administrator upon a furnished form. Applications required by this Chapter to be submitted to the Guthrie County Zoning Administrator shall be promptly considered and granted or denied. Application for action by the Airport Board of Adjustment shall be forthwith transmitted by the Guthrie County Zoning Administrator.

8.050.12 **BOARD OF ADJUSTMENT**

- .01 There is hereby created an Board of Adjustment to have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the Guthrie County Zoning Administrator in the enforcement of this Chapter; (2) to hear and decide special exceptions to the terms of this Chapter upon which such Airport Board of Adjustment under such regulations may be required to pass; and (3) to hear and decide specific variances.
- .02 The Board of Adjustment shall consist of five (5) members appointed by the County Board of Supervisors and each shall serve a term of five (5) years until a successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years, and one for a period of one (1) year. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.
- .03 The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Chapter. Meetings of the Airport Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson or, in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Airport Board of Adjustment shall be public. The Airport Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such act, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Guthrie County Zoning Administrator and on due cause known.
- .04 The Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Chapter.
- .05 The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Guthrie County Zoning Administrator or decide in favor of the applicant on any matter upon which is required to pass under this Chapter, or to effect variation to this Chapter.

8.050.13 **APPEALS**

- .01 Any person aggrieved, or any taxpayer affected, by any decision of the Guthrie County Zoning Administrator made in the administration of the Chapter, may appeal to the Board of Adjustment.
- .02 All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Administrative Agency a Notice of Appeal specifying the grounds thereof. The Guthrie County Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
- .03 An appeal shall stay all proceedings in furtherance of the action appealed from unless the Administrative Agency certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Guthrie County Zoning Administrator cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the Board of Adjustment on notice to the Guthrie County Zoning Administrator and on due cause shown.
- .04 The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

.05 The Board of Adjustment may, in conformity with the provisions of this Chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

8.050.14 **JUDICIAL REVIEW:** Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the District Court of Iowa as provided in Chapters 329 and 335 of the Iowa Code.

8.050.15 **VIOLATIONS AND PENALTIES:** Each violation of this ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a **simple** misdemeanor and shall be punishable by fine of not less than fifty dollars (\$50) and not more than five hundred dollars (\$500) or imprisonment for not more than thirty (30) days or both; and each day a violation continues to exist shall constitute a separate offense.

**CHAPTER 8.060  
FLOOD PLAIN REGULATIONS**

**8.060.010 STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES**

- .01 **STATUTORY AUTHORIZATION:** The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents. Therefore, the Board of Supervisors of Guthrie County, Iowa ordains as follows:
- .02 **FINDINGS OF FACT:**
  - .01 **Flood Losses Resulting from Periodic Inundation:** The flood hazard areas Guthrie County, Iowa are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.
  - .02. **General Causes of the Flood Losses:** These flood losses are caused by (1) the cumulative effect of development in flood hazard area causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.
- .03 **STATEMENT OF PURPOSE:** It is the purpose of this ordinance to promote the public health, safety, and general welfare; to minimize those losses described in Section 8.060.02.02; to establish or maintain the County's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(a) by applying the provisions of this ordinance to:
  - .01 Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
  - .02 Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
  - .03 Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

**8.060.020 GENERAL PROVISIONS**

- .01 **LANDS TO WHICH ORDINANCE APPLIES:** The Flood Insurance Rate Map (FIRM), dated September 1, 1996, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the 100-year flood shall be considered as having significant flood hazards. Where uncertainty exists with respect to the precise location of the 100-year flood boundary, the location shall be determined on the basis of the 100-year flood elevation at the particular site in question. In all areas covered by this ordinance, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Guthrie County Supervisors or its duly designated representative under such safeguards and restrictions as the or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the County, and as specifically noted in Section 8.060.040.
- .02 **FLOODPLAIN ADMINISTRATOR:** The Guthrie County Zoning Administrator is hereby designated as the Floodplain Administrator under this ordinance.
- .03 **COMPLIANCE:** No development located within the flood hazard areas of this County shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
- .04 **ABROGATION AND GREATER RESTRICTIONS:** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- .05 **INTERPRETATION:** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by the Code of Iowa.

- .06 **WARNING AND DISCLAIMER OF LIABILITY:** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on the County's knowledge of past flooding. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodplain or land uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create a liability on the part of Guthrie County, any officer or employee thereof, for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.
- .07 **SEVERABILITY:** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

**8.060.030 ADMINISTRATION**

- .01 **FLOODPLAIN DEVELOPMENT PERMIT (REQUIRED):** A floodplain development permit shall be required for all proposed construction or other development, including the placement of factory-built homes, prior to any flood plain development. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.
- .02 **DESIGNATION OF FLOODPLAIN ADMINISTRATOR:** The Guthrie County Zoning Administrator is hereby appointed to administer and implement the provisions of this ordinance.
- .03 **DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR:** Duties of the Floodplain Administrator shall include, but not be limited to:
  - .01 Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;
  - .02 Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
  - .03 Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
  - .04 Issue floodplain development permits for all approved applications;
  - .05 Notify adjacent communities and Iowa Department of Natural Resources (DNR) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA); and
  - .06 Assure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished.
- .04 **APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT:** To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:
  - .01 Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed building or work;
  - .02 Identify and describe the work to be covered by the floodplain development permit;
  - .03 Indicate the use or occupancy for which the proposed work is intended;
  - .04 Indicate the assessed value of the structure and the fair market value of the improvement;
  - .05 Give such other information as reasonably may be required by the Floodplain Administrator;
  - .06 Be accompanied by plans and specifications for proposed construction; and
  - .07 Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

## 8.060.040 PROVISIONS FOR FLOOD HAZARD REDUCTION

### .01 GENERAL STANDARDS

- .01 No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of factory-built homes, within any flood hazard area unless the conditions of this section are satisfied.
- .02 All new construction, subdivision proposals, substantial-improvements, prefabricated buildings, placement of factory-built homes, and other developments within flood-prone areas shall require:
  - a. design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - b. construction with materials resistant to flood damage;
  - c. utilization of methods and practices that minimize flood damages;
  - d. all electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - e. new or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and

*Wastewater treatment facilities and water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood level.*

- f. subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within flood-prone areas are required to assure that:
    - (1) all such proposals are consistent with the need to minimize flood damage;
    - (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
    - (3) adequate drainage is provided so as to reduce exposure to flood hazards.
- .03 Storage, material, and equipment
  - a. The storage or processing of materials within flood-prone areas that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year level.
  - b. Storage of other material or equipment may be allowed if such material or equipment is elevated a minimum of one (1) foot above the 100-year flood level and not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

.04 Agricultural Structures: Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this ordinance; and a floodplain development permit has been issued.

.05 Accessory Structures: Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure;

the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this ordinance; and a floodplain development permit has been issued.

- .06. Nonconforming Use: A structure, or the use of a structure or premises that was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:
  - a. If such structure, use, or utility service is discontinued for twelve (12) consecutive months, any future use of the building shall conform to this ordinance.
  - b. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

#### .02 FACTORY-BUILT HOMES

- .01 All factory-built homes to be placed within flood-prone areas shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, factory-built homes must be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

#### .03 RECREATIONAL VEHICLES

- .01 Require that recreational vehicles placed on sites within flood-prone areas:

- a. be on the site for fewer than 180 consecutive days, or
- b. be fully licensed and ready for highway use\*; or
- c. meet the permitting and anchoring requirements for factory-built homes of this ordinance.

\*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

### 8.060.050 **FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES**

- .01 ESTABLISHMENT OF APPEAL BOARD: The Board of Adjustment as established by Guthrie County shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

- .02 RESPONSIBILITY OF APPEAL BOARD: Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit or variance directly to the Appeal Board, as defined in Article 5, Section A.

The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

- .03 FURTHER APPEALS: Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to a court of record as provided in Chapter 335.18 of the Iowa Code.

- .04 FLOODPLAIN MANAGEMENT VARIANCE CRITERIA: In passing upon such applications for variances, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

- .01 the danger to life and property due to flood damage;
- .02 the danger that materials may be swept onto other lands to the injury of others;
- .03 the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- .04 the importance of the services provided by the proposed facility to the County;
- .05 the necessity to the facility of a waterfront location, where applicable;
- .06 the availability of alternative locations, not subject to flood damage, for the proposed use;
- .07 the compatibility of the proposed use with existing and anticipated development;
- .08 the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- .09 the safety of access to the property in times of flood for ordinary and emergency vehicles;
- .10 the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
- .11 the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

.05 CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

- .01 Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below highest adjacent grade, providing items 2 through 5 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- .02 Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
- .03 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- .04 Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- .05 The County shall notify the applicant in writing over the signature of a County official that (1) the issuance of a variance to construct a structure below highest adjacent grade will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below highest adjacent grade increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

.06 CONDITIONS FOR APPROVING VARIANCES FOR AGRICULTURAL STRUCTURES: Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article 5, Sections D and E of this ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

- .01 All agricultural structures considered for a variance from the floodplain management regulations of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the floodplain exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures.
- .02 Use of the varied structures must be limited to agricultural purposes in flood-prone areas only.
- .03 For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below highest

adjacent grade, must be built with flood-resistant materials in accordance with Article 4, Section A (2)(b) of this ordinance.

- .04 The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Article 4, Section A (2)(a) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
  - .05 Any mechanical, electrical, or other utility equipment must be located above highest adjacent grade or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (2)(d) of this ordinance.
  - .06 The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with the NFIP regulations.
  - .07 Major equipment, machinery, or other contents must be protected from any flood damage.
  - .08 No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.
  - .09 The County shall notify the applicant in writing over the signature of a County official that (1) the issuance of a variance to construct a structure below highest adjacent grade will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below highest adjacent grade increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
  - .10 Wet-floodproofing construction techniques must be reviewed and approved by the County and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.
- .07 CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES: Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article 5, Sections D and E of this ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.

- .01 Use of the accessory structures must be solely for parking and limited storage purposes in flood-prone areas only.
- .02 For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below highest adjacent grade, must be built with flood-resistant materials in accordance with Article 4, Section A (2)(b) of this ordinance.
- .03 The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Article 4, Section A (2)(a) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
- .04 Any mechanical, electrical, or other utility equipment must be located above highest adjacent grade or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (2)(d) of this ordinance.
- .05 The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with the NFIP regulations.
- .06 Equipment, machinery, or other contents must be protected from any flood damage.
- .07 No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.

- .08 A County shall notify the applicant in writing over the signature of a County official that (1) the issuance of a variance to construct a structure below highest adjacent grade will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below highest adjacent grade increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
- .09 Wet-floodproofing construction techniques must be reviewed and approved by the County and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction
- .08 CONDITIONS FOR APPROVING VARIANCES FOR TEMPORARY STRUCTURES: Any variance granted for a temporary structure as defined in this chapter shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in 8.060.050.04 and 8.060.050 of this chapter.
- .01 A temporary structure may be considered for location within flood-prone areas only when all of the following criteria are met:
- a. use of the temporary structure is unique to the land to be developed and cannot be located outside of the floodplain nor meet the NFIP design standards;
  - b. denial of the temporary structure permit will create an undue hardship on the property owner;
  - c. the County has adopted up-to-date NFIP and building regulations to direct placement and removal of the temporary structure; and,
  - d. the County has sufficient staff to monitor the placement, use, and removal of the temporary structure throughout the duration of the permit.
- .02 Once all of the above conditions are met, an application for a special use permit must be made to the County Board of Supervisors. The County Board of Supervisors shall consider all applications for special use permits for a temporary structure based on the following criteria:
- a. The placement of any temporary structure within flood-prone areas shall require an approved special use permit. The special use permit shall be valid for a period not to exceed 180 days.
  - b. Special use permits applications, for a temporary structure to be located in flood-prone areas, shall conform to the standard public hearing process prior to any County action on the permit request.
  - c. An emergency plan for the removal of the temporary structure that includes specific removal criteria and time frames from the agency or firm responsible for providing the manpower, equipment, and the relocation and disconnection of all utilities shall be required as part of the special use permit application for the placement of any temporary structure.
  - d. On or before the expiration of the end of the 180 day special use permit period, the temporary structure shall be removed from the site. All utilities, including water, sewer, communication, and electrical services shall be disconnected.
  - e. To ensure the continuous mobility of the temporary structure for the duration of the permit, the temporary structure shall retain its wheels and tires, licenses, and towing appurtenance on the structures at all times.
  - f. Under emergency flooding conditions, the temporary structure shall be removed immediately or as directed by the County and as specified in the emergency removal plan.
  - g. Violation of or non-compliance with any of the stated conditions of the special use permit during the term thereof, shall make the permit subject to revocation by resolution of the governing body of the County. Issuance of permit revocation notice shall be made to the landowner, the occupant of the land, and to the general public.
  - h. Any deviation from the approved site plan shall be deemed a violation of the special use permit approval and the uses allowed shall automatically be revoked. The subsequent use of the land shall be as it was prior to the special permit approval. In event of any violation, all permitted special uses

shall be deemed a violation of this ordinance and shall be illegal, non-conforming uses and shall be summarily removed and abated.

- i. If the temporary structure is to be returned to its previously occupied site, the process for issuing a special use permit must be repeated in full. Any subsequent permit shall be valid for 180 days only.

8.060.060 **PENALTIES FOR VIOLATION:** Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a simple misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than fifty dollars (\$50) and not more than five hundred dollars (\$500) or imprisonment for not more than thirty (30) days or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Guthrie County or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

8.060.070 **AMENDMENTS:** The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in Guthrie County. At least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this ordinance are in compliance with the National Flood Insurance Program (NFIP) regulations.

8.060.080 **DEFINITIONS:** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning they have in common usage and to give this ordinance its most reasonable application.

- .01 **"100-year Flood"** see "base flood."
- .02 **"Accessory Structure"** means the same as "*appurtenant structure*."
- .03 **"Actuarial Rates"** see "*risk premium rates*."
- .04 **"Administrator"** means the Federal Insurance Administrator.
- .05 **"Agency"** means the Federal Emergency Management Agency (FEMA).
- .06 **"Agricultural Commodities"** means agricultural products and livestock.
- .07 **"Agricultural Structure"** means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.
- .08 **"Appeal"** means a request for review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.
- .09 **"Appurtenant Structure"** means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.
- .10 **"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.
- .11 **"Basement"** means any area of the building having its floor subgrade (below ground level) on all sides.
- .12 **"Building"** see "*structure*."
- .13 **"Chief Executive Officer" or "Chief Elected Official"** means the official of the County who is charged with the authority to implement and administer laws, ordinances, and regulations for that County.
- .14 **"County"** means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.
- .15 **"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- .16 **"Eligible Community" or "Participating Community"** means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

- .017 **"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a County.
- .018 **"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- .019 **"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.
- .020 **"Floodplain" or "Flood-prone Area"** means any land area susceptible to being inundated by water from any source (see "flooding").
- .021 **"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
- .022 **"Floodplain Management Regulations"** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.
- .023 **"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.
- .024 **"Functionally Dependent Use"** means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.
- .025 **"Historic Structure"** means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.
- .026 **"Lowest Floor"** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this ordinance.
- .027 **"Manufactured Home"** means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *"manufactured home"* **does not include** a *"recreational vehicle."*
- .028 **"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- .029 **"Market Value" or "Fair Market Value"** means an estimate of what is fair, economic, just and equitable value under normal local market conditions.
- .030 **"New Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the County.

- .031 **"(NFIP)"** means the National Flood Insurance Program (NFIP).
- .032 **"Participating Community"** also known as an *"eligible community,"* means a community in which the Administrator has authorized the sale of flood insurance.
- .033 **"Person"** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.
- .034 **"Principally Above Ground"** means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.
- .035 **"Recreational Vehicle"** means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- .036 **"Remedy A Violation"** means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.
- .037 **"Risk Premium Rates"** means those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. *"Risk premium rates"* include provisions for operating costs and allowances.
- .038 **"Start of Construction"** includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The **actual start** means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the **actual start of construction** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- .039 **"State Coordinating Agency"** means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.
- .040 **"Structure"** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. *"Structure"* for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.
- .041 **"Substantial-Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- .042 **"Substantial-Improvement"** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before *"start of construction"* of the improvement. This term includes structures which have incurred *"substantial-damage,"* regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a *"historic structure,"* provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- .043 **"Temporary Structure"** means a structure permitted in a district for a period not to exceed 180 days and is required to be removed upon the expiration of the permit period. Temporary structures may include recreational vehicles,

temporary construction offices, or temporary business facilities used until permanent facilities can be constructed, but at no time shall it include factory-built homes used as residences.

- .044 **"Variance"** means a grant of relief by the County from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the County.
- .045 **"Violation"** means the failure of a structure or other development to be fully compliant with the County's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

**CHAPTER 8.070**  
**URBAN TRANSITION DISTRICT (UT)**

8.070.010 **INTENT:** The UT District is intended to provide the opportunity for the continued orderly development of compatible uses within the rural unincorporated areas immediately outside the incorporated areas of municipalities. More specifically, these areas include the land within ½ mile of the corporate limits of all communities.

8.070.020 **PRINCIPAL USES:** The following principal *uses* shall be permitted in the UT District:

.01 Agriculture (A-1)

.02 Essential Services.

8.070.030 **CONDITIONAL USES:** The following conditional uses shall be permitted in a Class R-1 District, when authorized in accordance with the requirements of Chapter 8.096 AND the adjoining municipal authority:

.01 Residential, if not part of an established private lake development

.02 Business, if not part of an established private lake development

.03 Industrial Districts.

8.070.040 **LOT SIZES AND SETBACK REQUIREMENTS:** Lot sizes and setbacks shall be determined by the Guthrie County Zoning Commission consistent with the use of the land. When it is desirable to enhance development, sizes and setbacks may conform to the municipality minimum standards upon consultation with the adjoining municipality. The Commission shall make efforts to set lot sizes and set backs to be compatible with the adjoining municipalities' requirements for similar uses.

8.070.050 **ADDENDUM:** Any district requirements or definitions differing from Sections 8.020, 8.021, 8.030, 8.031, 8.040, and 8.041 for each individual community are made a part of this Ordinance as an Addendum.

8.070.060 **DEFAULT LAND USE:** The default land use designation in the Urban Transition District is Agricultural. The Zoning District designation as Urban Transition (UT) does not change when a request to change land use to residential, commercial or industrial is approved by the Board of Supervisors. The Board may approve the change in land use after consultation with the adjoining city government, and notification of adjacent property owners. Only the allowed use for the property under consideration will change.

**CHAPTER 8.080**  
**OFF-STREET PARKING AND LOADING**

8.080.010 **GENERAL PROVISIONS:** The following general provisions shall apply to off-street parking and loading facilities:

- .01 At the time of construction of a structure, or at the time of enlargement or change in use of a structure, off-street parking facilities shall be provided for use in the storage of passenger automobiles and commercial vehicles under one and one-half (1 1/2) tons capacity, whether for compensation, for fee, or as an accommodation to clients or customers. Also, structures to be constructed or substantially altered and which will receive and distribute materials and merchandise by trucks, shall provide off-street loading facilities of sufficient number and size to adequately handle the needs of the particular use. The provision and maintenance of such off-street parking and loading facilities shall be the continuing obligation of the owner and tenant of the premises.
- .02 The requirements for off-street parking and loading for types of structures and uses not specifically described in this Chapter shall be determined by the Zoning Administrator, based upon the requirements of comparable uses listed.
- .03 For the purposes of this Chapter the following units of measurement shall apply:
  - A. In the cases of offices, merchandising or service type of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repairs, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilets or restrooms, fitting or alteration rooms.
  - B. In places of public assembly in which patrons or spectators occupy benches, pews, or other seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under this Ordinance.
  - C. When the total parking spaces requirement includes a fractional space, any fraction up to and including one-half (1/2) space shall be disregarded, and fractions over one-half (1/2) shall require one (1) parking space.
- .04 In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately.
- .05 Owners of two (2) or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading facilities when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Zoning Administrator in the form of deeds, leases, or contracts to establish the joint use.
- .06 Required parking spaces shall be available for parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

8.080.020 **DEVELOPMENT AND MAINTENANCE OF PARKING AREAS:** Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

- .01 The minimum number of required off-street parking spaces for all districts shall be as provided in Section 8.080.030.
- .02 Each required parking stall shall be not less than ten (10) feet in width and not less than nineteen (19) feet in length.
- .03 All off-street parking spaces in a Class "A" or "R" District or platted residential subdivision shall be located on the same lot with the principal use. All other required off-street parking spaces shall not be located farther than five hundred (500) feet from the building or use they are intended to serve. The distance shall be measured in a straight line from the building or use to the farthest parking space.
- .04 All groups of more than two (2) parking spaces shall be located and served by an access drive that their use will not require backing or other maneuvering within a street right-of-way other than an alley.
- .05 No part of any off-street parking space shall be located within the required front yard setback of any zoning district.
- .06 All off-street parking areas and access drives shall be surfaced with gravel or such other surfacing material so as to provide a durable all-weather surface; shall be so graded and drained as to dispose of all surface water accumulation within the area; and shall be so arranged as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

.07 Adequate lighting shall be provided if the parking facilities are used at night, and shall be so arranged as to reflect the light away from the adjoining premises in any Class "A" or "R" District or platted residential subdivision.

8.80.30 **PARKING SPACES REQUIRED:** The number of off-street parking spaces required shall not be less than as set forth in the following schedule:

OFF-STREET PARKING SCHEDULE		
STRUCTURE AND USES		MINIMUM OFF-STREET PARKING REQUIREMENTS
.01	Banks, Business and Professional Offices	One (1) space per every three hundred (300) square feet of gross floor area, but in no case less than five (5) spaces
.02	Barber Shops and Beauty Parlors	One (1) space per every seventy-five (75) square feet of gross floor area
.03	Bowling Alleys	Five (5) spaces per lane or alley.
.04	Churches, Synagogues and Temples	One (1) space per four (4) seats in the main unit of worship
.05	Dwelling, single-family; Dwelling, duplex; and mobile homes	Two (2) spaces per each dwelling unit
.06	Dwelling, multiple	Two (2) spaces per each dwelling unit
.07	Dwelling, public housing for elderly	One (1) space per every four (4) units
.08	Eating and/or drinking establishments	One (1) space per every one hundred (100) square feet of gross floor area
.09	Educational Uses	
	A. Nursery Schools	One (1) space per every two (2) classrooms
	B. Elementary, Junior High or Senior High Schools	One (1) space per every classroom and office, plus one (1) space per every six (6) seats in auditorium or assembly hall
	C. Colleges	One (1) space per every three (3) full-time equivalent students
.10	Funeral Homes, Mortuaries	One (1) space per every four (4) seats in the principal auditorium
.11	Fraternities, Sororities and Dormitories	One (1) space per every two (2) residents
.12	Hospitals	One and one-half (1 1/2) spaces per each bed
.13	Bus terminal	Six (6) spaces plus one (1) off-street loading space for each bus serving the terminal.
.14	Hotels, Motels, Motor Hotels	One (1) space per every guest room
.15	Boarding, lodging or rooming houses	One (1) space per every five (5) guest rooms
.16	Convalescent hospitals, Sanitariums, Homes for the Aged	One (1) space per every three (3) beds
.17	Welfare or Correctional Institutions	One (1) space per every four (4) beds
.18	Medical and dental offices	One (1) space per every two hundred (200) square feet of gross floor area
.19	Private clubs and lodges	One (1) space per every five hundred (500) square feet of floor area
.20	Dance hall and Skating rinks	One (1) space per ever one hundred (100) square feet of gross floor area
.21	Retail Sales Establishments	
	A. General	One (1) space per every three hundred (300) square feet of gross floor area
	B. Furniture and appliance stores; boat, auto and implement dealers	One (1) space per every three hundred (300) square feet of gross floor area
.22	Roadside stands	Four (4) spaces per establishment
.23	Industrial Uses	
	A. Industrial usage in the M-1 and M-2 districts, except as specifically mentioned herein	One (1) space for every employee, plus one (1) space for each vehicle used by the industry.
	B. Wholesale and storage operations	One (1) space per every seven hundred (700) square feet of gross floor area
	C. Laboratories and research facilities	One (1) space per every three hundred (300) square feet of gross floor area
	D. Machinery or equipment	One (1) space per every five hundred (500) square feet of gross floor area
.24	Theaters, auditoriums, and places of assembly	One (1) space per every 50 square feet of floor area.
.25	Veterinary establishment	Three (3) spaces per staff doctors
.26	Billiard parlors, gamerooms and pool halls	One and one-half (1 1/2) spaces per each one hundred (100) square feet of gross floor area for any establishment other than one with liquor license or beer permit
.27	Mini-warehouse	One (1) space per each ten (10) storage spaces, stalls or lockers equally

		distributed throughout the storage area; plus one (1) space for any caretaker's quarters; plus five (5) spaces located at or near the project office for the use of prospective customers.
.28	Parks, playgrounds, campgrounds, wildlife preserves, recreation areas and conservation areas	Five (5) spaces for each acre developed for active usage.
.29	Lakes, ponds, and outdoor recreation facilities	Five (5) spaces for each acre developed for active usage.
.30	Golf courses and country clubs except miniature courses or driving ranges operated for a profit	Three (3) spaces per green or one (1) space for every 100 square feet of clubhouse floor area whichever is greater.
.31	Stables and kennels	One (1) space per every 200 square feet of sales, service or office floor area.
.32	Mines, quarries, sand and gravel pits, sawmills and related facilities required for obtaining, processing, storing and transporting minerals, raw materials, and timber at their point of origin.	One (1) space per each employee plus one (1) space for each vehicle used by the industry.
.33	Drive-in bank	Four (4) spaces per every teller window.

8.080.040 **DEVELOPMENT AND MAINTENANCE OF LOADING SPACES:** Every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt of distribution by vehicles of material of merchandise, shall develop and maintain on the same lot with such building an off-street loading area in accordance with the following requirements:

- .01 The minimum number of required off-street loading spaces for all districts shall be at least one (1) loading space plus one (1) additional loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of ten thousand (10,000) square feet. For buildings having less than ten thousand (10,000) square feet of gross floor area, the regular off-street parking areas may be used to meet the off-street loading requirements herein set forth.
- .02 Off-street loading space shall each contain at least three hundred fifty (350) square feet measuring ten (10) feet in width and thirty-five (35) feet in length, and shall have a clearance of at least fourteen (14) feet. When the vehicle generally used for loading and unloading purposes exceed these dimensions, the required length of such spaces shall be correspondingly increased.
- .03 All off-street loading spaces shall be so located and served by an access drive that their use will not require any backing or other maneuvering within a street right-of-way other than an alley.
- .04 All off-street loading spaces shall be developed in accordance with the provisions of Subsection 8.080.020.05 through Subsection 8.080.020.07.

8.080.050 **SUBMISSION OF PLANS:** A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled, shall accompany an application for a Zoning Permit. The plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following:

- .01 Delineation of individual parking and loading spaces.
- .02 Circulation area necessary to serve spaces.
- .03 Access to streets and property to be served.
- .04 Curb cuts.
- .05 All other pertinent details, including dimension of ingress, egress and driveway areas.

8.080.060 **COMPLETION TIME FOR PARKING LOTS:** Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the Zoning Administrator. An extension of time may be granted by the Zoning Administrator provided a performance bond or its equivalent is posted, equaling the cost of completing the improvement as estimated by the County Engineer, and provided the parking space is not required for immediate use. In the event the improvement is not completed within two (2) years from the date of commencement, the bond or its equivalent shall be forfeited and the improvements thereafter constructed or completed under the direction of the County Engineer.

**CHAPTER 8.090**  
**DISPLAY AND OUTDOOR ADVERTISING SIGNS**

8.090.010 **GENERAL PROVISIONS:** The following general provisions shall apply to display and outdoor advertising signs:

- .01 Nothing in this Chapter shall require the removal or discontinuance of a legally existing sign that is not altered, rebuilt, enlarged, extended, or relocated and the same shall be deemed a non-conforming use under the terms of this Ordinance; provided however, the following signs shall be made to conform with the provisions of this Chapter or shall be removed by the owner upon written notice of the Zoning Administrator, forthwith in the case of the immediate danger and in any case within not more than thirty (30) days following said notice:
  - A. Any sign which is in a state of serious disrepair or is no longer functional;
  - B. An obsolete sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located, or any other sign which has been abandoned;
  - C. Any sign which is in violation of the provisions of Subsection 8.090.010.02 and 8.090.010.03;
  - D. Any sign which swings or otherwise noticeably moves as a result of wind pressure because of the manner of their suspension or attachment;
  - E. Any portable sign that is not permanently anchored or secured to either a building or the ground;
  - F. Any sign that becomes insecure, in danger of falling, or otherwise unsafe; or any sign unlawfully installed, erected or maintained.

If within thirty (30) days said order is not complied with, the Zoning Administrator may cause such sign to be removed at the expense of the owner.

- .02 No sign shall closely resemble or approximate the shape, form and color of any official traffic sign, signal or device. No sign shall be erected at any location where it may, by reason of its size, location, content, coloring or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of motorists, by detracting from the visibility of any traffic control device. No rotating beacon, beam or flashing illumination resembling an emergency light shall be used in connection with any sign or be visible for any adjacent street. Lights resembling an emergency light or such words as "Stop", "Look", "Danger" or any other words, phrases, symbols or characters, which in any manner interfere with, mislead or confuse traffic shall not be used in connection with any sign.
- .03 No sign other than an official traffic, street, or related sign approved for placement by the County Engineer or other public officer in the performance of his public duty, shall be placed on or over any street or public property.
- .04 Off-site signs are prohibited in all districts except as specifically permitted in this Chapter; provided however, such signs may be permitted by the Board when unusual or compelling circumstances may require.
- .05 Two (2) or more signs may be mounted on the same sign standard or structure provided that the combined surface areas of such signs shall not exceed the maximum area permitted for a single sign, except as specifically permitted in this Chapter.
- .06 Illuminated signs shall not be of an intermittent flashing type and shall not display any direct or focused illumination such as photo flood lamps, reflector lamps or lamps with an optical reflector located in the rear of same. All illumination from any lamp or over twenty-five (25) watts rating shall be through a diffusing lens or frosted envelope, excepting indirect illumination. In case of indirect illumination, all reflected or directed illumination must be focused on said sign so that same cannot be seen from any direction in adjacent areas.
- .07 Signs which are displayed inside or upon a window facing the outside and which are intended to be seen from the exterior shall be permitted subject to the same conditions and restrictions as wall signs.
- .08 These regulations shall not apply to any sign that is visible only from the premises upon which it is erected, such as on walls of courts or malls in shopping centers.
- .09 These regulations shall not apply to signs which are accessory to the use of any kind of operable vehicle, provided the sign is painted or attached directly to the body of the vehicle.
- .10 Outdoor advertising signs and billboards shall comply with all State and Federal regulations

8.090.020 **SIGNS PERMITTED IN ALL DISTRICTS:** Signs hereinafter designated shall be permitted in all zoning districts:

- .01 The following temporary signs shall be permitted:
  - A. One (1) non-illuminated sign not to exceed six (6) square feet square feet in area shall be permitted per lot frontage to advertise the sale, rental or lease of the premises or part of the premises on which the sign is displayed.
  - B. One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted per lot frontage to identify the architects, engineers, contractors, or other individuals involved in construction of the building on the premises on which the sign is displayed. Such sign may also announce the character of the building enterprise or the purpose for which the building is intended, but shall not include product advertising. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building or on a protective barricade surrounding the construction. Such sign shall be removed within seven (7) days following completion of construction.
  - C. One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted at the entrance to a recorded subdivision to identify and/or provide information regarding such subdivision. One additional such sign shall be permitted at an auxiliary entrance provided such auxiliary entrance fronts on a separate street from the main entrance. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line. Such sign shall be removed upon completion of the sale of ninety (90) percent of the lots located within the subdivision.
  - D. One (1) non-illuminated sign not to exceed nine (9) square feet in area shall be permitted for each dwelling which is used for display or as a model home. Such sign shall not extend higher than four (4) feet above grade level and shall only be located within the front yard of the lot containing such dwelling. Such sign shall be removed when a display or model home is no longer so used.
  - E. Political campaign signs shall be permitted to announce candidates seeking public political office or pertinent political issues. Such signs shall not be erected earlier than forty-five (45) days prior to the date balloting takes place for the candidates or issues indicated on the sign, and shall be removed no later than seven (7) days after said balloting date.
- .02 One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted at the entrance to a recorded subdivision. Such sign shall be of ornamental metal, stone, masonry, wood or other permanent material and shall indicate only the name of such subdivision. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line.
- .03 One (1) sign or nameplate not to exceed two (2) square feet in area shall be permitted to identify the occupant of the premises or a permitted use. Such sign shall not extend higher than six (6) feet above the grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building or on a free-standing mail box.
- .04 Non-illuminated community direction signs shall be permitted at a county road intersection when such signs are placed, controlled and maintained by a cooperative neighbor or organization and approved by the County Engineer.
- .05 Community service information signs, public utility information signs, safety signs, danger signs, trespassing signs, memorial or commemorative plaques, signs indicating scenic or historical points of interest, and all other similar signs, including all signs erected by or upon the order of a public officer in the performance of his public duty, shall be permitted when such signs are of a noncommercial nature and in the public interest.
- .06 Off-site signs not to exceed three (3) square feet in area shall be permitted to display the emblem of a service club or of a church, and information on the time and location of meetings or services. More than one (1) such sign may be mounted on a common sign standard or structure, provided such standard or structure shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line.

8.090.030 **SIGNS IN AGRICULTURAL DISTRICT:** The following signs shall be permitted in the Class "A" District:

- .01 On-site and off-site signs not to exceed thirty-two (32) square feet in area shall be permitted to identify a farm premises or to indicate the product grown or material and equipment used on the farm premises.
- .02 One (1) non-illuminated sign not to exceed three (3) square feet in area shall be permitted to identify a home occupation, home professional office or rural enterprise business.

- .03 One (1) sign not to exceed twenty (20) square feet in area shall be permitted per lot frontage to identify a church, school, institution, or public building or use. Such signs shall not extend higher than eight (8) feet above grade level and shall be mounted flat against the wall of the building. In addition, one (1) bulletin board not to exceed fifty (50) square feet in area shall be permitted for each premises. Such bulletin board shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building.
- .04 Billboards or advertising signs in the district:
  - .01 Shall not be located within 300 feet of any intersection, highway structure, residence, or other billboard.
  - .02 Shall not be located within 100 feet of any park, school, cemetery, or public or semi-public building.
  - .03 Shall not be located within 75 feet of centerline of any City or County road or within 100 feet of any State or Federal Highway

8.090.035 **SIGNS IN RESIDENTIAL DISTRICTS:** The following signs shall be permitted in Class "R" Districts or platted residential subdivisions:

- .01 Illuminated signs, bulletin boards and name plates shall not exceed 60 watts and shall be lighted only with indirect, non-intermittent lighting.
- .02 Signs and bulletin boards shall be at least 20 feet from the front lot line or not more than 5 feet in front of main building.

8.090.040 **SIGNS IN COMMERCIAL DISTRICTS:** The following signs shall be permitted in the Class "C" Districts:

- .01 Trade, business, or industry identification signs provided they:
  - .01 Do not exceed 25 feet in height.
  - .02 Are not within 25 feet of an agricultural or residential district.
  - .03 Do not overhang in public right-of-way except those signs which project not more than one (1) foot beyond the front face or integral part of the building other than identification signs of less than two (2) square feet in area.
  - .04 Are not within 25 feet of a highway intersection or highway structure.
- .02 Advertising signs and billboards provided they:
  - .01 Do not exceed 25 feet in height.
  - .02 Are not within 25 feet of an "A" or "R" District.
  - .03 Are not within 75 feet of another billboard.
  - .04 Do not exceed 100 square feet in area.
- .03 No sign or billboard shall be located in, overhang, or project into a required yard.

8.090.045 **SIGNS IN INDUSTRIAL DISTRICTS:** The following signs shall be permitted in the class "I" Districts:

- .01 Billboards or advertising signs provided:
  - .01 That they are not within 150 feet of a highway intersection, highway structure, residence, park, school, cemetery, public or semi-public building.
  - .02 That they are not within 150 feet of another billboard or advertising sign.
- .02 Trade, business, or industry identification signs for the firm located on the site provided that:
  - .01 Free standing signs shall not exceed 150 square feet in area or 25 feet in height.
  - .02 Signs mounted flush on the wall of a building shall not exceed 10% of the area of the wall of the building on which they are located or 200 square feet, whichever is smaller.
  - .03 Overhanging signs, attached to a building shall not project above the height of the building, or more than four (4) feet from the wall of the building and shall not have more than 100 square feet of area.
  - .04 Not more than one sign of each category above may be provided for any single use, although each sign may be a double faced or back to back sign.

**CHAPTER 8.093  
SPECIAL EXCEPTIONS**

8.093.010 **PROCEDURES AND REQUIREMENTS.** Allowable special exception uses may be permitted, enlarged, or altered upon application for a special exception use permit in accordance with the rules and procedures of the Board of Adjustment. The Board of Adjustment will grant or deny a special exception use permit in accordance with the standards set forth herein and with the intent and purpose of this Ordinance. In granting a special exception use permit, the Board of Adjustment may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the special exception use permit.

8.093.020 **APPLICATION FOR SPECIAL EXCEPTION USE PERMIT.** A property owner or his authorized agent may initiate an application for a special exception use permit by filing an application with the Zoning Administrator upon forms prescribed for the purposes. A site plan and other such plans shall accompany the application and data showing the dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standards set forth herein. The application shall also be accompanied by a fee as determined by resolution of the Board of Supervisors.

8.093.030 **PROCEDURE.** The Board of Adjustment shall not grant a special exception permit unless and until the following procedures have been fulfilled:

- .01 The Board of Adjustment shall schedule a public hearing in relation to the special exception request. Notice shall be given to the public hearing as required by State Statute by publication in a newspaper of general circulation in the County. If feasible, notice of the public hearing will be mailed to property owners within two hundred (200) feet of the exception request;
- .02 The Board of Adjustment shall determine that it is empowered under this Ordinance to grant the special exception as described in the application, and that granting of the special exception will not adversely affect the public interest;
- .03 In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance and punishable under Chapter 8.100 of this Ordinance;
- .04 The concurring vote of three (3) members of the Board of Adjustment grants a special exception use permit. No order of the Board of Adjustment granting a special exception use permit shall be valid for a period longer than two (2) years from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a commenced;
- .05 The Board of Supervisors may, after a decision of the Board of Adjustment is made, vote to delay the implementation of such decision for a period of thirty (30) days. The Board of Supervisors may not overturn a decision of the Board of Adjustment. During the thirty (30) day period the Board of Adjustment may or may not reconsider its decision.
- .06 The County Board of Supervisors may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required in 8.093.030.01 of this chapter. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change.

8.093.040 **STANDARDS.** The Board of Adjustment shall grant no special exception use permit unless such Board shall find:

- .01 That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community;
- .02 That the special exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood;
- .03 That the establishment of the special exception use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district;
- .04 That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;

- .05 That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- .06 The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in handling of any such material;
- .07 The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled;
- .08 The use shall not include vibration which is discernible without instruments on any adjoining lot or property;
- .09 The use shall not involve any malodorous gas or matter which is discernible on any adjoining property;
- .10 The use shall not involve any pollution of the air by fly-ash, dust, vapors, or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, irritation, or excessive pollution;
- .11 The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road or highway;
- .12 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are initiated to limit traffic hazards and congestion;
- .13 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments;
- .14 That the use will not be in major conflict with the Comprehensive Land Use Plan.

**CHAPTER 8.095  
NONCONFORMING USES AND STRUCTURES**

8.095.010 **INTENT:** Within the zoning districts established by this Ordinance or amendments that may be adopted later, there exists (a) lots, (b) structures, and (c) uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not encourage their survival. It is the intent of this Ordinance that such nonconformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited in the same district.

8.095.020 **NONCONFORMING LOTS OF RECORD:** In any zoning district in which single-family structures are permitted, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for lot size or lot coverage, that area generally applicable to the district. Furthermore, the following yard requirements shall prevail for such lots which do not meet the minimum width and/or depth requirements of the district may be reduced as follows:

- .01 The depth of the front yard of such a lot may be reduced only as specified in Section 8.004.060.
- .02 The width of the street side yard may be reduced to thirty (30) percent of the width of such corner lot; provided however, that no such yard shall be less than fifteen (15) feet.
- .03 The width of an interior side yard may be reduced to fifteen (15) percent of the width of such a lot; provided however, that no such yard shall be less than ten (10) feet.
- .04 The depth of the rear yard may be reduced to twenty (20) percent of the depth of such a lot; provided however, that no such yard shall be less than twenty (20) feet.

8.095.030 **NONCONFORMING USES OF LAND WITH MINOR STRUCTURES ONLY:** Where a lawful use of land involving only minor structures, having individual replacement of less than one thousand (1,000) dollars, exists at the effective date of adoption of this Ordinance that would not be allowed in the zoning district under the terms of this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- .01 No additional structure not conforming to the requirements of this Ordinance shall be erected with such nonconforming use of land.
- .02 No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment to this Ordinance.
- .03 No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area than was occupied at the effective date of adoption or amendment of this Ordinance.
- .04 If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of this land shall conform to the regulations specified by this Ordinance for the zoning district in which such land is located.

8.095.040 **NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION:** Where a lawful use of land involving individual structures with a replacement cost of one thousand (1,000) dollars, or more, or of structure and land in combination, exists at the effective date of adoption of this Ordinance, that would not be allowed in the zoning district under the terms of this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- .01 Any nonconforming use may be extended throughout any part of a building or area which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building or area.
- .02 Any structure in any zoning district devoted to a use made nonconforming by this Ordinance may be structurally altered or enlarged in conformity with the lot area, lot coverage, frontage, yard, height, and parking requirements of the zoning district in which it is located, provided such construction shall be first approved by the Board and shall be limited to buildings on land owned on record by the owner of the land devoted to the nonconforming use prior to the effective date of this Ordinance. Such structural alteration or enlargement shall not authorize the substitution of a nonconforming use that is less restrictive than the one to which the structure was devoted at the time of passage of this Ordinance.

- .03 A nonconforming use of a structure may be changed to another nonconforming use of a similar nature within the same or a more restrictive classification with approval of the Board of Adjustment. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.
  - .04 In the event that a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for a period of one (1) year, the use of the same shall thereafter conform to the uses permitted in the zoning district in which it is located. Where nonconforming uses status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
  - .05 Any structure devoted to a use made nonconforming by this Ordinance that is destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, exclusive of the foundations, shall not be reconstructed or used as before such happening. If the structure is less than sixty (60) percent destroyed above the foundation, it may be reconstructed and used as before provided construction is begun within six (6) months of such happening, and provided it is built of like or similar material.
- 8.095.050 **NONCONFORMING STRUCTURES:** Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yard, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- .01 No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
  - .02 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
  - .03 Should such nonconforming structure or nonconforming portion of a structure be destroyed by an means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, exclusive of the foundation, it shall not be reconstructed except in conformity with provisions of this Ordinance.
- 8.095.060 **REPAIRS AND MAINTENANCE:** On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repairs or replacement on non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty-five (25) percent of the current replacement cost of the nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.
- .01 If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located.
  - .02 Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.
- 8.095.070 **CONDITIONAL USE:** Any use at the date of adoption or amendment of this Ordinance which is permitted as a conditional use in a zoning district under the terms of this Ordinance shall not be deemed as a nonconforming use in such zoning district, but shall, without further action, be considered a conforming use.
- 8.095.080 **UNAUTHORIZED NONCONFORMITIES:** Any use of land, use of structure, or structure, in existence at the time of adoption of this Ordinance which was not an authorized nonconformity under previous zoning ordinances shall not be authorized to continue its nonconforming status pursuant to this Ordinance or amendments thereto.
- 8.095.090 **COMPLETION OF PENDING CONSTRUCTION:** Nothing contained in this Ordinance shall be interpreted as requiring any change in the plans, construction, alteration or designated use of a structure for which a Zoning Permit has been issued, and the actual construction begun prior to the adoption of this Ordinance, and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently. However, if the designated use will be nonconforming it shall be considered a discontinued use if not in operation within one (1) year of the effective date of this Ordinance, unless an extension is authorized by the Board.

8.095.100 **REGISTRATION OF NONCONFORMING USES:** A Certificate of Zoning Compliance shall be required for all lawful nonconforming uses of land or buildings. A written request for such certificate of nonconforming uses shall be filed with the Zoning Administrator by the owner or tenant of the building or land occupied by such nonconforming use, accompanied by affidavits of proof that such nonconforming use was legally established prior to the effective date of this Ordinance or was in existence prior to April 13, 1972.

**CHAPTER 8.096  
BOARD OF ADJUSTMENT**

8.096.010 **BOARD CREATED:** The Board of Adjustment as presently constituted shall continue in office in accordance with the requirements set forth in Chapter 335, Code of Iowa, as amended. The Board shall consist of five (5) members, a majority of whom shall reside within the County, but outside the corporate limits of any municipality. Each member of the Board shall be appointed by the County Board for a term of five (5) years. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The County Board shall have the power to remove any member of the Board from office, for cause, upon written charges and after public hearing. Members of the Board may receive compensation, as determined by the County Board, for their services.

8.096.020 **PROCEDURE:** The Board shall adopt rules of procedure in accordance with the provisions of this Ordinance. The Board shall elect its own Chairman and Vice-Chairman, who shall serve a one (1) year term. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence, the Vice-Chairman, 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 be necessary to constitute a quorum. The Board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board, decisions of the Board and the vote of each member upon each question, or if absent or failing to vote indicating such fact.

The Board shall maintain a current, permanent record of its meetings and all official actions on file in the office of the Zoning Administrator and in a form convenient for public inspection.

8.096.030 **POWERS AND DUTIES:** The Board shall have the following powers and duties:

- .01 The Board shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator based on or made in the enforcement of any provision of this Ordinance or in the interpretation of district boundaries as shown on the Official Zoning Map.
- .02 The Board shall have the power to hear and decide appeals for variances from the specific terms of this Ordinance which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship, and provided, that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

No variance from the terms of this Ordinance shall be granted unless the Board is satisfied that granting the variance:

- A. Is necessary to alleviate a demonstrable hardship or difficulty so great as to warrant the variance;
  - B. Will not merely serve as a convenience to the applicant;
  - C. Will not impair the general purpose and intent of the regulations and provisions contained in this Ordinance;
  - D. Will not impair an adequate supply of light and air to adjacent properties;
  - E. Will not increase the hazard from fire and other damages to said property;
  - F. Will not diminish the value of land and buildings in the County;
  - G. Will not increase the congestion and traffic hazards on public roads; and
  - H. Will not otherwise impair the public health, safety and general welfare of the inhabitants of the County.
  - I. Is not based on the nonconforming use of neighboring lands, structures or buildings in the same district, and the permitted or nonconforming use of lands, structures, or buildings in other districts is not grounds for the issuance of the variance.
  - J. Will not, under any circumstances, allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- .03 The Board shall have the power to hear and decide only such appeals for conditional uses as the Board is specifically authorized to pass on by the term of this Ordinance; to decide such questions as are involved in determining whether conditional uses should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this Ordinance; or to deny conditional uses when not in harmony with the purpose and intent of this Ordinance. In reviewing an application for a conditional use permit, findings based on the following criteria shall be made and serve as the basis for approval or denial of the request:
    - A. Does the proposed use conform to the Land Use Policy Plan?
    - B. Is the site suitable for the proposed use? Such factors as size and shape of the property, topographic conditions, soil conditions to support water and septic systems, accessibility to transportation facilities, and soil erosion problems shall be considered.
    - C. Is the proposed use compatible with surrounding property use? Such factors as the activities and function of the proposed use should be considered to determine if the proposed use conflicts with or reduces the usefulness or

value or creates other negative impacts on adjoining property or properties in the general area, including public health, safety and welfare.

- D. Is the adjoining road system adequate to accommodate the proposed use in terms of the present traffic volume vs. road capacity and the general condition of the road system?
- E. Can adequate measures be taken to minimize any potential adverse impacts on adjoining property? If so, stipulate such measures as required by the ordinance or special conditions that would be required.
- F. Does the conditional use comply with all conditions imposed on it by the provisions of the district in which such conditional use may be authorized?

8.096.040 **ASSISTANCE FROM OTHER DEPARTMENTS:** The Board may call upon the several County departments for assistance in the performance of its duties, and it shall be the duty of such department to render such assistance to the Board as may be reasonably required.

8.096.050 **APPEALS TO THE BOARD:** Appeal to the Board may be taken by any person or organization aggrieved; or by any officer, department, board, or bureau of the County or any other governmental agency or body effected by any decision of the Zoning Administrator.

Such appeal shall be taken within thirty (30) days after said decision and shall be taken by the filing of a written application, upon the form provided, with the Zoning Administrator for submission to the Board. The application shall be accompanied by a fee as specified in Chapter 8.099 and by such data and information as may be prescribed by the Board to assure that fullest practicable presentation of the facts for the permanent record. An application shall contain the legal description of the property involved; the nature of the relief requested to be granted by the Board; grounds and reasons for which the appeal is taken; a site plan, drawn to scale, showing the information for a Zoning Permit application; and a statement giving the names and addresses of the owners of all property owners within five hundred (500) feet of the subject property. If the applicant is the only owner of property within five hundred (500) feet of the subject property, then the statement shall contain the names and addresses of the next adjacent property owners. Each application shall be verified by the person or persons preparing the application attesting to the truth and correctness of all facts and information presented with the application.

8.096.060 **STAY OF PROCEEDINGS:** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed with him, that by reasons of fact stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the District Court on application, on notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.

8.096.070 *RESERVED.*

8.096.080 **PUBLIC HEARINGS:** Before taking final action on any appeal, the Board shall hold a public hearing thereon. Notice of a public hearing shall include the time and place of said public hearing and the place where the contents of the appeal may be examined, and shall be given in the following manner:

- .01 A notice of the public hearing shall be given by one (1) publication in a newspaper having circulation in the general area of the appeal and in a newspaper of general circulation in the County, not less than four (4) days and no more than twenty (20) days prior to the date of the public hearing.
- .02 An additional written notice shall be given to the property owners contained in the statement included as a required part of the application by placing said notice in the United States Mail, not less than ten (10) days prior to the date of the public hearing.
  - A. For mailing purposes, the names and addresses of such property owners shall be taken from the records of the County Auditor.
  - B. It shall be the intent of the Subsection to give as full and adequate notice as practicable to the persons substantially interested in the appeal; however, failure to send notice to a person to receive said notice shall not invalidate any decision of the Board provided such failure was not intentional.
- .03 The Board may recess a hearing in order to serve further notice upon other property owners or persons that the Board determines may be interested in the appeal or to obtain additional information. Upon recessing for this purpose, the Board shall announce the time and date when said hearing will be resumed.

8.096.090 **DECISION OF THE BOARD:** In exercising the above-mentioned powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it believes proper, and to that end shall have the powers of the Zoning Administrator.

- .01 The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or any other administrative official, or to effect any variation from the terms of this Ordinance, or to decide in favor of the application on any matter upon which it is required to pass under this Ordinance; provided however, that the action of the Board shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and the vote of each member participating therein, has been filed in the office of the Zoning Administrator.
- .02 Every decision made by the Board shall be supported by written testimony or evidence submitted in connection therewith.
- .03 In authorizing a variance, special exception or conditional use, the Board may impose such conditions as it may deem necessary to carry out the purposes of this Ordinance. These conditions may increase the required lot or yard, control the location and number of vehicular access points to the property, limit the number of signs, limit coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property, and require screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area. In authorizing a variance, special exception or conditional use with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary, to enforce compliance with the attached conditions. Any violation of the conditions when made a part of the terms under which the variance, special exception or conditional use is granted, shall be deemed a violation of this Ordinance.
- .04 The Board's decision shall be binding upon the Zoning Administrator and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant, whenever a permit is authorized by the Board.
- .05 If any application for a variance shall have been denied by the Board, then no new application for the same relief shall be considered by the Board unless the Board should find that conditions have changed.
- .06 The Board reserves the right to revoke the authorization of a conditional use if the conditions specified for the use are not adhered to by the applicant and subsequent parties; provided however, that no conditional use shall be revoked without a public hearing as provided for herein.
- .07 Whenever any application for a conditional use permit shall have been denied by the Board of Adjustment, then no new application covering the same property or the same property and additional property shall be filed with or considered by the Board of Adjustment until one (1) year shall have elapsed from the date of the filing of the first application. In the event new evidence is presented within thirty (30) days of said denial, one (1) re-application may be made of a denied conditional use request. In the event said re-application results in a denial, no new application shall be made until the elapse of the 1 (one) year period described above.

8.096.100 **APPEAL FOR DECISION OF BOARD:** Any person or persons or organization aggrieved by any decision of the Board made under the provisions of this Ordinance may appeal such decision to a court of competent jurisdiction, said appeal to be taken in accordance with the provisions of Chapter 358A, Code of Iowa, as amended.

8.096.110 **TIME LIMIT ON BOARD DECISION:** If the property granted a variance, special exception or conditional use permit is not developed as allowed within two (2) years of Board action, the Board may, after seven (7) days notice in writing to the landowner, initiate action to rescind the variance, special exception or conditional use granted. This can occur only after a public hearing at which time the landowner can ask for a time extension.

8.096.120 **EXPIRATION OF CONDITIONAL USE PERMIT:** In the event a conditional use permit is granted, the land use is established and the land use subsequently discontinued for a period of two (2) years or more, the Board may, after seven (7) days notice in writing to the landowner, initiate action to rescind the conditional use permit granted. This can occur only after a public hearing.

**CHAPTER 8.097**  
**ZONING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE**

8.097.010 **ZONING PERMIT REQUIRED:** It shall be unlawful to do any excavating, grading, erecting, constructing, reconstructing, enlarging, altering or moving of any building or structure until a Zoning Permit shall have been issued by the Zoning Administrator. No Zoning Permit shall be issued by the Zoning Administrator unless the proposed building or structure or use complies with all provisions of this Ordinance, except when so ordered by the Board in the case of an appeal of an administrative decision, variance, special exception or conditional use granted in accordance with this Ordinance. It shall also be unlawful to use or occupy any building, structure or land, or to change the use or occupancy of any building, structure or land from one activity to another, or to change a nonconforming use without the issuance of a Certificate of Zoning Compliance. Detached accessory buildings one hundred twenty (120) or less square foot in size, which are not attached to the ground in anyway and which are located in the side or rear yard, shall be exempt from the zoning permit requirement.

8.097.020 **APPLICATIONS FOR ZONING PERMITS:** All applications for Zoning Permits shall be filed with the Zoning Administrator on approved forms, together with the filing fee as specified in Chapter 8.099 and shall be accompanied by such documentation as may be necessary for the Zoning Administrator to make an appropriate determination on the application.

.01 This documentation shall include plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any buildings or structures to be erected or altered; the existing and intended use of each building or structure or part thereof; the number of families, dwellings or housekeeping units the building is designed to accommodate; and when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for enforcement of this Ordinance.

.02 Whenever a lot is not provided and is not proposed to be provided with public water and/or the disposal of sanitary wastes by means of public sewers, the application for a Zoning Permit shall be accompanied by a certificate of approval by the County Health Officer of the proposed method of water supply and/or disposal of sanitary wastes.

.03 In addition to the documentation required above, on property where it is proposed that the following land will be disturbed: up to 14% slopes-one (1) acre or more of land will be disturbed; 14 to 30% slope-5,000 or more square foot of land will be disturbed; 30 to 50% slope, 1,000 or more square foot, the zoning permit application shall be accompanied by the following:

- a. A pollution prevention plan approved by the appropriate soil and water conservation district office;
- b. National Pollutant Discharge Elimination System (NPDES) Permit approved by the Iowa Department of Natural Resources (only required in the situation where one (1) acre or more of land will be disturbed).

8.097.030 **ACTION BY ZONING ADMINISTRATOR:** The Zoning Administrator shall take action within fourteen (14) days on all Zoning Permit applications which are filed in compliance with the provisions of this Ordinance. One (1) copy of the plans shall be returned to the applicant after such copy shall have been marked either as approved or disapproved and attested to same by the Zoning Administrator. If a Zoning Permit is refused, the Zoning Administrator shall state the reasons for refusal in writing. The other copy of the plans, similarly marked, shall be retained by the Zoning Administrator. In no case shall the issuance of a Zoning Permit be construed as waiving any of the provisions of this Ordinance.

8.097.040 **EXPIRATION OF ZONING PERMIT:** If the work described in any Zoning Permit has not begun within twenty-four (24) months from the date of issuance thereof, said permit shall expire and shall be canceled by the Zoning Administrator; written notice thereof shall be given to the persons affected. However, upon request, the Zoning Administrator may extend this deadline for just cause shown by the applicant. If the work described in any Zoning Permit has not been substantially completed within twenty-four (24) months of the date of issuance thereof, said permit shall expire and shall be canceled by the *Zoning Administrator*; a written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new Zoning Permit has been obtained.

8.097.050 **ZONING CERTIFICATE:** Upon completion of the work described in a Zoning Permit and after the inspection and approval thereof, the Zoning Administrator shall issue a Certificate of Zoning Compliance, which shall show and certify that such building, structure or land, and use conforms with the provisions of this Ordinance.

.01 A temporary Certificate of Zoning Compliance may be issued by the Zoning Administrator for a period not exceeding twenty-four (24) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

.02 The Zoning Administrator shall maintain a record of Certificates of Zoning Compliance and a copy shall be furnished upon request to any person. Failure to obtain a Certificate of Zoning Compliance shall be deemed a violation of this Ordinance.

8.097.060 **CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS, PERMITS AND CERTIFICATES OF ZONING COMPLIANCE:** Zoning permits or Certificate of Zoning Compliance issued on the basis of plans and application approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance.

**CHAPTER 8.098  
AMENDMENTS**

8.098.010 **COUNTY BOARD MAY AMEND ORDINANCE:** Whenever the public necessity, convenience, general welfare or good zoning practice require, the County Board may by ordinance subject to the procedure provided in this Chapter, amend, supplement or change the regulations, district boundaries or zoning classifications of property, now or hereafter established by this Ordinance or amendments thereof.

8.098.020 **AUTHORIZATION FOR AMENDMENTS:** An amendment to the text of this Ordinance or the Official Zoning Map may be initiated by action of the County Board, Commission, or Board; or by application of an owner of property to be changed or affected by the proposed amendment or supplement; or by application signed by owners of fifty (50) percent of all property lying within the area proposed to be changed and also signed by owners of fifty (50) percent of all property lying within five hundred (500) feet of any part of the area proposed to be changed.

8.098.030 **APPLICATION FOR AMENDMENTS:** An application for an amendment shall be filed, upon the form provided, with the Zoning Administrator for submission to the Commission. The application shall be accompanied by a one hundred (100) dollar fee and by such data and information as may be prescribed by the Commission to assure the fullest practicable presentation of facts for the permanent record. An application for a zoning text amendment shall contain a statement setting forth the proposed amendment or supplement to the regulations of this Ordinance.

An application for a zoning map amendment shall contain a legal description of the property for which the change is requested; the existing zoning classification and the proposed zoning classification; and a statement giving the names and addresses of the owners of all property lying within the area proposed to be changed who are not part of the application, and the names and addresses of the owners of all property lying within five hundred (500) feet of any part of the area proposed to be changed. If the applicant is the only owner of property within five hundred (500) feet of the property proposed to be changed, then the statement shall include the names and addresses of the next adjacent property owners. Each application shall be verified by the person or persons preparing the application, attesting to the truth and correctness of all facts and information presented with the application.

8.098.040 **PUBLIC HEARING BY COMMISSION:** Before taking final action on a proposed amendment to the text of this Ordinance or the Official Zoning Map, the Commission shall hold a public hearing thereon. Notice of the public hearing shall include the time and place of said public hearing and the place where the contents of the amendment may be examined, and shall be given in the following manner:

- .01 For an amendment to the text of this Ordinance, a notice of the public hearing shall be given by one (1) publication in all of the official newspapers of the County not less than four (4) nor more than twenty (20) days prior to the public hearing.
- .02 For an amendment to the Official Zoning Map, a notice of the public hearing shall be given by one (1) publication in a newspaper having the circulation in the general area of the amendment and in a newspaper of general circulation in the County, not less than four (4) nor more than twenty (20) days prior to the date of the public hearing.
- .03 For an amendment to the Official Zoning Map, additional written notice shall be given to the property owners contained in the statement included as a required part of the application by placing said notice in the United States Mail, not less than ten (10) days prior to the date of the public hearing.
  - A. For mailing purposes, the names and addresses of such property owners shall be taken from the records of the County Auditor.
  - B. It shall be the intent of this Subsection to give as full and adequate notice as practicable to the persons substantially interested in the appeal; however, failure to send notice to a person as specified in this Subsection, or failure of a person to receive said notice shall not invalidate any decision of the Commission provided such failure was not intentional.
  - C. The requirements of this Subsection shall not apply to a general revision of this Ordinance.
- .04 The Commission may recess a hearing in order to serve further notice upon other property owners or persons that the Commission determines may be interested in the amendment or to obtain additional information. Upon recessing for this purpose, the Commission shall announce the time and date when said hearing will be resumed.

8.098.050 **COMMISSION RECOMMENDATION:** Following such hearing the Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested, or it may recommend that the application be denied.

It shall be the duty of the Commission to submit to the County Board its written recommendation on all applications for amendments, supplements, or changes to the regulations, district boundaries or zoning classifications of property as established by this Ordinance.

8.098.060 **PUBLIC HEARINGS BY COUNTY BOARD:** After receipt of the written recommendation of the proposed amendment from the Commission, the County Board shall hold public hearings in accordance with Chapter 331.302, Code of Iowa, as amended.

8.098.070 **COUNTY BOARD ACTION:** Following both such public hearings, the County Board shall consider such recommendation by the Commission and vote upon the passage of the proposed amendment.

Passage of the proposed amendment shall require an affirmative vote of not less than a simple majority of the entire County Board.

.01 In case of protest against any changes or amendments signed by the owners of twenty (20) percent or more either of the area included in such proposed change, or of the area immediately adjacent thereof, such changes shall not become effective except by favorable vote of at least sixty (60) percent of all the members of the County Board.

.02 Whenever any application for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have been denied by the County Board, then no new application covering the same property or the same property and additional property shall be filed with or considered by the County Board or until one (1) year shall have elapsed from the date of the filing of the first application.

8.098.080 **RECORD OR AMENDMENT:** In addition to the official ordinance number enacting the provisions of this Ordinance, all ordinances passed and approved by the County Board amending the text of this Ordinance or the Official Zoning Map shall be given individual supplemental numbers. The Zoning Administrator shall maintain a current, permanent record of all amendments to the text of the Ordinance and to the Official Zoning Map in a form convenient for public inspection.

8.098.090 **MAP CHANGE PENDING ZONING PERMIT:** Whenever the County Board has taken under advisement a change or amendment of the Official Zoning Map from a less restricted district to a more restricted district classification, as evidence by an application on file or resolution of record, no Zoning Permit shall be issued within ninety (90) days from the date of such resolution which would authorize the construction of a building or the establishment of a use which would become nonconforming under the contemplated redistricting plan.

8.098.100 **REVOCATION OF MAP AMENDMENT:** Unless any lot, tract or parcel of land hereafter zoned to a less restrictive classification as herein provided has been used or developed for such less restrictive classification within one (1) year from such rezoning or unless there exists an unexpired zoning permit for the development thereof, at the end of such one (1) year the Commission shall initiate, prior to the bona fide commencement of the use or development of said land in its less restrictive classification, and may recommend to the County Board that said land be rezoned to its zoning classification as established at the date of the passage of this Ordinance, after giving the official notice and holding a public hearing.

**CHAPTER 8.099  
FEES**

- 8.099.010 **FILING FEE REQUIRED:** A filing fee in accordance with the established fee schedule shall be charged for each application to assist in deferring the cost of administrative review and legal publication. The applicant shall be held responsible for submitted the required filing fee upon submission of the completed application. No action shall be taken on any application until the required fee is paid in full.
- 8.099.020 **FEE SCHEDULE:** The fee schedule is set forth and has been established by resolution of the Guthrie County Board of Supervisors.
- 8.099.030 **PAYMENT OF FEES:** All fees mentioned above shall be paid to the County Treasurer for the general fund, line item: County Zoning, of Guthrie County, Iowa. The receipt shall be attached to the application submitted to the Zoning Administrator.
- 8.099.040 **FEE REFUND:** Whether the request is granted or denied by either or the Zoning Commission, County Board of Supervisors or the Board of adjustment, the applicant shall not be entitled to a refund of the fee paid.

**CHAPTER 8.100  
ADMINISTRATION**

8.100.010 **ENFORCEMENT:** It shall be the duty of the Zoning Administrator to administer and enforce this Ordinance in accordance with its provisions. All departments, officials, and public employees of the County vested with the duty or authority to issue permits, licenses or certificates shall comply with the provisions of this Ordinance and shall issue no permit, license or certificate for any use, building or purpose in conflict with the provisions of this Ordinance. In the enforcement of this Ordinance, the Zoning Administrator shall exercise the following power and duties:

- .01 All questions of interpretation and enforcement of this Ordinance shall be first presented to the Zoning Administrator and such questions shall be presented to the Board only on appeal of the decision of the Zoning Administrator. Any recourse from the decision of the Board shall be to the courts as provided in Chapter 8.096.
- .02 Whenever a zoning violation occurs, or is alleged to have occurred, any person may file with the Zoning Administrator a written complaint which states fully the causes and basis thereof. The Zoning Administrator shall record properly such complaint, immediately investigate and take appropriate action thereon.
- .03 Upon discovery of any zoning violation, the Zoning 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 Zoning Administrator shall order discontinuance of illegal use of land or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.
- .04 The Zoning Administrator shall prepare reports of those zoning violations which continue unabated after exhaustion of reasonable administrative remedies towards their abatements and shall submit said reports to the County Attorney for such legal action as the facts of each report may require.
- .05 In the event the County Attorney after analysis of the report, institutes legal proceedings, the Zoning Administrator will cooperate fully with the County Attorney in the perfection of such proceedings.
- .06 In all cases where the county commences court action, the Zoning Administrator shall cooperate with the County Attorney by performing such additional investigative work as the County Attorney may reasonably require.

8.100.020 **VIOLATIONS AND PENALTIES:** The penalty for violating the provisions of this chapter shall be as follows:

- .01 Any person found in violation of any provision of this ordinance shall be deemed guilty of a county infraction, unless specifically otherwise noted, which is punishable up to five hundred dollars (\$500) for the first offense and up to one thousand dollars (\$1,000) for each and every repeat offense.
- .02 Each and every day that the violation is permitted to exist after notification shall constitute a separate offense.