

**CHEROKEE COUNTY ZONING REGULATIONS**  
as amended July 1, 1993  
**CHEROKEE COUNTY, IOWA**

WHEREAS, Chapter 358A of the Code of Iowa empowers the Board of Supervisors of Cherokee County, in accordance with the conditions of procedures specified in said Chapter, to regulate and restrict:

- the height, number of structures and size of buildings and other structures;
- the percentage of lot which may be occupied;
- the location and uses of buildings, structures and land for trade, industry, residence, or other purposes, in any portion or portions of Cherokee County which lie outside the corporate limits of any city or town, and for any or all said purposes to divide the territory of Cherokee County into districts of such number, shape and area as it may determine, and within such districts;
- to regulate the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land;
- to provide for amendments to regulations;
- to permit the appointment and prescribe the powers and duties of a Board of Adjustment; and
- to provide methods for enforcement of such regulations and penalties for the violation thereof.

WHEREAS one primary purpose of zoning regulations is to protect the environment and natural resources from contamination and destruction, and

WHEREAS certain activities have heretofore continued without zoning regulations and such activities have created environmentally hazardous situations potentially necessitating costly clean up measures and threatening the enjoyment of our way of life, and

WHEREAS it is the firm belief of Cherokee County Board of Supervisors that reasonable zoning regulation of certain such activities is warranted and properly within the police power of the county, despite certain provisions to the contrary,

THEREFORE, BE IT ORDAINED, by the Board of Supervisors of Cherokee County, Iowa, for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Cherokee County and the State of Iowa, that the following be adopted as a Zoning Regulation of Cherokee County, Iowa. This regulation amends and supersedes the zoning regulations of Cherokee County adopted January 1, 1976.

ARTICLE 1. TITLE, APPLICATION, PURPOSE, SPECIAL EXAMINATION,  
INTERPRETATION

Section 1. Title

The regulation shall be known as the Zoning Regulation for Cherokee County, Iowa.

Section 2. Application

This regulation shall apply to the unincorporated territory of Cherokee County, Iowa.

Section 3. Purpose

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan and policies to promote, in accordance with present and future needs, the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of Cherokee County, Iowa. They are designed to provide for the lessening of congestion in the streets or roads, reducing the waste of excessive amounts of roads, securing the safety from fire, flood, panic and other dangers, promoting such distribution of population and such classification of land users and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil fertility, food supply, protection of the tax base, securing economy in governmental expenditures, preserving the availability of agricultural land, considering the protection of soil from wind and water erosion, encouraging efficient urban development patterns, promoting conservation of energy resources and reasonable access to solar energy, fostering the State's agricultural and other industries, and protecting urban and non-urban development by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces, and the density of use. They have been made with reasonable consideration for the existing districts involved and their suitability for particular uses, to trends of growth or change with a view to conserving natural resources and the value of land and buildings, and encouraging the most appropriate use of land throughout the unincorporated territory of Cherokee County, Iowa.

Section 4. Farms Exempt

In accordance with the provisions of Chapter 358A, Code of Iowa, no regulation or restriction adopted under the provisions of this ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings, structures, or erections which are primarily adapted, by reason of nature and area, for use of farm purposes as defined in this Regulation as a primary means of livelihood while so used. Feed lots and confined feeding facilities are not exempt. Farm buildings in a floodplain are not exempt (flood zone to be determined by government maps).

A certificate of zoning exemption or a zoning compliance shall be obtained prior to the construction or relocation of a building.

Section 5. Interpretation

In interpreting and applying the provisions of this Regulation, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, order, comfort, prosperity, or general welfare. It is not intended by this Regulation to interfere with, or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Regulation imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other resolutions, ordinances, rules, regulations, or by easements, covenants, or agreement, the provisions of this Regulation shall govern. If, because of error or omission in the Zoning District Map, any property in the jurisdiction of this Regulation is not shown as being in a zoning district, the classification of such property shall be classified A-C Agricultural-Conservation until changed by amendment. The Zoning Commission may, at its discretion, consult with or request an opinion from other county agencies.

## ARTICLE 2. DEFINITIONS

### Section 1. General Rules of Construction

The following general rules of construction shall apply to the regulations of this ordinance.

### Section 2. Definitions

For the purpose of this Ordinance, certain terms and words are hereby defined:

**Accessory Buildings.** A subordinate building which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

**Accessory Use.** A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

**Administrator (Zoning).** The individual designated by this Regulation to administer the Zoning Regulations and who is responsible for the enforcement of the regulations imposed by said Regulation. NOTE: The Zoning Administrator is not a building inspector.

**Apartment.** A room or a suite of rooms in a multiple dwelling intended or designed for use as a residence by a single family.

**Basement.** A story having more than one-half of its height below grade. A basement shall not be counted as a story for the purpose of height regulations.

**Billboard.** "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 matter which advertises a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

**Block.** That property abutting on one side of a street in line with the two nearest intercepting or intersecting streets or lined within the nearest intercepting or intersecting streets and unsubdued acreage or railroad right of way.

**Board. Board of Adjustment.** A board which is appointed by the Board of Supervisors that in turn hears appeals made due to requirements of the zoning ordinance including disagreements between the zoning administrator and property owners(s), exemptions, and variances in conformance with Chapter 358.10, Code of Iowa.

**Boarding Houses.** A building other than a hotel where for compensation, meals and/or lodging are provided.

**Building.** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs for billboards. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.

**Building, Height of.** The vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip and gambrel roofs.

**Building Line.** The line of the outside wall of the building or any enclosed projection thereof nearest the street.

**Bulk Stations.** Distribution stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids, liquefied petroleum, or agricultural products.

**Camping Ground.** Any land or portion thereof which is designed for and used exclusively, by occupants of tents, trailers, mobile homes or other mobile living facilities on a temporary basis.

**Commission.** Zoning Commission appointed by the Board of Supervisors. The Commission is appointed to make recommendations to the Board concerning the zoning district map and the written text of the zoning ordinance and related regulations.

**Confinements.** (Adm Rules Ch. 65) Totally roofed animal feeding operation in which wastes are stored or removed as a liquid or semi-liquid.

**District.** An area or section of the county within which the regulation governing the use of buildings and premises or the height and area of buildings and premises are uniform.

**Dwelling.** Any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer or mobile home.

**Dwelling, Single Family.** A building designed for or occupied exclusively for residential purposes by one family (One-Dwelling Unit).

**Dwelling, Two Family (Duplex).** A building designed for or occupied exclusively for residential purposes by two (2) families.

**Dwelling, Multi Family.** A building or portion thereof designed for or occupied exclusively for residential purposes by three (3) or more families or housekeeping units living independently of each other.

**Earth Shelter Home.** A building designed to be used as a dwelling utilizing earth to shelter the building. The roof can be of conventional construction or covered with earth as a completed residential dwelling, as opposed to a basement with a temporary roof.

**Family.** A group of one or more persons occupying the premises and living as a single housekeeping unit and using common cooking facilities.

**Family Home.** "Family home" means a community-based residential home which is licensed as a residential care facility under Chapter 135C, the Code of Iowa or as 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 developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237 of the State Code.

**Farm.** A tract of land of ten (10) acres or more, including right-of-way, and including any buildings located thereon such as farmhouse, barns, out buildings and other structures, which are adapted by reason of nature and area, for use in agricultural purposes as a primary means of livelihood. This shall not include farm oriented uses of an agri-business or similar nature, including land or buildings used for feedlots, hog, cattle, sheep or poultry confinements, grain elevators, agricultural machinery sales and service, and food processing, unless the same is an integral part of a farm.

Farmstead. The service area of a farm which typically includes a farmhouse, out buildings and some trees.

Feed Lot. The feeding or raising of livestock, fowl, poultry or other animals in confined feed lots, dry lots, pens, cages or buildings as a commercial enterprise.

Floodplain. The channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater.

Floodway. The channel of a natural stream or river and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of a any natural stream or river.

Frontage. All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measuring along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

Grade. The average elevation of the finished ground at the exterior walls of the main building.

Group Home. A community-based residential home that provides room and board, personal care, rehabilitation services, and supervision.

Home Occupation. Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling in connection with which there is no advertising other than identification sign of no more than twenty square feet in area and no other display or exterior indication of the home occupation or a variation from the residential character of the main building, and in connection with which are no more than four persons outside the family employed and no equipment used which creates offensive noise, electrical interference, vibration, smoke, dust odors, heat or glare. When within the above requirements, a home occupation includes, but is not limited to, the following: (A) art studio; (B) beauty parlor; (C) dressmaking and/or tailoring; (D) professional offices of a physician, dentist, lawyer, engineer, architect, accountant, salesperson, real estate agent, insurance agent or other similar occupation; (E) teaching, with musical instruction limited to one or two pupils at a time.

Hotel. A building in which lodging is provided and offered to the public for compensation and which is open to transient guests.

Junk Yard. See Salvage Yard.

Kennel. An establishment where dogs, cats and other small animals are boarded for compensation or where bred or raised on a commercial scale.

Lot. A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and open space as herein required. Such lot shall have frontage on a public road or street.

Manufactured Home. "Manufactured home" means a factory-built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403, National Manufactured Home Construction and Safety Standards Act of 1974 and is to be used exclusively as a place for human habitation, but which is not constructed with permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site dwelling. For the purpose of these regulations, a manufactured home shall be built after June 15, 1976, and bear a seal certifying that it is in compliance with the National

Manufactured Home Construction and Safety Standards Act of 1974. A manufactured home meeting the preceding requirements shall be considered the same as a site-built single-family detached dwelling.

Mobile Home. House Trailer. A movable or portable dwelling constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year round occupancy, which can consist of one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two or more units separately towable but designed to be joined into an integral unit and which when manufactured receives a Manufacturing Certificate of Origin.

Mobile Home Park. A planned unit development in which two (2) or more mobile homes are located and which are occupied for residence and are not accessory to a farm.

Modular Home. "Modular home" means factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same regulations as site-built homes.

Motel, Motel Court, Tourist Court or Motel Lodge. A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation.

Nonconforming Use. Any building or land lawfully occupied by a use at the time of passage of this Regulation or Amendment thereto which does not conform after the passage of this Regulation or Amendment thereto with the use of Regulation of the district in which it is situated.

Nursing Home. A home for the aged or infirm, in which three or more persons not of the immediate family are received, kept or provided with food, shelter or care, for compensation; but not including hospitals, clinics, or similar institutions.

Open Feedlot. (Adm Rules Ch. 65) Unroofed or partially roofed animal feeding operation in which no crops, vegetation, forage growth or residue cover is maintained during the period that animals are confined in the operation.

Parking Space. An area, enclosed or unenclosed, sufficient in size to store an automobile together with a driveway connecting the parking space with a street, road, or alley.

Parks. Includes river accesses, multi-use parks, lakes, playgrounds, prairies, habitat areas, green belts, recreation areas, wilderness areas, forests and forest preserves.

Planned Development (PD). A tract of land which contains or will contain two (2) or more principle buildings or uses, the development of which is unique and of a substantially different character than that of surrounding areas.

Premises. A lot, together with all building's and structures thereon.

Principle Use. The main use of land or structures as distinguished from an accessory use.

Public Water and Sewer Systems. A water or sewer system owned and operated by a municipality, county, or district or owned and operated by a private individual or corporation approved by the governing body and properly chartered and certified by the appropriate state agency (and subject to special regulations as herein set forth).

Recreational Vehicle. A transportable overnight or short term sleeping or dwelling unit. The term includes, but is not necessarily limited to, travel trailer, pickup camper, fold down camper and mobilized camper.

**Recreation Vehicle Park.** An approved site, lot, field or tract of land designated, maintained, or used for the purpose of supplying location and accommodations for recreational vehicles, including any buildings, structures, vehicle or enclosure used or intended for use as a part of the equipment of such park and unoccupied recreational vehicles which are parked for purpose of inspection.

**Recreational Vehicle Space or Lot.** A parcel of ground within a recreational vehicle park designed to accommodate recreational vehicle.

**Road.** See Street.

**Roadside Stand.** A temporary structure, unenclosed, and so designed and constructed that the structure is easily portable and can be readily moved.

**Salvage Yard. Junk Yard.** Any area where waste, discarded or salvaged materials are bought, recycled, sold, exchanged, stored, baled or packed, disassembled, or handled, including vehicles and machinery, house wrecking yards, and used lumber yards.

**Sign.** Any device designed to inform or attract attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

- a) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations.
- b) Legal notices, identification, informational, directional, regulatory, or warning signs erected or required by governmental bodies.
- c) Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

**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 business.

**Sign, Off Site.** A sign other than an on site sign (see also Billboard).

**Sign, Post.** Any sign erected or affixed in a rigid manner to any pole or post and which carries any advertisements strictly incidental and subordinate to a lawful use of the premises on which it is located including signs or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof.

**Sign, Roof.** A sign erected upon or above a roof or parapet of a building or structure.

**Stable, Public and Riding Academy.** A building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instruction may be given in connection with a public stable or riding academy.

**Stable, Riding Club.** A building or structure used or intended to be used for the housing only of horses by a group of persons for non-commercial purposes.

Story. That portion of a building, other than a basement included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Street. Road. A public or private thoroughfare which affords a means of access to abutting property.

Street Line. The line between a lot, parcel or tract of land and a contiguous street right of way or easement.

Structure. Anything constructed, erected or built, the use of which requires location on the ground and designed for the support, enclosure, shelter or protection of persons, animals, chattels or properties of any kind, including but not without limiting the generality of the foregoing installations such as signs, billboards, radio towers and other facilities not designed for storage of property or occupancy of persons. This definition does not include fences or walls less than six feet in height.

Structure 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.

Supervisors. The Board of Supervisors of Cherokee County.

Tourist Home. Bed and Breakfast. A residential hotel in which rooms are available for rental purposes as overnight sleeping accommodations.

Tower. Any skeletal framework over 100 feet in height such as for communication or observation.

Variance. An exception to the distance, area and height requirements of this title, granted by the Board of Adjustment, in appropriate cases and subject to appropriate conditions and safeguards.

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

Yard, Front. A yard across the full width of a lot extended from the front lot line of the main building to the front line of the lot.

Yard, Rear. A yard extending the full width of a lot between a main building and the rear lot line.

Yard, Side. A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.

Zoning Administrator. See "Administrator, Zoning", page 3.

Zoning Certificate. Written statement issued by the Zoning Administrator authorizing buildings, structures, or uses consistent with the terms of this regulation and for the purpose of carrying and enforcing its provisions.

Zoning Exemption Certificate. Written statement issued by the Zoning Administrator indicating zoning certification or building permit is not required.



### ARTICLE 3. DISTRICTS, DISTRICT MAPS AND GENERAL REGULATIONS

#### Section 1. Districts

In order to classify, regulate and restrict the locations of businesses, industries, and the location of building designed for specified uses; to regulate and limit the height and use of buildings hereafter erected or structurally altered; to regulate and limit the intensity of use and the lot areas; and to regulate and determine the area of yards, courts and other open spaces surrounding such buildings in the unincorporated areas of Cherokee County, Iowa, the following zoning districts are hereby established:

AC	Agricultural-Conservation District
FPC	Floodplain and Conservation District
AR	Agricultural-Rural Residential District
R	Residential District
RMH	Mobile Home-Rural Residential District
C	Commercial District
LI	Light Industrial District
HI	Heavy Industrial District
PD	Planned Development

#### Section 2. District Maps

1. Such land and the district classification thereof, shall be shown on the map or maps designated as the "Zoning District Map of Cherokee County, Iowa." This Zoning District Map or maps, and all notations, dimensions, references, and symbols shown thereon, pertaining to such districts shall be as much a part of this Regulation. Said Map shall be available for public inspection in the office of the Zoning Administrator of Cherokee County, Iowa. Any person desiring a copy of any sheet of said Zoning District map and/or Zoning text shall pay a reasonable fee as established by the Board of Supervisors for each copy thereof, to the appropriate County official.

2. Any additions to the unincorporated area of the County resulting from disconnection by municipalities or otherwise shall be automatically classified as in the AC Agricultural-Conservation District until otherwise classified by amendment.

3. Whenever any road, street or other public way is vacated by official action of the Board of Supervisors of Cherokee County, the zoning district adjoining each side of such road, street or public way shall be automatically extended to the center of such vacation and all areas included it the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

4. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the maps accompanying and made a part of this Regulation, the following rules shall apply:

(a) Where a boundary line is given a position within a street, road or alley or non-navigable stream it shall be deemed to be in the center of the street, road, alley or stream, and if the actual location of such street, road, alley or stream varies slightly from the location as shown on the District Map, then the actual location shall control.

(b) Where a boundary line is shown as being located a specific distance from a street or road line or other physical feature, this distance shall control.

(c) Where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated main line track.

(d) Where the district boundaries are not otherwise indicated and where the property had been or may hereafter be divided into blocks and lots, such boundaries shall be construed to be the lot lines and where the districts are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the maps.

### Section 3. General Regulations

1. No building or land shall hereafter be used, and no building or part thereof shall be erected, reconstructed, converted, enlarged, moved, or structurally altered unless in conformity with this Regulation.
2. Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this Regulation.
3. The minimum yards, height limits, parking space, open spaces, including lot area per family, required by this Regulation for each and every building existing at the time of the passage of these regulations or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided nor shall any lot area or lot dimensions be reduced below the requirements of this Regulation.
4. No accessory building shall be used for dwelling except in accord with the specific provisions of this Regulation.
5. For the purpose of this Regulation, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of the Regulation, uses not specifically listed are prohibited.
6. Cooperatives, condominiums and all other forms of property ownership do not effect the provisions of these regulations and all requirements shall be observed as though the property were under single ownership.
7. Non-Conforming Uses (Pre-existing non-conforming livestock confinements and open feedlots are exempt.)

(a) Authority to Continue. Any building, structure or use that is lawfully established and exists on the effective date of this Regulation, but does not conform to all of the regulations of the district in which it is located, may be continued subject to the provisions of the this Regulation on the effective date thereof; and if it does not conform to any subsequent amendment thereof, it may also be continued thereafter subject to the provisions of this Section. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently pursued. Actual construction is hereby defined to include the placing of construction material in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

(b) Repairs and Alterations. Repairs and alterations may be made to a non-conforming building, provided that no structural alterations shall be made in or to a building, all or substantially all of which is designed or intended for use not permitted in the district in which it is located, except that structural alterations may be made if they are required by law or are necessary to make the building and use thereof conform to the regulations of the district.

(c) Additions and Expansions. Any addition, expansion or enlargement of a non-conforming building which is non-conforming as to size, height or setbacks or all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall conform to all the regulations of the district in which it is located and the entire building thereafter shall conform to all of the regulations of said district. A non-conforming use of land shall not be expanded, extended, or moved in whole or in part to any other portion of the lot or parcel beyond the area it occupied at the date of the adoption of this Ordinance.

(d) Discontinuation of a Non-conforming Use. A building or land which is intended for a use which is not permitted in the district in which it is located, which is or hereafter becomes vacant and remains unoccupied or is not used for a period of one (1) year, shall not thereafter be occupied or used except in a manner which conforms to the use of regulations of the district in which it is located. Such use may be continued for a period not to exceed five (5) years after the passage of this Ordinance subject to the provision contained in this Section.

(e) Restoration to a Damaged Non-conforming Building. A building, designed or intended for a use which is not permitted in the district in which it is located, which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration shall exceed sixty percent (60%) of the cost of replacement of the entire building, shall not be restored unless such building and use thereof shall conform to all the regulations of the district in which it is located. If the costs of restoration of such damaged building does not exceed sixty (60) percent of the cost of replacement of the entire building, no repairs or reconstruction shall be made unless such restoration is commenced within one (1) year from the date of the fire or other casualty or act of God and is diligently pursued until completion.

8. Fences, Wall and Vision Clearance. On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one half (2 ½) and ten (10) feet above the centerline grades of the area described as follows:

That triangular area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines twenty-five (25) feet from the point of intersection of said right-of-way lines.

9. Daylight of Intersection. No buildings, trees or shrubs shall be permitted within a triangle at the intersection of county roads, state or federal highways:

That triangle area bounded by the intersecting road center lines and by a straight line connecting the road center lines three hundred and fifty (350) feet from the said intersecting roads' center lines.

## ARTICLE 4. DISTRICT REGULATIONS

### Section 1. A-C Agricultural-Conservation District

#### 1.1 Purpose of the District

The purpose of this district is to encourage agricultural use of high productivity soils, to protect agricultural uses from the depreciating effect of objectionable and unsightly uses, and to preserve the county's farm land, woodlands, flood plains and areas of special environmental quality.

#### 1.2 Permitted Uses

A building or land should be used only for the following purposes:

1. Farms, as defined in Article 2.
2. Detached single-family dwellings, including detached modular homes. Modular homes are subject to the provisions of Article 6, Section 5 RMH, Residential Mobile Home District.
3. Publicly-owned parks, as defined in Article 2.
4. Public and parochial schools, elementary and secondary.
5. Nurseries and greenhouses.
6. Extraction of sand and gravel provided that all pits and excavations shall be leveled and filled to the extent necessary so that the ground is put back in a useable and safe fashion within six months after the extraction operations are terminated and further providing that such extraction shall not encroach any closer than three hundred (300) feet from a residence or one hundred (100) feet from a property line.
7. Churches, rectories, parish houses, convents and monasteries, temples, and synagogues.
8. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges, and similar activities operated as a business, but including a building for a golf shop, locker room, snack bar, restaurant, and club house as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet from adjoining property lines.

#### 1.3 Permitted Accessory Uses

1. Accessory uses as follows on a farm or acreage where products are grown on the premises for sale:
  - (a) Roadside stand for sale of farm products raised on the premises.
  - (b) Accessory, open or enclosed storage of farm materials, products, vehicles or equipment.
  - (c) Accessory farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks and silos.

(d) Dwellings for persons employed on the premises, including up to two (2) mobile homes provided such mobile homes are occupied by persons employed on the premises or immediate members of the family or families owning or operating the farm.

2. Garage, private.

3. Home occupations in a main building.

4. Signs as follows:

(a) Traffic and official signs.

(b) Signs pertaining to the sale or lease of property, or to activities conducted on the property; provided, however, that these shall not exceed thirty (30) square feet in area.

(c) Signs not exceeding thirty (30) square feet in area, providing information or direct interest to the traveling public, being information about public places operated by governmental agencies, natural phenomena, historic sites, areas of scenic beauty, or naturally suited for outdoor recreation and places for camping, lodging, eating, the sale of farm supplies, and vehicular service and repair; but only when no such sign contains, includes or is illuminated by any flashing, intermittent or moving parts. Such signs shall be set back a minimum distance of thirty (30) feet from any highway right-of-way line and there shall be a minimum distance of two hundred (200) feet between each sign.

(d) Signs not exceeding ten square feet in area indication the type of plant being grown or the type of fertilizer being used.

#### 1.4 Conditional Uses

Specific uses identified in Article 5 as conditional uses for the A-C District may be permitted if approved by the Board of Supervisors in accordance with the procedures, guides and standards of Article 5.

#### 1.5 Lot Size Requirements

	Minimum <u>Lot Area</u>	Minimum, Feet Lot <u>Width</u>	Lot <u>Depth</u>
Single-Family Dwelling	10 acres 435,600 sq. ft.	400	600

Lot width is measured at the building line.  
Minimum street frontage is one hundred fifty (150) feet.

Section 4-1.5 is amended by adding a new unnumbered paragraph as follows:  
(unnumbered paragraph) Farmsteads existing as of the date of this amendment are exempt from the 10 acre minimum lot size but shall meet or exceed the AR District minimum lot size of 2 acres excluding right-of-way.

#### 1.6 Yard Requirements

1. If lot abuts a county road or state highway, the yard abutting the county road or state highway right-of-way line shall meet the set back requirements contained in Article 6, Section 3.2, otherwise:

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard Aggregate	Rear Yard
Single-Family Dwelling	50	40	100	50

Other structures same or as required in district or conditional use regulations.

#### 1.7 Height Requirements

Single-family dwellings and  
all other structures not  
specifically exempted

Maximum Height  
2 ½ stories but not  
to exceed 35 feet

#### 1.8 Off-street Parking and Loading Requirements

Off-street parking and loading requirements are contained in Article 6.

## Section 2. FPC-Floodplain and Conservation District

### 2.1 Purpose of the District

The purpose of the district is to protect flood ways and flood plains from encroachment, to prevent future losses to property by prohibiting construction in flood ways, to control construction in flood plains and to protect the use and quality of artesian water areas.

### 2.2 Permitted Uses

1. Farms as defined in Article 2
2. Pastures
3. Parks, as defined in Article 2
4. Extraction of sand and gravel
5. Golf courses

### 2.3 Permitted Accessory Uses

1. Roadside stands for sale of farm products raised on the premises
2. Signs as follows:

(a) Traffic and official signs.

(b) Signs pertaining to the sale or lease of property, or to activities conducted on the property; provided, however, that these shall not exceed thirty (30) square feet in area.

(c) Signs not exceeding thirty (30) square feet in area, providing information or direct interest to the traveling public, being information about public places operated by governmental agencies, natural phenomena, historic sites, areas of scenic beauty, or naturally suited for outdoor recreation and places for camping, lodging, eating, the sale of farm supplies, and vehicular service and repair; but only when no such sign contains, includes or is illuminated by any flashing, intermittent or moving parts. Such signs shall be set back a minimum distance of thirty (30) feet from any highway right-of-way line and there shall be a minimum distance of two hundred (200) feet between each sign.

(d) Signs not exceeding ten (10) square feet in area indicating the type of plant being grown or the type of fertilizer being used.

### 2.4 Conditional Uses

Specific uses identified in Article 5 as conditional uses for the FPC District may be permitted if approved by the Board of Adjustment in accordance with the procedures, guides and standards of Article 5.

### 2.5 Process

The applicant must secure a permit from the Department of Natural Resources and not be in a floodplain prior to a permit being considered by the Zoning Administrator. No construction is allowed in the floodway.





### Section 3. A-R Agricultural-Rural Residential District

#### 3.1 Purpose of the District

The purpose of this district is to provide for agricultural activities and to protect agricultural land from the depreciating effect of objectionable and unsightly uses. The district is also intended to provide for spacious residential development for those who choose this environment and to prevent untimely scattering of more dense urban uses which should be confined to areas for efficient extension of public services.

#### 3.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Farms, as defined in Article 2.
2. Detached single-family dwellings, including detached modular homes. Modular homes are subject to the provisions of Article 6, Section 5.
3. Camps, day or boarding, commercial or non-commercial.
4. Churches, rectories, parish houses, convents and monasteries, temples and synagogues.
5. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges, and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course providing no such building is located closer than one hundred (100) feet from adjoining property lines.
6. Nursery or greenhouse, commercial.
7. Publicly-owned parks, playgrounds, recreation areas and forest preserves.
8. Public and parochial schools, elementary and secondary.
9. Extraction of sand and gravel provided that all pits and excavations shall be leveled and filled to the extent necessary so that the ground is put back in a useable and safe fashion within six months after the extraction operations are terminated and further providing that such extraction shall not encroach any closer than three hundred (300) feet from a residence or one hundred (100) feet from a property line.
10. Family homes, as provided for in Section 358A.25, Code of Iowa.

#### 3.3 Permitted Accessory Uses

1. Accessory uses as follows on a farm:

- (a) Roadside stands for sale of farm products raised on the premises.
- (b) Accessory, open or enclosed, storage of farm materials, products, or equipment.
- (c) Accessory farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks and silos.

(d) Dwellings for person employed on the premises, including up to two mobile homes provided such mobile homes are occupied by persons employed on the premises or immediate members of the family or families owning or operating the farm.

2. Garage, private.

3. Guest houses.

4. Home occupation in a main building.

5. Repealed.

6. Swimming pool and game courts, for use of occupants or their guests.

7. Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of time of erection of such temporary buildings, whichever is sooner.

8. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.

9. Accessory off-street parking and loading spaces.

10. Signs, as follows:

(a) Traffic and official signs.

(b) Signs pertaining to the sale or lease of property, or to activities conducted on the property, provided however, that these shall not exceed thirty (30) square feet in area.

(c) Signs not to exceed thirty (30) square feet in area, providing information of direct interest to the traveling public, being information about public places operated by governmental agencies, natural phenomena, historic sites, area of scenic beauty, or naturally suited for outdoor recreation and places for camping, lodging, eating, the sale of farm supplies and vehicular service and repair, but only when no such sign contains, includes or is illuminated by any flashing, intermittent or moving parts. Such signs shall be set back a minimum distance of thirty (30) feet from any highway right-of-way line and there shall be a minimum distance of two hundred (200) feet between each sign.

(d) Signs larger than thirty (30) square feet in area, but not to exceed three hundred (300) square feet in area, provided such signs are set back a minimum distance of three hundred (300) feet from any highway right-of-way, and provided further that there shall be a minimum distance of one thousand three hundred twenty (1320) feet between each sign on the same side of a roadway.

- (e) Signs not exceeding four (4) square feet in area indicating the type of plant being grown or the type of fertilizer being used.

### 3.4 Conditional Uses

Specific uses identified in Article 5 as conditional uses for the A-R District may be permitted if approved by the Board of Adjustment in accordance with the procedures, guides and standards of Article 5.

### 3.5 Lot Size Requirements

	Minimum Lot Area	Minimum, Feet Lot Width	Lot Depth
Single-Family or Two-Family Dwelling	2 acres 87,120 sq. ft.	150	175

Lot area excludes public rights-of-way.

Lot width is measured at the building line.

Minimum street frontage is one hundred (100) feet.

### 3.6 Yard Requirements

1. If lot abuts a county road or state highway, the yard abutting the county road or state highway shall meet the set back requirements contained in Article 6, Section 3, otherwise:

	Minimum in Feet			
	Front Yard	Side Yard Minimum	Side Yard Aggregate	Rear Yard
2. Single-Family or Two-Family Dwelling	40	20	50	40

3. Other structures same or as required in district regulations.

### 3.7 Height Requirements

Single-family dwellings and  
all other structures not  
specifically exempted

Maximum Height  
2 ½ stories but not to  
exceed 35 feet

- ### 3.8 Off-street Parking and Loading Requirements
- Off-street parking and loading requirements are contained in Article 6.

- ### 3.9 Other Requirements
- A permit for the waste disposal system must be obtained from the County Sanitarian before occupancy.

## Section 4. R Residential District

### 4.1 Purpose of the District

The purpose of this district is to provide for low-density single-family residential development on smaller lots where water and sewer facilities generally are provided, together with such churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings. In general, the district is located where urbanization and full utilities and public services exist or are planned for the reasonably near future.

### 4.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Detached single-family dwellings, including detached modular homes. Modular homes are subject to the provisions of Article 6, Section 5.
2. Farm, as defined in Article 2.
3. Churches, rectories, parish houses, convents and monasteries, temples and synagogues.
4. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges, and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course providing no such building is located closer than one hundred (100) feet from adjoining property lines.
5. Public parks, as defined in Article 2.
6. Public schools, elementary and high, or private schools having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
7. Family homes as proved for in Section 358A.25, Code of Iowa.

### 4.3 Permitted Accessory Uses

1. Accessory uses as follows on a farm of ten (10) acres or more:
  - (a) Roadside stand for sale of farm products raised on the premises.
  - (b) Accessory, open or enclosed, storage of farm materials, products, or equipment.
  - (c) Accessory farm buildings, including barns, stables, shed, tool rooms, shops, bins, tanks and silos.
  - (d) Dwellings for persons permanently employed on the premises.
2. Garage, private
3. Garden house, tool house, playhouse or greenhouse incidental to residential use.

4. Home occupations in a main building.
5. Swimming pool and game courts, unlighted, for use of occupants or their guests.
6. Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of time of erection of such temporary buildings, whichever is sooner.
7. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
8. Accessory off-street parking and loading spaces. Open or enclosed space for parking one commercial vehicle of not more than one (1) ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
9. Signs, as follows:
  - (a) A sign, limited in area to thirty (30) square feet for identification of a farm or estate or subdivision.
  - (b) A sign, limited in area to thirty (30) square feet for a church bulletin board or identification of permitted public and semi-public uses, recreational uses, or clubs.
  - (c) A temporary, non-illuminated sign, limited in area to ten (10) square feet, advertising real estate for sale or lease or announcing contemplated improvements of real estate on which it is placed.

#### 4.4 Conditional Uses

Specific uses identified in Article 5 as conditional uses for the R District may be permitted if approved by the Board of Adjustment in accordance with the procedures, guides and standards of Article 5.

#### 4.5 Lot Size Requirements

	Minimum Lot Area	Minimum, Feet Lot Width	Lot Depth
(Sq. Ft. per Family Unit)			
1. Single-Family Dwelling--			
With Public Water and Public Sewerage	10,000	65	100
With Public Water but with Individual Sewerage	18,000	100	125
With Individual Water System and Individual Sewerage	½ Acre 21,780	100	115

Lot width is measured at the building line.

2. Two-Family Dwelling	5,000	65	100
3. Multi-Family Dwelling	4,000	80	100

#### 4.6 Yard Requirements

1. If lot abuts a county road or state highway, the yard abutting the county road or state highway shall meet the set back requirements contained in Article 6, Section 3, otherwise:

	Minimum in Feet			
	Front Yard	Side Yard Minimum	Side Yard Aggregate	Rear Yard
2. Single-Family, Two-Family or Multi-Family Dwelling	25	10	20	25

3. Other structures same or as required in district regulations.

#### 4.7 Height Requirements

	<u>Maximum Height</u>
Single-family dwellings and all other structures not specifically exempted	2 ½ stories but not to exceed 35 feet

#### 4.8 Off-street Parking and Loading Requirements

Off-street parking and loading requirements are contained in Article 6.

## Section 5. RMH Residential Mobile Home District

### 5.1 Purpose of the district

The purpose of this district is to provide for well-designed mobile home parks or subdivisions and accessory sales and storage area in areas where public utilities are available and to establish basic standards which will determine the character of this land use and its effect on surrounding properties. Single-family residential development is permitted as an alternative to mobile home park use.

### 5.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any use permitted in the Residential District subject to the lot size, yard, height and other requirements of that district.

2. Mobile home park, provided:

- (a) That the mobile home park shall comply with all sanitary and other requirements prescribed by Cherokee County and applicable state statutes.

- (b) That access to the mobile home park shall not be from a minor residential street, that number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, that no mobile home space shall be designed for direct access to a street outside the boundaries of the park and that the interior access drives shall be properly lighted and at least fifty (50) feet in width, hard surfaced and maintained at least twenty (20) feet in width in accord with applicable county specifications and ordinances.

- (c) That the topography of the site be such as to facilitate rapid drainage and that adequate drainage facilities be provided.

- (d) That the design evidences a reasonable effort to preserve the natural amenities of the site.

- (e) The minimum width and/or depth of the mobile home park shall be two hundred (200) feet and a minimum total area of the park shall be eight (8) acres, including one-half ( $\frac{1}{2}$ ) the width of bordering streets, except that minimum area may be two (2) acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five (5) acres or more.

- (f) That at least forty (40) home sites be provided in the proposed plan. No home sites shall be offered for sale or sold.

- (g) The mobile home park shall be surrounded by a landscaped or wooded strip of open space at least fifty (50) feet wide along the street frontage with an arterial street or major highway and at least twenty-five (25) feet wide along all other lot lines or street frontage.

- (h) Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems.

(i) Each mobile home site shall be provided with electrical outlets installed in accordance with applicable codes or regulations.

(j) Adequate area shall be provided in the design for such things as public laundry facilities and storage of recreation equipment and vehicles.

3. No existing mobile home park shall be enlarged or extended when such park does not meet the applicable health or safety requirements or where such park is in violation of regulations and standards regarding sewerage treatment or discharge, pollution or water quality.

#### 5.3 Permitted Accessory Uses

1. Those accessory uses permitted in the R Residential District.

2. For individual mobile home sites: awnings or porches, and one storage building, all of materials and construction acceptable in accordance with sound building practices and not extending closer than five (5) feet to the boundaries of the individual mobile home site.

3. For the mobile home park: management headquarters, recreational facilities, community building, toilets, showers, coin-operated laundry facilities and vending machines, and other uses and structures customarily incidental to operation of a mobile home park.

4. Signs as follows:

(a) Any sign permitted in the R Residential District.

(b) A sign limited in area to thirty (30) square feet, giving the name and/or address of management of a mobile home park.

#### 5.4 Conditional Uses

Specific uses identified in Article 5 as conditional uses for the RMH District may be permitted if approved by the Board of Adjustment in accordance with the procedures, guides and standards of Article 5.

#### 5.5 Site Plan Required

Each petition for a change to the RMH zoning classification submitted to the Board of Supervisors shall be accompanied by a mobile home park site plan. The mobile home park site plan shall meet the requirements for a preliminary plat as stated in the Cherokee County, Iowa, Subdivision Regulations.

The Site Plan shall be considered by the Zoning Commission and the Board of Supervisors concurrently with the application for amendment to the zoning map and following the procedures specified in Article 5. The Board of Supervisors may approve or disapprove the Plan or require such changes thereto as are deemed necessary to accomplish the intent and purpose of these regulations.

#### 5.6 Lot Size, Density, and Site Requirements

1. For uses permitted in the R Residential District, the lot size requirements are the same as for that district.



2. In a mobile home park:

(a) The maximum density of units in a mobile home park shall be nine (9) per gross acre and the minimum area for a mobile home site for parking one (1) mobile home shall be three thousand (3,000) square feet with no dimension less than forty (40) feet, and with corners of each site visible marked and numbered by a permanent marker. Adjustment between sites may be approved in order to preserve natural amenities. No more than one (1) mobile home shall be parked on any one (1) site.

(b) In addition to the requirement of (a) above, an open space or spaces of not less than five thousand (5,000) square feet accessible to all mobile home occupants and suitable for use as a recreational land area shall be provided within the mobile home park at a ratio of a minimum of four hundred (400) square feet of recreational area per mobile home site in such park.

5.7 Yard Requirements

1. If a lot or tract abuts a county road or state highway, the yard abutting the county road or state highway shall meet the setback contained in Article 6, Section 3, otherwise:

2. For uses permitted in the R Residential District, the yard requirements are the same as for that district.

3. In a mobile home park, no mobile home shall be parked closer than fifty (50) feet from a public street or road, ten (10) feet from an interior access drive, or twenty-five (25) feet from any other mobile home or service building and no part of a mobile home shall extend closer than five feet (5) to the boundaries of the individual mobile home site.

5.8 Height Requirements

1. Single-family dwellings and all other structures except mobile homes and those specifically exempted.

Maximum Height  
2 ½ stories but  
not to exceed 35 feet

2. Mobile homes

15 feet

5.9 Off-Street Parking and Loading Requirements

1. At least one (1) off-street parking space shall be provided on each mobile home site, and in addition, off-street parking spaces for automobiles shall be provided in the ratio of one-half (½) space per mobile home in locations convenient to groups of homes.

2. Additional off-street parking and loading requirements are contained in Article 6.

## Section 6. C Commercial District.

### 6.1 Purpose of the District

The purpose of this district is to provide sufficient space in appropriate locations for the normal business and commercial uses required to serve the unincorporated county, and located particularly along major thoroughfares.

### 6.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any use permitted in the R Residential District.
2. Animal hospitals, veterinary clinics and kennels with any open pens at least two hundred (200) feet from an agricultural or residential district.
3. Stores or shops for the conduct of retail business, including sale of accessories, antiques, appliances, beverages, carpets, clothing, drugs, fabrics, food, furniture, garden supplies, groceries, hardware, hobby supplies, office supplies, paint, sporting goods, and stationery, and similar stores and shops.
4. Banks and other financial institutions.
5. Barber shops and beauty parlors.
6. Clinics
7. Dry cleaning and laundry stores.
8. Flower shops and greenhouses incidental thereto.
9. Laundromats or self-service dry cleaning establishments.
10. Offices, general, business or professional.
11. Pet shops.
12. Private clubs, lodges, or meeting halls.
13. Restaurants.
14. Home appliance sales and repairs.
15. Funeral homes.
16. Amusement places or theaters, except open-air drive-in theaters. Amusement places include bowling alleys, dance halls subject to applicable county regulations, skating rinks, swimming pools, miniature golf, billiard or pool parlors, indoor model racing tracks, and similar activities.
17. Bus stations.
18. Filling stations, so long as bulk storage of inflammable liquid is underground.

19. Hotels, motels, motor lodges, or tourist homes.
20. Lawn mower, yard and garden equipment, rental sales and services.
21. Lumber and building materials store, but not a lumber yard.
22. Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots); including as incident to these major uses all repair work in connection with their own customers' vehicles.
23. Monument sales establishment.
24. Printing, publishing and engraving establishments.
25. Radio and television stations and studios or recording studios, but not towers more than 125 feet in height.
26. Bowling alleys.
27. Carpenter and cabinet-making shops.
28. Car wash.
29. Commercial recreation facilities including swimming pools, skating rinks, golf driving ranges and miniature golf courses.
30. Drug stores.
31. Automobile repair, within an enclosed building and not including wrecking and used parts yards.
32. Automobile sales, new and used cars.

#### 6.3 Permitted Accessory Uses

1. Any accessory use permitted in the "R" Residential District.
2. Storage of office supplies or merchandise normally carried in stock in connection with a permitted office, business, or commercial use.
3. Signs and advertising structures related to the activity conducted on the premises but with sign area not to exceed one hundred (100) square feet.

#### 6.4 Conditional Uses

Specific uses identified in Article 5 as conditional uses for the "C" Commercial District may be permitted if approved by the Board of Adjustment in accordance with the procedures, guides and standards of Article 5.

### 6.5 Lot Size Requirements

1. For permitted dwellings and other uses permitted in the R Residential District, the lot size requirements are the same as in the "R" Residential District.
2. For other permitted uses, there are no minimum lot size requirements except as may be required to meet sanitary standards.

### 6.6 Yard Requirements

1. If lot abuts a county road or state highway, the yard abutting the county road or state highway shall meet the set back requirements contained in Article 6, Section 3, otherwise:

	Minimum in Feet			
	Front Yard	Side Yard Minimum	Side Yard Aggregate	Rear Yard
2. Dwellings and other structures permitted in the R District	50	10	20	25
3. Other structures	50	25	--	50

Side and rear yards, required only if adjacent to a "R" District.

### 6.7 Height Requirements

Dwellings, business buildings and all other structures not specifically exempted.

#### Maximum Height

4 stories but not to exceed  
50 feet

### 6.8 Off-Street Parking and Loading Requirements

Off-street parking and loading requirements are contained in Article 6.

## Section 7. LI Light Industrial District

### 7.1 Purpose of the District

The purpose of this district is to provide sufficient space in appropriate locations for certain types of business and manufacturing in modern landscaped buildings. Typical development in the district would be that which is commonly known as an "Industrial Park".

### 7.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Generally those light manufacturing uses similar to those listed below which do not create any more danger to health and safety in surrounding area and which do not create any more offensive noise, vibration, smoke, dust, lint, odor, heat or glare, than that which is generally associated with light industries of the types specifically permitted below:
  - (a) Manufacture or assembly of medical and dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus.
  - (b) Manufacture or assembly of boats, bolts, nuts, screws and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery, and hardware products, sheet-metal products, and vitreous enameled metal products.
  - (c) Beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable processing and canning, packing and processing of fish, meat and poultry products, but not distilling of beverage or slaughtering of poultry or animals, or processing or bulk storage of grain or feeds for animals or poultry.
  - (d) Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, printing and finishing of textiles and fibers into fabric goods.
  - (e) Manufacture of boxes, furniture, cabinets, baskets, and other wood products of similar nature.
  - (f) Compounding of cosmetics, toiletries, drugs and pharmaceutical products.
2. Banks, drive-in or otherwise.
3. Dwellings for resident watchmen and caretakers employed on the premises.
4. Laboratories, research, experimental or testing, but not testing combustion engines or explosives.
5. Offices and office buildings.
6. Photographic processing or blueprinting.
7. Printing and publishing.
8. Restaurants, but not drive-in restaurants.

9. Wholesale merchandising or storage warehouses, with floor area devoted to warehousing and handling of merchandise.

10. Farms as permitted in the A-R Agricultural Rural Residential District.

#### 7.3 Permitted Accessory Uses

1. Storage of goods used in or produced by permitted commercial and industrial uses or related activities, subject to applicable district regulations.

2. Accessory uses as follows on a farm of ten (10) acres or more:

(a) Roadside stands for sale of farm products raised on the premises.

(b) Accessory, open or enclosed, storage of farm material, products, or equipment.

(c) Accessory farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks and silos.

(d) Dwellings for persons permanently employed on the premises.

3. Signs and advertising structures related to the activity conducted on the premises but with sign area not to exceed one hundred (100) square feet.

#### 7.4 Conditional Uses

Specific uses identified in Article 5 as conditional uses for the LI Light Industrial District may be permitted if approved by the Board of Adjustment in accordance with the procedures, guides and standards of Article 5.

#### 7.5 Site Plan Required

Each petition for change to LI zoning classification submitted shall be accompanied by a site plan. The site plan shall meet the requirements for a preliminary plat as stated in the Cherokee County, Iowa, Subdivision Regulations.

#### 7.6 Lot Size Requirements

	Minimum Lot Area (Sq. feet)	Minimum Feet Lot Width	Lot Depth
All Uses	43,560 (one acre)	150	200

Lot width is measured at the building line.

Minimum street frontage is 100 feet.

### 7.7 Yard Requirements

1. If lot abuts a county road or state highway, the yard abutting the county road or state highway shall meet the set back requirements contained in Article 6, Section 3, otherwise:

	Minimum in Feet			
	Front Yard	Side Yard Minimum	Side Yard Aggregate	Rear Yard
2. All uses	50	20	50	40

### 7.8 Height Requirements

All structures not  
specifically exempted

#### Maximum Height

2 ½ stories but not to  
exceed 35 feet unless  
approved by the Board of  
Adjustment

### 7.9 Off-street Parking and Loading Requirements

Off-street parking and loading requirements are contained in Article 6.

### 7.10 Special Conditions

The uses permitted in this district shall be subject to the following special conditions:

1. All uses shall be conducted within a completely enclosed building with no open storage of raw, in process, or finished material and supplies or waste material, except that finished or semi-finished products manufactured on the premises may be stored in the open if screened from the street by landscaping, fences or walks.
2. The front yard shall be maintained in a neat and attractive condition.

## Section 8. HI Heavy Industrial District

### 8.1 Purpose of the District

The purpose of this district is to provide areas of the county for activities and uses of a heavy industrial character. Since this is the least restrictive district, almost any use is permissible, except a non-farm residential public use, which does not conflict with other ordinances or regulations of Cherokee County or the State of Iowa.

### 8.2 Permitted Uses

Any building or premises may be used for any purposes not in conflict with any Regulation of Cherokee County regulating nuisances or laws of the State of Iowa; provided however, that no building shall be erected, converted, reconstructed or structurally altered for church, library, school, hospital, or residential purposes, except for resident watchmen and caretakers employed on the premises and except for crop farms, provided that: No Certificate of Compliance or Occupancy Permit shall be issued for any of the following uses or manufacturing, compounding, processing, packaging or treatment of the following products until and unless the location of such use shall have been approved by the Board of Adjustment as provided in Article 7 hereof.

#### 1. Chemicals, Petroleum, Coal and Allied Product

- (a) Acids and derivatives
- (b) Acetylene
- (c) Ammonia
- (d) Carbide
- (e) Caustic soda
- (f) Cellulose and cellulose storage
- (g) Chlorine
- (h) Coke oven products (including fuel gas) and coke oven products storage.
- (i) Creosote
- (j) Distillation, manufacture, or refining of coal, tar, asphalt, wood and bones.
- (k) Explosive (including ammunition and fireworks) and explosive storage
- (l) Fertilizer (organic)
- (m) Fish oils and meal
- (n) Glue, gelatin (animal)
- (o) Hydrogen and oxygen
- (p) Lamp black, carbon black, and bone black
- (q) Nitrating of cotton or other materials
- (r) Nitrates (manufactured and natural or an explosive nature, and storage
- (s) Petroleum, gasoline, and lubricating oil refining and wholesale storage
- (t) Plastic materials and synthetic resins
- (u) Potash
- (v) Pyroxyline
- (w) Rendering and storage of dead animals, offal, garbage, or waste products
- (x) Turpentine and resin
- (y) Wells, gas and oil
- (z) Clay, stone and glass products



2. Clay, Stone and Glass Products

- (a) Brick, firebrick, refractories and clay products (coal fired)
- (b) Cement, lime, gypsum, or plaster of Paris
- (c) Minerals and earths: quarrying, extracting, grinding, crushing and processing

3. Food and Beverage

- (a) Fat rendering
- (b) Fish curing, packing and storage
- (c) Slaughtering of animals
- (d) Starch manufacture

4. Metals and Metal Products

- (a) Aluminum powder and paint manufacture
- (b) Blast furnace, cupolas
- (c) Blooming mill
- (d) Metal and metal ores, reduction, refining, smelting, and alloying
- (e) Scrap metal reduction or smelting
- (f) Steel works and rolling mill (ferrous)

5. Wood and Paper Products

- (a) Match manufacture
- (b) Wood pulp and fiber, reaction and processing

6. Unclassified Industries and Uses

- (a) Hair, hides, and raw fur, curing, tanning, dressing, dyeing and storage
- (b) Stockyard
- (c) Garbage dump and land-fill operations

8.3 Permitted Accessory Uses

1. Storage of goods or materials used in or produced by permitted commercial and industrial uses or related activities, subject to applicable district regulations and screened from the street by landscape, fences or walks.
2. Accessory uses as follows on a farm of ten (10) acres or more:
  - (a) Roadside stand for sale of farm products raised on the premises.
  - (b) Accessory, open or enclosed, storage of farm materials, products, vehicles or equipment.
  - (c) Accessory farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks and silos.
  - (d) Dwellings for persons employed on the premises.
3. Signs and advertising structures related to the activity conducted on the premises but with sign area not to exceed one hundred (100) feet.

#### 8.4 Lot Size Requirements

All uses: None except as may be required by the health official to meet sanitary standards.

#### 8.5 Site Plan Required

Each petition for change to the HI zoning classification submitted shall be accompanied by a site plan. The site plan shall meet the requirements for a preliminary plan as stated in the Cherokee County, Iowa, Subdivision Regulations.

#### 8.6 Yard Requirements

1. If the lot or parcel abuts a county road or state highway, the yard abutting the county road or state highway shall meet the set back requirements contained in Article 6, Section 3, otherwise:

	Minimum in Feet			
	Front Yard	Side Yard Minimum	Side Yard Aggregate	Rear Yard
2. All uses	50	10	--	25

#### 8.7 Height Requirements

All structures not specifically exempted

##### Maximum Height

Three stories but not to exceed 45 feet unless approved by the Board of Adjustment under Article 7.

#### 8.8 Off-street Parking and Loading Requirements

Off-street parking and loading requirements are contained in Article 6.

## Section 9. PD Planned Development

### 9.1 Purpose of the District

The purpose of the district is intended to be appended to the R, RMH, C, LI and HI Districts to provide for uses, because of their size, location, or design concept, are not adequately provided for in such listed districts.

### 9.2 Permitted Uses

Only the use of structures or land permitted by the zoning classification to which the PD District classification is appended shall be permitted.

### 9.3 Permitted Accessory Uses

Only the use of structures or land permitted by the zoning classification to which the PD District classification is appended shall be permitted.

### 9.4 Lot and Yard Requirements

The minimum requirements where the PD District is appended shall be no less than the minimum lot and yard requirements of the district to which it is appended; provided, however, that the Zoning Commission may recommend and the Board of Supervisors may, with or without the recommendation of the Zoning Commission, require minimum lot and yard requirements more stringent than those controlling the districts to which the PD District is appended.

### 9.5 Special Provisions

1. Any portion of the lot may be petitioned to be Planned Development.
2. The Zoning Commission and the Board of Supervisors may reduce, but not eliminate, the number of hard surfaced parking spaces required by the regulations to reasonable accommodate the use being requested.
3. The Zoning Commission and/or the Board of Supervisors may require such reasonable information to be provided to them as shall enable them to make a decision on the petition of those desiring the zoning change. Such information may include but not be limited to the following:
  - (a) Market surveys
  - (b) Evidence as to need
  - (c) Topographical studies
  - (d) Plans for water supply and sewage disposal both present and future.
  - (e) Order of development of various parts of the parcel.
  - (f) An approximate cost of the various segments of the parcel when developed.

(g) Traffic counts both prior to the zoning application and anticipated in the event the application is granted. Data available from the County will be furnished to the applicant upon request but all other cost relating to traffic surveys will be born by the applicant.

4. The PD District may be appended to a petition for zoning change to R, RMH, C, LI or HI either at the time of the original filing of the petition or thereafter consistent with the Cherokee County Zoning Ordinance as it now exists or is hereafter amended.

#### 9.6 Procedure

Petitioners requesting a PD District shall submit a site plan, with dimensions, of the proposed development as an exhibit accompanying the petition for the change in zoning and the site plan shall show the following:

1. All land and its use and ownership within five hundred (500) feet of the district to be rezoned.
2. Proposed landscaping stating types of grass and shrubs of other material used in said landscaping; and in respect to shrubs, the size thereof at planting and description including the size of the shrubs and trees at maturity.
3. A description and an artist's conception of the outside of the buildings to be constructed.
  - a. A description of the material used for surfacing parking areas and drives within the district;
  - b. A description of the exterior lighting to be provided;
  - c. A description of the manner in which solid and liquid waste will be disposed;
  - d. Such other information as may be desired and useful to the Zoning Commission and Board of Supervisors.
4. The location of driveways and the points in ingress and egress, including access roads and routes of access to main highways.
5. A showing of compliance of state and federal laws and regulations relating to the project shall be made prior to approval by the Board of Supervisors.

#### 9.7 Site Plan

The site plan, as finally approved, shall be binding upon the petitioner, his heirs, successors, or assigns, and shall be a perpetual covenant running with the land inuring to the benefit of the public and shall be part of the Zoning Regulations.

#### 9.8 Time of Essence

It is not the purpose of this zoning classification to promote speculation, but rather to promote the orderly uses of land in Cherokee County, Iowa, and time is therefore of essence in the granting of this zoning classification. To this end, the following maximum time requirements are hereby established:

1. Site development, by way of grading, filling or otherwise, shall be completed within eight (8) months of the effective date of the zoning change.
2. Water mains and sewage disposal facilities shall be completed within twelve (12) months of the effective date of the zoning change.
3. A start on at least sixty percent (60%) of the building proposed, measured by the square footage shall be made within two (2) years of the change in classification and be completed within three (3) years of the effective date of the zoning change.
4. Variances to the above requirements may be granted by the Board of Adjustment as by law provided.

#### 9.9 Changes

It is recognized that during the course of construction in a PD District that unanticipated facts may arise which would necessitate changes in construction which would not affect the total concept of the particular PD District. It is the intent of this regulation to make it possible to effectuate such changes as expeditiously as possible but still protecting the public interest.

1. Procedure. Any petitioner desiring minor changes in a particular PD District will make application for such to the Cherokee County Board of Supervisors on forms provided. These applications shall be forwarded to the Zoning Commission for their recommendation.

Any petitioner desiring a major change in a particular PD District shall make application for such to the Cherokee County Board of Supervisors on forms provided.

Prior to voting or holding a public hearing upon the application as submitted, the Board of Supervisors shall refer the application to the Zoning Commission requesting their comments and recommendations. The commission, after public hearing, shall advise the board of Supervisors of their recommendations and the vote thereon.

(a) Penalty. In the event that a petitioner under a PD District fails to adhere to his site plan or to any of the requirements of this Regulation, then at any time after such violation and upon publication and notice of time and place of hearing thereon, the Board of Supervisors may revoke the zoning change and, if revoked, the zoning classification of the parcel involved shall revert to its classification prior to its designation as a PD District. Said notice shall be made as provided by the Iowa Rules of Civil Procedure.

(b) Penalty. As insurance for faithful performance, the petitioner for a PD District classification may be required to furnish a bond with his application in the amount of ten percent (10%) of the estimated cost of the buildings to be erected thereon; and should the petitioner fail to comply with his site plan or with this zoning regulation, then, in that event, his bond will be forfeited to the County and placed, in the General Fund. Such bond shall not be forfeited until hearing upon such forfeiture shall be held before the Board of Supervisors.

(c) Penalty. Any other penalty provided by this regulation of the laws of the State of Iowa including criminal penalties.

## ARTICLE 5. CONDITIONAL USE REGULATIONS

### Section 1. Conditional Use Procedure

#### 1.1 Procedure

Whenever an application for a conditional use of a premise within the jurisdiction of this regulation is made, it shall follow the procedure listed herein and shall conform with the regulations and requirements set forth in this regulation.

#### 1.2 Consultation with the Zoning Administrator and Application

Applicants shall meet with the Zoning Administrator to review the zoning classification of their site, site plan, obtain copies of the regulations and material if necessary, review the conditional use procedures and examine the proposed use and development of the property. The applicant shall then submit two (2) copies of the written application form and all necessary supporting documents and materials along with the required application fee.

1.3 Public Hearing by Board of Adjustment: Once the Zoning Administrator has accepted and filed the conditional use application with the Board of Adjustment. Board of Adjustment shall hold a public hearing and shall provide legal notification according to the laws of the State of Iowa. The Zoning Administrator shall notify the applicant in writing of this public hearing. Notice of such hearing shall be served on owners of real property located within 500 feet of the proposed conditional use site by mailing notice by ordinary mail at least four (4) days but not more than twenty (20) days prior to the date set for hearing. The Board of Adjustment shall then approve, with or without conditions, or reject the conditional use. If the Board disapproves the conditional use, it shall set forth the reasons for such disapproval in its records and shall provide the applicant with a copy of such reason. If the board approves the conditional use, it shall inform the Zoning Administrator that he may issue a certificate of compliance for the conditional use.

#### 1.4 Repealed

#### 1.5 Repealed

1.6 Basis of Board Decision: The Board of Adjustment in making its decision shall base its decision on the following criteria and its general findings concerning the conditional use application. The decision shall be based upon:

1. The question of the particular suitability of the property in question for the proposed use.
2. The effect of the proposed use on the character of the area and in property values in the areas.
3. The intended conditional use will be compatible with the existing land uses on adjoining property or with those land uses which are permitted under existing zoning.
4. The adequacy and availability of fire and police protection, and of transportation, water and sewerage.
5. The effect of the proposed use on all such services, particularly whether the County will have to make substantial increases in its normal expenditures to provide such services.

6. The use will not overload and adversely affect traffic congestion on adjacent streets or roads.
7. That such use will be in accord with the intent, purpose and spirit of this Regulation and of the Comprehensive Plan and policies of Cherokee County.

## Section 2. Conditional Uses

Conditional Uses: The following uses may be permitted as conditional uses in the stated district if approved by the Board of Adjustment in accordance with the procedures contained in Section 5-1 above.

### 2.1 In the AC District

1. Privately operated outdoor recreational facilities, including riding stables, lakes, game and/or fish preserve, swimming pools, tennis courts and golf courses, provided they are located on sites containing not less than five (5) acres.
2. Guest ranches, hunting and fishing resorts, and incidental facilities, including swimming pools, restaurants, incidental retail sales and services and personal services, provided they are located on sites containing not less than twenty (20) acres.
3. Marina, yacht clubs, boat houses and bait shops.
4. Airports and landing fields and accessory uses, provided they comply with the requirements of the State of Iowa.
5. Cemetery on site of not less than twenty (20) acres.
6. Feed lot or confinement area for livestock or poultry provided such use is no closer than seventy-five (75) feet from any side or rear property line and seventy-five (75) feet from the right-of-way of the road adjacent to the front property line. In no instance will the use be closer than one-half (½) mile (2,640 feet) from a city boundary or public park or one-quarter (¼) mile (1,320 feet) to a residence except that this provision shall not apply to the residence of the owner and operator of said facility. An owner/operator under the definition of "farm" shall comply with the regulations of this article.

(Amended -add 3 paragraphs)

Any person, firm or corporation who requests and obtains a variance to construct a residence closer than one thousand three hundred twenty (1,320) feet from an existing feedlot or confinement area shall, as part of said application, waive any right to object, claim or sue in any court alleging that said feedlot or confinement area is in violation of this ordinance by reason of being closer than one thousand three hundred twenty (1,320) feet from such residence. Said waiver shall be binding upon the applicant, his or her spouse, heirs, successors in interest or assigns. Further, confinement area provided the expansion is contiguous to the existing feedlot or confinement area.

When a proposed feedlot or confinement, or additions to an existing feedlot or confinement, are situated in an area that is in compliance with this subsection, and such compliance can be determined by the zoning administrator, there shall be no hearing held pursuant to subsection 1.3 of this Article. This paragraph applies only in such situations where the proposed construction or addition is located seventy-five or more feet from any side or rear property line and seventy-five feet (75) from the right-of-way of any road adjacent to the front property line and further is no closer than one-half (½)

mile (2,640 feet) from a city boundary or public park or one-quarter (1/4) mile (1,320 feet) from a residence, all is required by this subsection.

Hearing may be waived if applicants for conditional uses under this subsection present signed consents of residential property owners within one thousand three hundred twenty (1,320) feet, stating that they have no objection to the construction of said feedlot or confinement or addition to said feedlot or confinement.

This use shall meet all licensing and water quality regulations of the Iowa Department of Natural Resources and the Cherokee County Board of Health. The Cherokee County soil profiles should be used in determining suitability, percolation rates and lagoon sealing requirements. A site plan is required and shall include the following:

- (a) Proposed name of the development;
- (b) Location by legal description;
- (c) Names, addresses and telephone numbers of applicant and designer of the plan;
- (d) Scale of plan, 1" to 50';
- (e) Date, North Arrow;
- (f) Contours at five foot (5') intervals. The Zoning Administrator may at his/her discretion, permit the use of spot elevations or different contour intervals for plans of expansions of existing buildings or paved areas.
- (g) The boundary lines of the area included in the site plan, including legal description, angles, dimensions and reference to a section corner, quarter corner or point on a recorded plan;
- (h) Location, widths and names of all existing roads, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements, and natural features, such as woods, streams and lakes or ponds, and section and municipal boundary lines;
- (i) Existing wells, culverts and other underground facilities within the tract;
- (j) Location arrangement and dimensions of proposed buildings and structures;
- (k) A schedule indicating total building area, dwelling units, land area and parking spaces;
- (l) Drainage system including finished grades, slopes, banks and ditches;
- (m) Preliminary sketches of building elevations;
- (n) Location and dimensions of entrances and exists;
- (o) Location, height and materials of walls and fences



Section 5-2.1 (6) is amended by repealing the two (2) unnumbered paragraphs following subparagraph (o) and enacting two new unnumbered paragraphs as follows:

In the disposal of sludge, slurry or material from the waste system into the soil, an owner/operator must demonstrate access to land for sludge disposal. Sludge, slurry or waste disposal must meet requirements of the Iowa Department of Natural Resources and the Cherokee County Board of Health. Application of sludge will not be closer than one-half (1/2) mile to any city boundary or public park.

All drainage from the operation must meet water quality standards of the Iowa Department of Natural Resources and the Cherokee County Board of Health. No direct discharge of animal waste from a livestock feeding operation shall be permitted into a creek, river or lake; a road ditch; a sinkhole; or an ag-drainage well. All wastes removed from a livestock feeding operation shall be disposed of in a manner which will not cause surface or groundwater pollution. The operator must demonstrate ownership or access to land for manure disposal.

7. Food processing plant provided such use would be no closer than two hundred fifty (250) feet from any side or rear property line, and a front yard setback of at least seventy-five (75) feet (see Article 6, Sec. 3, p. 55), would meet all waste treatment requirements of the Iowa Department of Natural Resources and the Cherokee County Board of Health, and obtain and maintain the necessary permits.

8. Stable and dog kennels, commercial or non-commercial, provided that any buildings for keeping of animals shall be located at least two hundred fifty (250) feet from any side or rear lot lines and a front yard setback of at least seventy five (75) feet (see Section 6-3).

#### 9. Two Family Dwellings

10. The county sanitarian shall review all conditional use applications and may make an on site inspection to insure the proposed conditional use will not violate any sanitation or health and safety laws of Cherokee County and the State of Iowa.

11. Towers for private use of landowner, family members, operator or employees of the farm.

12. Towers for commercial use: The tower base to be set back from all property lines and road right-of-way, a minimum distance equal to the height of the tower.

13. Any business permitted in the commercial district and any business permitted in the light industrial district under Section 4-7.2 (1) which is clearly incidental and secondary to the farm operation and which does not create any greater danger to health and safety in the surrounding area.

#### 2.2 In the FPC District

1. Privately operated outdoor recreation facilities, including riding stables, lakes, game and/or fish preserve, swimming pools, tennis courts and golf courses, provided they are located on sites containing not less than five (5) acres.

2. Marina, yacht clubs, boat houses and bait shops.

3. Airports and landing fields and accessory uses, provided they comply with the requirements of the State of Iowa.

### 2.3 In the AR District

Conditional uses permitted in the AC District (Section 5-2.1 above) except for subsection 7 thereof are permitted in the AR District.

### 2.4 In the R District

1. Privately operated lakes, swimming pools and tennis courts, provided they are located on sites containing not less than five (5) acres.
2. Public buildings erected by any department of governmental agency. (See setback requirements of Article 6, Sec. 3, page 55.)
3. Hospitals, clinics and educational, philanthropic or religious institutions on sites of not less than five (5) acres, provided not more than fifty percent (50%) of the site area may be occupied by the buildings, and provided further that the buildings shall be set back from all required yard lines an additional two (2) feet for each foot of building height.
4. Cemeteries on sites of not less than twenty (20) acres.
5. Private clubs and lodges.
6. Multi-family developments, with site plan approval (as required for Mobile Home Parks and described in Article 4, Section 5.5).

### 2.5 In the RMH District

Any conditional use permitted in the R Residential District.

### 2.6 In the C Commercial District

1. Dog kennels, commercial, or non-commercial, provided any commercial open pens, runs, cages or kennels shall be located at least two hundred fifty (250) feet from any side or rear property lines.
2. Wholesale establishment or warehouse with up to fifteen thousand (15,000) square feet of floor area.
3. A business or commercial building greater in height than four stories or 50 feet.
4. Hospital or clinic for large or small animals (dogs, cats, birds and the like); provided such hospital or clinic and any treatment rooms, cages, pens, or kennels be maintained within a completely enclosed, soundproof building and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls.

### 2.7 In the LI District

Public or governmental buildings and uses, including schools, fire stations, parks and parkways.

## 2.8 In the HI District

### Conditional Uses.

1. Incinerators--public or private.
2. Salvage yards and auto wrecking yards.

## ARTICLE 6. SUPPLEMENTARY REGULATIONS

### Section 1. Off-Street Parking Requirements

#### 1.1 Specific Requirements by Use

Except as otherwise provided in this Regulation, when any building or structure is hereafter erected or structurally altered, or any building or structure hereafter erected is converted, accessory off-street parking spaces shall be provided as follows:

<u>Use or Use Category</u>	<u>Off Street Parking</u>
One, two or three-family dwelling	1 per dwelling unit
Multiple-family dwelling, more than 3 dwelling units	1.50 per dwelling unit plus one space for each 2 roomers
Church temple, synagogue, auditorium or place of assembly	1 per 4 seats or bench seating spaces (seats in main auditorium only)
College or high school	1 per 4 seats or bench seating spaces (seats in main auditorium only)
Elementary, junior high or nursery school	1 per 10 seats in main assembly room or 2 per classroom whichever is greater
Country club or golf club	1 per 5 members or 1 for each 400 square feet of floor area, whichever is greater
Sanitarium, convalescent home, home for the aged, or similar institution	1 per 4 patient beds
Tourist court, motel, motor hotel, motor lodge, or hotel	5 spaces plus 1 per sleeping room or suite
Hospital	2 per patient bed
Office or office building (other than medical), post office, studio	1 per 400 square feet of floor area, 3 spaces minimum
Medical offices or clinic	1 per 200 square feet of floor area; 10 spaces minimum for a clinic

Funeral home	1 per 100 square feet of floor area excluding storage and work area; 30 spaces minimum
Restaurant or other establishment for consumption of food or beverages inside a building on the premises	1 per 100 square feet of floor area, 3 spaces minimum
Restaurant, drive-in	1 per 100 square feet of floor area, 25 spaces minimum
Retail store or personal service establishment and banks	1 per 200 square feet of floor area; retail food stores over 4,000 square feet; 1 per 100 square feet of floor area
Furniture or appliance store, machinery, equipment, and automobile and boat sales and service	1 per 300 square feet of floor area; 2 spaces minimum. Automobile sales and service 10 minimum
Auditorium, theater, gymnasium, stadium, arena or convention hall	1 per 4 seats or seating spaces
Bowling alley	5 per lane
Amusement place, dance hall skating rink, swimming pool, or exhibition hall, without fixed seats	1 per 100 square feet of floor area
General service or repair establishment, printing, publishing, plumbing, heating, broadcasting station	1 per 3 employees on premises. Auditorium for broadcasting station requires space as above.
Animal hospital	1 per 400 square feet of floor area; 4 spaces minimum
Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale, warehouse or similar establishment	1 per 2 employees on maximum working shift plus space for storage of trucks or other vehicles used in connection with the business or industry

### 1.2 Interpretation of Specific Requirements

1. The parking requirements above are in addition to space for storage of trucks or other vehicles used in connection with any use.
2. The parking requirements in this article do not limit other parking requirements contained in the district regulations.
3. The parking requirements in this article do not limit special requirements which may be imposed with conditional uses.
4. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
5. Except as otherwise provided, the number of employees shall be compiled on the basis of the maximum number of persons employed on the premises at one time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.
6. The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation.

### 1.3 Design Standards

1. Minimum Area. For the purpose of these regulations, an off-street parking space is an all-weather surfaced area not in a street or alley and having an area of not less than one hundred eighty (180) square feet, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a paved driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.
2. Drainage and Maintenance. Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material in accordance with applicable county specifications. Off-street parking areas shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee and not used for the sale, repair or dismantling or servicing of any vehicles, equipment, materials or supplies.
3. Marking. Parking spaces in lots of more than ten spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used as necessary to ensure efficient traffic operation of the lot.
4. Lighting. Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare on property in a residential district.

## Section 2. Off-Street Loading Requirements

### 2.1 Specific Requirements by Use

Except as otherwise provided in this Regulation, when any building or structure is hereafter erected, or structurally altered to the extent of increasing the floor area by twenty-five (25) percent or more, or any building is hereafter converted, for the uses listed below, when such

buildings contain the floor area specified, accessory off-street loading spaces shall be provided as required below or as required in subsequent section of this article.

<u>Use or Category</u>	<u>Floor Area In Square Feet</u>	<u>Loading Spaces Required</u>
Retail store, department store, restaurant, wholesale house, warehouse, general service, manufacturing, or industrial establishment	2,000-10,000	One
	10,000-20,000	Two
	20,000-40,000	Three
	40,000-60,000	Four
	Each 50,000 over 60,000	One additional
Apartment building, motel, hotel, offices or office building, hospital or similar institutions or places of public assembly	5,000-10,000	One
	10,000-100,000	Two
	100,000-200,000	Three
	Each 100,000 over 200,000	One additional
Funeral home or mortuary	2,500-4,000	One
	4,000-6,000	Two
	Each 10,000 over 6,000	One additional

## 2.2 Interpretation of Specific Requirements

1. The loading space requirements apply to all districts but do not limit the special requirements which may be imposed in the district regulations.
2. The loading space requirements in this article do not limit special requirements which may be imposed in connection with Conditional Uses.
3. Under the provisions of Article 8, the Board of Adjustment may waive or reduce the loading space requirements whenever the character of the use is such as to make unnecessary the full provision of loading facilities, where provision is made for community loading facilities, or where provisions of loading space requirements is impractical under certain conditions for uses which contain less than ten thousand (10,000) square feet of floor space.

## 2.3 Design Standards

1. **Minimum Size.** For the purpose of these regulations a loading space is a space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having minimum area of five hundred forty (540) square feet, minimum width of twelve (12) feet, a minimum depth of thirty-five (35) feet, and a vertical clearance of at least fourteen and one-half (14.5) feet.
2. **Loading Space for Funeral Homes.** Loading spaces for a funeral home may be reduced in size to ten (10) by twenty-five (25) feet and vertical clearance reduced to eight (8) feet.
3. **Drainage and Maintenance.** Off-street, loading facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets.

and alleys and surfaced with erosion-resistant material in accordance with applicable specifications. Off-street loading areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee and not used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.

### Section 3. Setback Regulations

#### 3.1 Purpose

In order to reserve for public transportation use and to protect the County and its residents from excessive public costs, no Certificate of Zoning Compliance shall be issued and no building or structure shall be erected along an existing or future county road or state highway within the setback line as measured from road right-of-way or road easement line as identified in Section 3.2. The setback line as defined shall include one-half (½) of the land for future right-of-way plus the required front yard depth.

#### 3.2 Setbacks

Setbacks for all county roads and state highways shall be seventy-five (75) feet from the right-of-way line.

### Section 4. Supplementary Height and Area Regulations

#### 4.1 Modification of Height Regulations

1. Public, semi-public or public service buildings, hospital, institutions or schools, when permitted in a district may be erected to a height not exceeding sixty (60) feet, and churches may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line as least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.
2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators or necessary mechanical appurtenances, are exempt from the height regulations are contained herein.

#### 4.2 Yards and Open Spaces

1. Accessory buildings may be built in a required rear yard but such accessory buildings shall not occupy more than thirty (30) percent of a required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the main building, the garage shall be considered as part of the main building for the purposes of determining side and rear yards.
2. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.
3. Every part of a required yard shall be open to the sky, unobstructed by any structure, except that the projection of sills, belt course, cornices and ornamental features are not to exceed twelve (12) inches.



4. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.
5. Open-lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Zoning Administrator for a distance of not more than three and one-half (3 ½) feet and where the same are so placed as not to obstruct light and ventilation.
6. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet. An enclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not to exceed four (4) feet.
7. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground story may project into a required yard, provided these projections be distant at least two (2) feet from the adjacent side lot line.
8. For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling, shall be considered as one building occupying one lot.
9. Temporary buildings and uses that are used in conjunction with construction work only may be permitted in any district during the period of construction, but such temporary buildings shall be removed upon completion of the construction work.
10. Where a lot or tract is used for farming or for a commercial or industrial purpose, more than one main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.
11. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for multiple dwelling, institutional, motel or hotel purposes, there may be more than one (1) main building on the lot; provided however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings and forty (40) feet for three or four-story buildings.
12. Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings, and forty (40) feet for three or four-story buildings.
13. No side yards are required where dwelling units are erected above commercial and industrial structures.
14. Except as specified in Section 3 above, the front yards heretofore established shall be adjusted in the following cases:
  - (a) Where forty percent (40%) or more of the frontage on the same side of a street between two (2) intersecting streets is developed with two (2) or more buildings that have (with a variation of five (5) feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer

to the street than the front yard so established by the existing building nearest the street line.

(b) Where forty percent (40%) or more of the frontage on one (1) side of a street between two (2) intersecting streets is developed with two (2) or more buildings that have a front yard of less depth than herein required, then:

(1) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two (2) closest front corners of the adjacent building on each side, or

(2) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one (1) side only, such building may be erected as close to the street as the existing adjacent building.

## Section 5. Special Regulations for Modular Homes

### 5.1 Standards for Modular Homes

No Certificate of Zoning Compliance or occupancy permit shall be issued for a modular home, unless the modular home, in the judgment of the Zoning Administrator, meets the following guides and standards, in addition to the other requirements in the Regulation.

The modular home shall:

1. Be placed upon and anchored to a permanent foundation as defined in Article 2.
2. Have a minimum first floor area of one thousand (1,000) square feet.
3. Have a length to width ratio no greater than 2.5 to 1.
4. Be similar in design of exterior elements to the design of conventional housing the immediate area of the County.

## Section 6. Lots of Record

In any district where dwellings are permitted, a single family dwelling may be located on a lot of record as of the effective date of this Regulation even though the lot does not conform to the requirements of the Regulation as to area or dimension.

## ARTICLE 7. BOARD OF ADJUSTMENTS

### Section 1. Organization and Meetings

The Board of Adjustment hereafter referred to by the word "Board", is hereby continued. Such Board shall consist of five (5) members appointed by the Chairman of the County Board of Supervisors, and confirmed by the members of the Board of Supervisors. The five (5) members of the first Board appointed shall serve terms of one, two, three, four and five (1,2,3,4, and 5) years, respectively. Thereafter, terms shall be for five (5) years and vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Chairman of the County Board of Supervisors shall have power to remove any member of the board for cause upon written charges and after public hearing.

The chairman of the County Board of Supervisors shall name one (1) of the members of the Board of Adjustment a chairman upon his appointment, and in case of vacancy shall name another chairman. All meetings of the Board shall be held at the call of the chairman and at such time and place within the County as the Board may determine. Such chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

The Board shall keep minutes of its proceedings, showing the vote of each member, upon every question or if absent or failing vote indicating such fact, and shall keep complete records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof and every order, requirement, decision, or determination of the Board shall immediately be filed in the office of the Board and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Regulation or with the Code of Iowa.

When a vacancy occurs on the board of Adjustment, the Board of Supervisors shall advise county farm and agricultural associations of such vacancy so said associations may submit candidates from their groups to the Board of Supervisors for consideration for appointment to the Board of Adjustment.

### Section 2. Appeals

Notice of such hearing shall be served on owners of all real property located within five hundred (500) feet of the boundaries of such property by mailing notice by ordinary mail at least four (4) days but not more than twenty (20) days prior to the date set for such hearing.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision of the Administrative Officer. Such appeals shall be taken within a reasonable time as provided by the rules of the Board by filing with the Administrative Officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds therefore. The Administrative Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

The Board shall fix a reasonable time for the hearing of the appeal and shall render a decision thereon without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized person or attorney.

### Section 3. Powers.

The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Administrative Officer in the enforcement of this regulation.

2. To hear and decide upon applications for variations and, subject to such standards, principles and procedures provided in this Regulation, to vary the strict application of the height, area, parking or density requirements to the extent necessary to permit the applicant a reasonable use of his property in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances do not generally exist within the locality or neighborhood concerned.

3. Upon application, the Board is hereby empowered to authorize the following exceptions to the terms of this Regulation:

(a) To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown on record.

(b) To permit the reconstruction of a nonconforming building which has been destroyed or partially destroyed to the extent of more than sixty-five percent (65%) of its assessed value, by fire or Act of God where the Board shall find some compelling public necessity requiring the continuance of the nonconforming use.

(c) To permit the erection and use of a building or the use of premises in any location for a public service corporation for public convenience or welfare.

(d) To interpret the provisions of this regulation where the street layout actually on the ground varies from the street layout as shown on the maps fixing the several districts, which maps are attached to and made a part of this Regulation.

(e) To permit location of those industries specified in the 11 District, where it is determined that the industry will not materially affect the health, welfare or safety of the County or surrounding properties and their residents.

4. To hear and determine applications for conditional use permits as provided in Article 5 of this Ordinance.

#### Section 4. Decisions of the Board of Adjustment

In exercising the above mentioned powers, such Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative officer from whom the appeal is taken.

The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation.

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment under the provisions of this chapter, or any taxpayer, or any officer, department, board or bureau of the County, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

## ARTICLE 8. CHANGES AND AMENDMENTS

### Section 1. Initiation of Change

The Board of Supervisors may, from time to time, amend, supplement, change, or modify the number, shape, area, or boundaries of the districts or the regulations herein established. Any such amendment may be initiated by resolution of the Board of Supervisors, or by motion of the Zoning Commission, or by Petition of any property owner addressed to the Board of Supervisors. Petitions for change or amendment shall be on forms and filed with the Zoning Administrator.

### Section 2. Report from Zoning Commission

Before taking any action on any proposed amendment, supplement, or change, the Board of Supervisors shall submit the same to the Zoning Commission for its recommendations and report. Unless the Commission shall have transmitted its report upon the proposed changes within sixty (60) days after submission thereof to it, the Board of Supervisors shall be free to proceed to act on said changes without further awaiting the receipt of the Commission.

### Section 3. Notice and Hearings

The Planning Commission shall hold a public hearing thereon, before submitting its report to the Board of Supervisors. Notice of public hearings before the Commission shall be given by publishing at the time, place and nature of the hearing at least once, not less than four (4) nor more than twenty (20) days before the date of the hearing in a newspaper of general circulation in the County. The notice shall contain reference to the place or places and times with the County where the text, maps, plans, regulations, amendments or changes may be examined and shall state the location of the district affected by naming the township and section and the boundaries of the district affected by naming the township and section and the boundaries of the district shall be expressed in terms of streets or roads, if possible. In case the proposed amendment, supplement or change be disapproved by the County Zoning Commission, or a protest be presented duly signed by the owners of twenty (20) percent or more of the area included in such proposed change, or of the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such amendment shall not become effective except by the favorable vote of at least sixty (60) percent of all members of the Board of Supervisors. Notice of such hearing before the Planning Commission shall be served on owners of real property located within five hundred (500) feet of the boundaries thereof, by mailing notice by ordinary mail at least four (4) days but not more than twenty (20) days prior to the date set for said hearing.

### Section 4. Revision by Board of Supervisors

Following report from the Zoning Commission, the Board of Supervisors may make appropriate changes or corrections in an ordinance or proposed amendment; provided however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice as required in Section 3 above.

### Section 5. Reconsideration, One-Year Limitation

Whenever a Petition requesting an amendment, supplement, or change has been denied by the Board of Supervisors, such Petition, or one substantially similar, shall not be reconsidered sooner than one (1) year after the previous denial.

### Section 6. Certificate of Zoning Exemption

A certificate of Zoning Exemption shall be obtained from the Zoning Administrator prior to the construction or relocation of a building. There is no fee for the Certificate of Zoning Exemption. See Article 1, Sec. 4, pages 2-3.

## ARTICLE 9. ADMINISTRATION AND ENFORCEMENT

### Section 1. Enforcement

It shall be the duty of the Zoning Administrator to enforce the provisions of this Regulation and to refuse to issue any permit for any building, or for the use of any premises which would violate any of the provisions of said Regulation. It shall also be the duty of all officers and employees of the county to assist the Zoning Administrator by reporting to him any seeming violation in new construction, reconstruction or land uses.

### Section 2. Zoning Administrator

The Zoning Administrator shall be appointed by the Board of Supervisors and shall administer and enforce the provisions of this ordinance and shall have the following powers and duties, in connection therewith: (1) He shall issue all permits and certificates required by this ordinance. (2) If he shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, or structures or of addition, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this regulation and the Board of Supervisors to insure compliance with or to prevent violation of its provisions.

The Board of Supervisors, may, by resolution, delegate the powers and duties of the office of Zoning Administrator to any other officer or employee of the County or may combine the powers and duties of this office with any other office or position.

A fee in accordance with the Schedule of Fees on file with the Zoning Administrator shall be charged for each Certificate of Zoning Compliance and it shall be collected by the Zoning Administrator who shall account for all fees to the County of Cherokee.

### Section 3. Notification of Assessor

Pursuant to Chapter 441.18-441.19 of the code of Iowa, prior to construction, the owner of any proposed new structure or use greater than 600 feet of floor area shall provide notification to the Zoning Administrator of the nature and intent of the construction. If the construction or use will not require a Certificate of Compliance (as in the case of a farm exemption), his copy of the Certificate of Zoning Exemption shall be sent to the office of the County Assessor without charge. If a Certificate of Occupancy and Certificate of Zoning Compliance are required in accordance with this regulation, he shall be advised to make application following the procedures in the following sections.

### Section 4. Certificate of Occupancy

4.1 No vacant land shall be occupied or used (except for farm exemptions as defined in these regulations) until a Certificate of Occupancy shall have been issued by the Zoning Administrator.

4.2 No premises shall be used, and no buildings hereafter erected or structurally altered shall be used, occupied, or changed in use, except for farm exemptions, until a Certificate of Occupancy shall have been issued by the Zoning Administrator, stating that the building or proposed use of a building or premises complies with the provisions of these regulations and other applicable laws of the State and County.

4.3 Certificates of Occupancy shall be applied for coincident with the application for a Certificate of Zoning Compliance and shall be issued within ten (10) days after the erection or structural alteration of such buildings shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Zoning Administrator.

#### Section 5. Certificate of Zoning Compliance

5.1 No building shall be erected, constructed, altered, moved, converted, extended or enlarged or land used, (except for farm exemptions as defined in this Regulation) without the owner or owners first having obtained a Certificate of Zoning Compliance therefore from the Zoning Administrator. Such certificate shall require conformity with the provisions of this Regulation. When issued, such certificate shall be valid for the period of time specified thereon.

5.2 Issuance of an approved Certificate of Zoning Compliance shall authorize the applicant to begin construction and complete construction in accordance with the conditions outlined in the certificate.

5.3 The Zoning Administrator shall issue a Certificate of Zoning Compliance or denial thereof with reasons in writing within fifteen (15) days of the date of the filing of the application. In the event that permit or denial thereof is not issued within fifteen (15) days, the applicant may appeal directly to the Zoning Board of Adjustment which shall order the issuance of a permit or denial thereof with reasons in writing. Except where an extension has been obtained in writing from the Zoning Administrator, permits hereafter issued shall expire within ninety (90) days if a substantial beginning has not been made in the construction or the establishment of the use applied for and within one (1) year if not completed.

#### Section 6. Certificate of Zoning Exemption

The Zoning Administrator shall issue a Certificate of Zoning Exemption or denial thereof with reasons in writing within fifteen (15) days of the date of the filing of application for building or uses considered to be farm.

#### Section 7. Plot Plans

All applications for Certificates of Zoning Compliance shall be accompanied by a drawing or plot plan in duplicate or as required by the Zoning Administrator showing, with dimensions the lot lines, the building or buildings, the location of buildings on the lot and such other information as may be necessary to provide for the enforcement of these regulations, including, if necessary, a boundary survey and a staking of the lot by a competent surveyor and complete construction plans. The drawings shall contain suitable notations indicating the proposed use of all land and buildings. A careful record of the original copy of such applications and plats shall be kept in the offices of the Zoning Administrator and, where appropriate, a duplicate copy shall be kept by the applicant at the building at all times during construction. In a particular case, the Zoning Administrator may waive the requirement for a plot plan when such plan is clearly unnecessary to a decision or the record on the case.

## Section 8. Violation and Penalties

7.1 In case any building is erected, constructed, reconstructed, altered, repaired or converted or any building or land used in violation of this Regulation, the Zoning Administrator is authorized and directed to institute any appropriate action to put an end to such violation.

7.2 Any person or corporation who shall violate any of the provision of this Regulation or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars (\$100.00) or be imprisoned not more than thirty (30) days, or both, and each and every day such violation shall continue shall be deemed a separate offense. The owner or owners of any building or premises, or part thereof, where anything in violation of this Regulation, shall be placed, or shall exist, any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof, shall be fined as hereinbefore provided.



## ARTICLE 10. SEVERABILITY, CONFLICT, EFFECTIVE DATE

### Section 1. Severability

If any section, paragraph, subdivision, clause, phrase, or provision of this Regulation shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Regulation as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

### Section 2. Repeal of Conflicting Ordinances

The Zoning Regulations for Cherokee County, Iowa, adopted by the Board of Supervisors on January 1, 1976 as well as all amendment enacted under that regulation shall be repealed in its entirety upon the passage and effectuation of this Regulation.

All ordinance or parts of ordinance in conflict herewith are hereby repealed.

### Section 3. Effective Date

By action taken at its regular business meeting of December 16, 1991, the Cherokee County Board of Supervisors adopted this Regulation of Cherokee County and established the effective date as January 1, 1992.



## IOWA DEPARTMENT OF NATURAL RESOURCES

### MASTER MATRIX

ENVIRONMENTAL PROTECTION > LAND QUALITY > ANIMAL FEEDING OPERATIONS >  
CONFINEMENTS > CONSTRUCTION REQUIREMENTS > PERMITTED > MASTER MATRIX

Permitted

#### Master Matrix

> Master  
Matrix

The master matrix is a scoring system that can be used to evaluate the siting of permitted confinement feeding operations. Counties that have adopted a construction evaluation resolution can use the master matrix.

#### Our Mission

To conserve and enhance our natural resources in cooperation with individuals and organizations to improve the quality of life in Iowa and ensure a legacy for future generations.

Contact Us  
Site Policy